

REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 06
SERIES OF 2021.

**SUBJECT: STATUTORY OBLIGATION TO DELIVER THE AGRARIAN REFORM
TITLE TO THE BENEFICIARY**

1.0. PREFATORY STATEMENT

The generation and issuance of the Certificate of Land Ownership Award (CLOA) and the Emancipation Patent (EP) is indispensable to the completion of the Land Acquisition and Distribution (LAD) process. A CLOA or an EP is a document evidencing ownership of the land which is granted or awarded to the Beneficiary by the Department of Agrarian Reform (DAR) and contains the restrictions and conditions provided in the Comprehensive Agrarian Reform Law (CARL) and other applicable laws.¹

The rights and responsibilities of the Agrarian Reform Beneficiaries (ARBs) begin from their receipt of the EP or CLOA duly registered in the Registry of Deeds (ROD) and their actual possession of the awarded land. The process must be completed within one hundred eighty (180) days from the time that the Title in the name of the Republic of the Philippines (RP Title) is issued by the same ROD. The EP or CLOA becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD, subject to the conditions, limitations, and qualifications of this Act, the property registration decree, and other pertinent laws.²

The failure to deliver the owner's duplicate copy of the EP or CLOA within one hundred eighty (180) days from the generation by the ROD of the RP Title may constitute a prohibited omission. It is punishable by imprisonment and the payment of a fine if it is proven that the failure is due to a culpable neglect or a willful omission.³

The need to ensure that we remain faithful to our task of delivering the EP or CLOA to the ARBs cannot be over emphasized. This task is of paramount importance and should not be delayed on the pretext that there is an existing technical, legal, or operational.

¹ DAR vs. Carriedo. G.R. No. 176549 (January 20, 2016 /October 10, 2018).

² Section 24 of R.A No. 6657, as amended.

³ Sections 73 and 74 of R.A. No. 6657, as amended.

Once the land acquisition and distribution process has commenced resulting in the issuance of an EP or CLOA, it cannot be stopped by a mere Restraining Order or a Writ of Preliminary Injunction. *"Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC, the DAR, or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform."*⁴

With regard to the existing EP or CLOA, it has been placed under the operation of the Torrens System one (1) year from issuance of the proper ROD and has become indefeasible and imprescriptible. It is imprescriptible if the rights derived from the title are not subject to being defeated or taken away by prescription or by lapse of time. It is indefeasible if the rights derived from the title cannot be annulled without a direct action filed specifically for such purpose.

Thus, no other executive office or judicial body shall have the authority to cancel the EP or CLOA but the Secretary of the DAR. All cases involving the cancellation of registered EPs, CLOAs, and other titles issued under any Agrarian Reform Program are within the exclusive and original jurisdiction of the Secretary of the DAR.⁵

2.0. DEFINITION OF TERMS

2.1. Certificate of Title

The true copy of the decree of registration or the transcription thereof which is signed by the Administrator of the Land Registration Authority (LRA). It is issued under the Torrens System of registration by the Government through the ROD. It names and declares who the owner in fee simple is, and describes the property with utmost particularity and free from all liens and encumbrances, except as those noted or reserved by law. Legally defined, a Certificate of Title is the transcript of the decree of registration made by the ROD.⁶

2.2. Certificate of Land Ownership Award or CLOA

A document evidencing ownership of the land granted or awarded to the ARB by the DAR, and contains the restrictions and conditions provided in the CARL or R.A. No. 6657, as amended, and other applicable laws.⁷ It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.⁸ The owners' duplicate certificate of title shall be delivered by the DAR to the registered owner or to his duly authorized representative. If two or

⁴ Section 55, R.A. No. 6657, as amended.

⁵ Section 24, R.A. No. 6657, as amended.

⁶ Section 39, P.D. No. 1529, as amended.

⁷ DAR vs. Carriedo (2018) G.R. No. 176549.

⁸ Section 24, R.A. No. 6657, as amended.

more persons are registered owners, one owner's duplicate certificate may be issued for the whole land, or if the co-owners so desire, a separate duplicate may be issued to each of them in like form.⁹

2.3. Emancipation Patent or EP

A document evidencing ownership of the land granted or awarded by the DAR to the Farmer-Beneficiary, and contains the restrictions and conditions provided in P.D. No. 27. It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.

2.4. Torrens System

It is a land registration and land transfer system, in which a state creates and maintains a register of landholdings, which serves as the conclusive evidence (termed "indefeasibility") of title of the person recorded on the register as the proprietor (owner), and of all other interests recorded on the register. Ownership of land is transferred by the registration of a transfer of title, instead of by the use of deeds. The Registrar provides a Certificate of Title to the new proprietor, which is merely a copy of the related folio of the register. The main benefit of the system is to enhance the certainty of title to the land and to simplify dealings involving the land.

3.0.

DELIVERY OF THE EMANCIPATION PATENT OR CERTIFICATE OF LAND OWNERSHIP AWARD TO THE AGRARIAN REFORM BENEFICIARY

- 3.1. Until such time that the EP or CLOA or any title issued under any Agrarian Reform Law is cancelled on the basis of a final and executory Decision emanating from the authorities vested by law in the Secretary of the DAR, no other office at the DAR shall delay the delivery of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law to an ARB without facing administrative and criminal liability unless otherwise provided in these rules.
- 3.2. Delivery of the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law should be made within one hundred eighty (180) days from the time that the RP Title is issued by the ROD or within thirty (30) days from the time that the concerned Provincial Agrarian Reform Program Officer (PARPO) II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.3. The delivery of any and all owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law shall be undertaken within the alternative periods stated in the preceding paragraphs in the following manner:

⁹ Section 41 of P.D. No. 1529.

- A. By personal delivery to the registered owner, or in the case of a collective CLOA, to any one of the ARBs registered in the collective CLOA as co-owner, or to any officer of the Cooperative should the CLOA be registered in the name of the cooperative provided that the said officer is likewise an ARB in the landholding owned in common.
- B. By personal delivery to any one of the heirs of a deceased ARB provided that the recipient executes a statement voluntarily and knowingly under oath or affirmation stating the scope and the effects of the receipt of the owner's duplicate copy of the EP/CLOA, thus:
 - a. He or she is an heir of the deceased beneficiary.
 - b. He or she acknowledges receipt of the owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law.
 - c. He or she undertakes that it is his or her primary duty to inform the other co-heirs that the document is in his or her custody.
 - d. He or she shall only have the primary duty of safekeeping of the document and shall turn it over to the DAR or to a court of law when instructed. He or she shall report to the DAR Municipal Office should the title be destroyed or lost within two (2) days from discovery.
 - e. He or she understands that the receipt of the owner's duplicate copy of the EP/ CLOA is not in any manner to be construed as conferment upon the recipient the status of an ARB or of a Reallocatee which shall be determined in a separate procedure.
 - f. The statement shall be signed by the recipient and shall be witnessed by the following:
 - i. Another heir of the deceased ARB or any resident of the Barangay whose identity and residence are known to the affiant.
 - ii. The Barangay Agrarian Reform Committee (BARC) Chairman or the Municipal Agrarian Reform Program Officer (MARPO) shall sign as the second witness. In the absence of the BARC Chairman or the MARPO, the second witness shall be any officer of the Barangay.

The aforesaid statement under oath or affirmation shall be executed in two original copies. The first copy shall be kept in the Office of the Municipal Agrarian Reform Program Officer (MARPO) and the second copy shall be submitted to the Office of the Provincial Agrarian Reform Program Officer (PARPO) II.


- 3.4. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law, cannot be undertaken to the registered owner or to an heir of the deceased ARB due to the absence of both parties, the MARPO shall submit a statement under oath or affirmation on the following:
- A. The Title Number
 - B. Name of the ROD Office
 - C. Date of Issuance of the Title
 - D. Name of Registered Owner(s)
 - E. Area of the awarded land
 - F. There was an attempt to deliver the owner's duplicate copy of the title, but neither the ARB nor an heir can be located despite diligent efforts to locate the said persons. In case of a collective CLOA issued in the name of a cooperative, no officer qualified under paragraph A of Section 3.3. of these rules can be located.
 - G. A statement on the actual conditions of the landholding covered by the EPs, individual CLOAs, collective CLOAs, or other titles issued on the basis of any agrarian reform law stating the following:
 - a. The actual activity on the landholding
 - b. The improvements and structures on the landholding
 - c. The known occupants.
 - d. The known tillers
- 3.5. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law, cannot be undertaken to the registered owner or to an heir of the deceased ARB due to a defect on the technical description appearing on the face of the said title. In such instances, the PARPO II shall submit a statement under oath or affirmation on the following:
- A. The Title Number
 - B. Name of the ROD Office
 - C. Date of Issuance of the Title
 - D. Name of Registered Owner(s)
 - E. Area of the awarded land
 - F. The specific defects appearing on the face of the title constituting as the reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Offices beyond one hundred eighty (180) days from

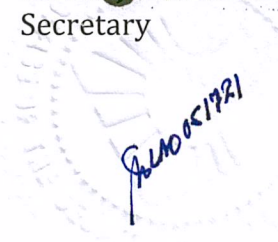
the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.

- 3.6. Any and all original statements made under oath or affirmation mentioned in paragraph numbers 3.4 and 3.5 of these rules shall be executed in four (4) copies. One copy shall be for the affiant. The second copy is for the MARPO. The third copy shall be submitted to the PARPO II. The fourth copy shall be filed by the MARPO to the ROD where the EP, CLOA, or any other title was issued on the basis of an Agrarian Reform Law. It is the duty of the MARPO to ensure that the sworn statements referred to are annotated on the title. It is the duty of the MARPO to ensure that the sworn statements referred to are filed with the proper Office of the Register of Deeds for the purpose of having the statement annotated on the title.
- 3.7. Any and all undelivered owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law, and these rules shall be turned over by the concerned MARPO to the PARPO II who shall be responsible for the safekeeping and inventory of the said titles in accordance with the rules and regulations of the Department.
- 3.8. All Regional Directors shall submit to the Office of the Secretary (OSEC) on the last Wednesday of every quarter, a Report on the total number of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law which are still in the possession of the Regional, Provincial, or Municipal DAR Offices despite the fact that the RP Title has been issued more than one hundred eighty (180) days ago or more than thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law. The Report shall contain the following information:
 - A. The Title Number
 - B. Name of the ROD Office
 - C. Date of Issuance of the Title
 - D. Name of Registered Owner(s)
 - E. Area of the awarded land
 - F. Reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Office beyond one hundred eighty (180) days from the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.9. The Regional Director shall submit to the OSEC the complete compilation of the Reports from the DAR Regional, Provincial, and Municipal Offices with the following requisite Certifications:

- A. The Regional Director shall attest to the correctness of the Report on the data from the DAR Regional Office.
 - B. The PARPO II shall attest to the correctness of the Report on the data from the DAR Provincial Office. In the absence of a PARPO II, the Regional Director shall submit the Report and certify as to its correctness.
 - C. The MARPO shall attest to the correctness of the Report on the data from the DAR Municipal Office. In the absence of a MARPO, the PARPO II shall submit the Report and certify as to its correctness.
- 3.10. Any statement to be executed under oath or affirmation under these rules may be made before a notary public of the place of execution of the said statement. Otherwise, the statement shall be made before any Regional Agrarian Reform Adjudicator (RARAD), Provincial Agrarian Reform Adjudicator (PARAD) or a Chief of the Legal Division in accordance with DAR Administrative Order No. 5, Series of 2011.
- 3.11. In any and all instances, the PARPO II shall commence within thirty (30) days the proper process for the reallocation of the awarded land to a qualified beneficiary in the absence of the original awardee or the heirs of the deceased ARB or the proper process for the correction of the defects appearing on the face of the EP, CLOA, or any other title issued under any agrarian reform law.
- 3.12. If, for any reason, any provision hereof is declared null, void and/or unconstitutional, no other provision or part thereof shall be affected and the same shall remain in full force and effect.
- 3.13. This Order shall reverse and modify any and all previous issuances made by this Office which are not consistent with these rules.
- 3.14. This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, MAY 20 2021


ATTY JOHN R. CASTRICIONES
 Secretary


 MAY 05 2021



Published in two (2) National Newspaper
 of General Circulation
 1. The Manila Times
 2. Daily Tribune
 Date of Publication: October 4, 2021



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

CERTIFICATION

This is to certify that Administrative Order No. 06, Series of 2021 entitled **“STATUTORY OBLIGATION TO DELIVER THE AGRARIAN REFORM TITLE TO THE BENEFICIARY”** was published today, 04 October 2021, in the Manila Times and Daily Tribune newspapers.

Issued this 4th day of October 2021 for whatever purpose it may serve.


CLEON LESTER G. CHAVEZ
PAMRS Director

MONDAY October 4, 2021 | A7



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ADMINISTRATIVE ORDER NO. 06
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1.0.
PREFATORY STATEMENT

The generation and issuance of the Certificate of Land Ownership Award (CLOA) and the Emancipation Patent (EP) is indispensable to the completion of the Land Acquisition and Distribution (LAD) process. A CLOA or an EP is a document evidencing ownership of the land which is granted or awarded to the Beneficiary by the Department of Agrarian Reform (DAR) and contains the restrictions and conditions provided in the Comprehensive Agrarian Reform Law (CARL) and other applicable laws.¹

The rights and responsibilities of the Agrarian Reform Beneficiaries (ARBs) begin from their receipt of the EP or CLOA duly registered in the Registry of Deeds (ROD) and their actual possession of the awarded land. The process must be completed within one hundred eighty (180) days from the time that the Title in the name of the Republic of the Philippines (RP Title) is issued by the same ROD. The EP or CLOA becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD, subject to the conditions, limitations, and qualifications of this Act, the property registration decree, and other pertinent laws.²

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The need to ensure that we remain faithful to our task of delivering the EP or CLOA to the ARBs cannot be over emphasized. This task is of paramount importance and should not be delayed on the pretext that there is an existing technical, legal, or operational.

Once the land acquisition and distribution process has commenced resulting in the issuance of an EP or CLOA, it cannot be stopped by a mere Restraining Order or a Writ of Preliminary Injunction. *"Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC, the DAR, or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform."*⁴

With regard to the existing EP or CLOA, it has been placed under the operation of the Torrens System one (1) year from issuance of the proper ROD and has become indefeasible and imprescriptible. It is imprescriptible if the rights derived from the title are not subject to being defeated or taken away by prescription or by lapse of time. It is indefeasible if the rights derived from the title cannot be annulled without a direct action filed specifically for such purpose.

Thus, no other executive office or judicial body shall have the authority to cancel the EP or CLOA but the Secretary of the DAR. All cases involving the cancellation of registered EPs, CLOAs, and other titles issued under any Agrarian Reform Program are within the exclusive and original jurisdiction of the Secretary of the DAR.⁵

2.0.
DEFINITION OF TERMS

2.1. **Certificate of Title**

The true copy of the decree of registration or the transcription thereof which is signed by the Administrator of the Land Registration Authority (LRA). It is issued under the Torrens System of registration by the Government through the ROD. It names and declares who the owner in fee simple is, and describes the property with utmost particularity and free from all liens and encumbrances, except as those noted or reserved by law. Legally defined, a Certificate of Title is the transcript of the decree of registration made by the ROD.⁶

2.2. **Certificate of Land Ownership Award or CLOA**

A document evidencing ownership of the land granted or awarded to the ARB by the DAR, and contains the restrictions and conditions provided in the CARL or R.A. No. 6657, as amended, and other applicable laws.⁷ It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.⁸ The owners' duplicate certificate of title shall be delivered by the DAR to the registered owner or to his duly authorized representative. If two or more persons are registered owners, one owner's duplicate certificate may be issued for the whole land, or if the co-owners so desire, a separate duplicate may be issued to each of them in like form.⁹

2.3. **Emancipation Patent or EP**

A document evidencing ownership of the land granted or awarded by the DAR to the Farmer-Beneficiary, and contains the restrictions and conditions provided in P.D. No. 27. It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.

2.4. Torrens System

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3.0.

DELIVERY OF THE EMANCIPATION PATENT OR CERTIFICATE OF LAND OWNERSHIP AWARD TO THE AGRARIAN REFORM BENEFICIARY

- 3.1. Until such time that the EP or CLOA or any title issued under any Agrarian Reform Law is cancelled on the basis of a final and executory Decision emanating from the authorities vested by law in the Secretary of the DAR, no other office at the DAR shall delay the delivery of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law to an ARB without facing administrative and criminal liability unless otherwise provided in these rules.
- 3.2. Delivery of the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law should be made within one hundred eighty (180) days from the time that the RP Title is issued by the ROD or within thirty (30) days from the time that the concerned Provincial Agrarian Reform Program Officer (PARPO) II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.3. The delivery of any and all owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law shall be undertaken within the alternative periods stated in the preceding paragraphs in the following manner:
 - A. By personal delivery to the registered owner, or in the case of a collective CLOA, to any one of the ARBs registered in the collective CLOA as co-owner, or to any officer of the Cooperative should the CLOA be registered in the name of the cooperative provided that the said officer is likewise an ARB in the landholding owned in common.
 - B. By personal delivery to any one of the heirs of a deceased ARB provided that the recipient executes a statement voluntarily and knowingly under oath or affirmation stating the scope and the effects of the receipt of the owner's duplicate copy of the EP/CLOA, thus:
 - a. He or she is an heir of the deceased beneficiary.
 - b. He or she acknowledges receipt of the owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law.
 - c. He or she undertakes that it is his or her primary duty to inform the other co-heirs that the document is in his or her custody.
 - d. He or she shall only have the primary duty of safekeeping of the document and shall turn it over to the DAR or to a court of law when instructed. He or she shall report to the DAR Municipal Office should the title be destroyed or lost within two (2) days from discovery.
 - e. He or she understands that the receipt of the owner's duplicate copy of the EP/ CLOA is not in any manner to be construed as conferment upon the recipient the status of an ARB or of a Reallocationee which shall be determined in a separate procedure.

- 1 DAR vs. Carriedo, G.R. No. 176549 (January 20, 2016 /October 10, 2018).
- 2 Section 24 of RA No. 6657, as amended.
- 3 Sections 73 and 74 of RA, No. 6657, as amended.
- 4 Section 55, R.A. No. 6657, as amended.
- 5 Section 24, R.A. No. 6657, as amended.
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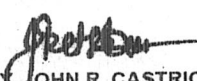
- f. The statement shall be signed by the recipient and shall be witnessed by the following:
 - i. Another heir of the deceased ARB or any resident of the Barangay whose identity and residence are known to the affiant.
 - ii. The Barangay Agrarian Reform Committee (BARC) Chairman or the Municipal Agrarian Reform Program Officer (MARPO) shall sign as the second witness. In the absence of the BARC Chairman or the MARPO, the second witness shall be any officer of the Barangay.

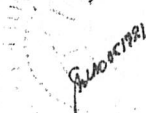
The aforesaid statement under oath or affirmation shall be executed in two original copies. The first copy shall be kept in the Office of the Municipal Agrarian Reform Program Officer (MARPO) and the second copy shall be submitted to the Office of the Provincial Agrarian Reform Program Officer (PARPO) II.

- 3.4. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law, cannot be undertaken to the registered owner or to an heir of the deceased ARB due to the absence of both parties, the MARPO shall submit a statement under oath or affirmation on the following:
 - A. The Title Number
 - B. Name of the ROD Office
 - C. Date of Issuance of the Title
 - D. Name of Registered Owner(s)
 - E. Area of the awarded land
 - F. There was an attempt to deliver the owner's duplicate copy of the title, but neither the ARB nor an heir can be located despite diligent efforts to locate the said persons. In case of a collective CLOA issued in the name of a cooperative, no officer qualified under paragraph A of Section 3.3. of these rules can be located
 - G. A statement on the actual conditions of the landholding covered by the EPs, individual CLOAs, collective CLOAs, or other titles issued on the basis of any agrarian reform law stating the following:
 - a. The actual activity on the landholding
 - b. The improvements and structures on the landholding
 - c. The known occupants.
 - d. The known tillers

- 3.5. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles is not undertaken to the registered owner or to an heir of the deceased ARB due to a defect on the technical description appearing on the face of the said title. In such instances, the PARPO II shall submit a statement under oath or affirmation on the following:
- The Title Number
 - Name of the ROD Office
 - Date of Issuance of the Title
 - Name of Registered Owner(s)
 - Area of the awarded land
 - The specific defects appearing on the face of the title constituting as the reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Offices beyond one hundred eighty (180) days from the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.6. Any and all original statements made under oath or affirmation mentioned in paragraph numbers 3.4 and 3.5 of these rules shall be executed in four (4) copies. One copy shall be for the affiant. The second copy is for the MARPO. The third copy shall be submitted to the PARPO II. The fourth copy shall be filed by the MARPO to the ROD where the EP, CLOA, or any other title was issued on the basis of an Agrarian Reform Law. It is the duty of the MARPO to ensure that the sworn statements referred to are annotated on the title. It is the duty of the MARPO to ensure that the sworn statements referred to are filed with the proper Office of the Register of Deeds for the purpose of having the statement annotated on the title.
- 3.7. Any and all undelivered owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law, and these rules shall be turned over by the concerned MARPO to the PARPO II who shall be responsible for the safekeeping and inventory of the said titles in accordance with the rules and regulations of the Department.
- 3.8. All Regional Directors shall submit to the Office of the Secretary (OSEC) on the last Wednesday of every quarter, a Report on the total number of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law which are still in the possession of the Regional, Provincial, or Municipal DAR Offices despite the fact that the RP Title has been issued more than one hundred eighty (180) days ago or more than thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law. The Report shall contain the following information:
- The Title Number
 - Name of the ROD Office
 - Date of Issuance of the Title
 - Name of Registered Owner(s)
 - Area of the awarded land
 - Reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Office beyond one hundred eighty (180) days from the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.9. The Regional Director shall submit to the OSEC the complete compilation of the Reports from the DAR Regional, Provincial, and Municipal Offices with the following requisite Certifications:
- The Regional Director shall attest to the correctness of the Report on the data from the DAR Regional Office.
 - The PARPO II shall attest to the correctness of the Report on the data from the DAR Provincial Office. In the absence of a PARPO II, the Regional Director shall submit the Report and certify as to its correctness.
 - The MARPO shall attest to the correctness of the Report on the data from the DAR Municipal Office. In the absence of a MARPO, the PARPO II shall submit the Report and certify as to its correctness.
- 3.10. Any statement to be executed under oath or affirmation under these rules may be made before a notary public of the place of execution of the said statement. Otherwise, the statement shall be made before any Regional Agrarian Reform Adjudicator (RARAD), Provincial Agrarian Reform Adjudicator (PARAD) or a Chief of the Legal Division in accordance with DAR Administrative Order No. 5, Series of 2011.
- 3.11. In any and all instances, the PARPO II shall commence within thirty (30) days the proper process for the reallocation of the awarded land to a qualified beneficiary in the absence of the original awardee or the heirs of the deceased ARB or the proper process for the correction of the defects appearing on the face of the EP, CLOA, or any other title issued under any agrarian reform law.
- 3.12. If, for any reason, any provision hereof is declared null, void and/or unconstitutional, no other provision or part thereof shall be affected and the same shall remain in full force and effect.
- 3.13. This Order shall reverse and modify any and all previous issuances made by this Office which are not consistent with these rules.
- 3.14. This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, MAY 20 2021


ATTN: JOHN R. CASTRICIONES
 Secretary



Department of Agrarian Reform
 Office of the Secretary



COVID19-OSEC-ISU



ADMINISTRATIVE ORDER NO. 06
SERIES OF 2021.

SUBJECT: **STATUTORY OBLIGATION TO DELIVER THE AGRARIAN REFORM
TITLE TO THE BENEFICIARY**

1.0. PREFATORY STATEMENT

The generation and issuance of the Certificate of Land Ownership Award (CLOA) and the Emancipation Patent (EP) is indispensable to the completion of the Land Acquisition and Distribution (LAD) process. A CLOA or an EP is a document evidencing ownership of the land which is granted or awarded to the Beneficiary by the Department of Agrarian Reform (DAR) and contains the restrictions and conditions provided in the Comprehensive Agrarian Reform Law (CARL) and other applicable laws.¹

The rights and responsibilities of the Agrarian Reform Beneficiaries (ARBs) begin from their receipt of the EP or CLOA duly registered in the Registry of Deeds (ROD) and their actual possession of the awarded land. The process must be completed within one hundred eighty (180) days from the time that the Title in the name of the Republic of the Philippines (RP Title) is issued by the same ROD. The EP or CLOA becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD, subject to the conditions, limitations, and qualifications of this Act, the property registration decree, and other pertinent laws.²

The failure to deliver the owner's duplicate copy of the EP or CLOA within one hundred eighty (180) days from the generation by the ROD of the RP Title may constitute a prohibited omission. It is punishable by imprisonment and the payment of a fine if it is proven that the failure is due to a culpable neglect or a willful omission.³

The need to ensure that we remain faithful to our task of delivering the EP or CLOA to the ARBs cannot be over emphasized. This task is of paramount importance and should not be delayed on the pretext that there is an existing technical, legal, or operational.

Once the land acquisition and distribution process has commenced resulting in the issuance of an EP or CLOA, it cannot be stopped by a mere Restraining Order or a Writ of Preliminary Injunction. *"Except for the Supreme Court, no court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC, the DAR, or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform."*⁴

With regard to the existing EP or CLOA, it has been placed under the operation of the Torrens System one (1) year from issuance of the proper ROD and has become indefeasible and imprescriptible. It is imprescriptible if the rights derived from the title are not subject to being defeated or taken away by prescription or by lapse of time. It is indefeasible if the rights derived from the title cannot be annulled without a direct action filed specifically for such purpose.

Thus, no other executive office or judicial body shall have the authority to cancel the EP or CLOA but the Secretary of the DAR. All cases involving the cancellation of registered EPs, CLOAs, and other titles issued under any Agrarian Reform Program are within the exclusive and original jurisdiction of the Secretary of the DAR.⁵

2.0. DEFINITION OF TERMS

2.1. Certificate of Title

The true copy of the decree of registration or the transcription thereof which is signed by the Administrator of the Land Registration Authority (LRA). It is issued under the Torrens System of registration by the Government through the ROD. It names and declares who the owner in fee simple is, and describes the property with utmost particularity and free from all liens and encumbrances, except as those noted or reserved by law. Legally defined, a Certificate of Title is the transcript of the decree of registration made by the ROD.⁶

2.2. Certificate of Land Ownership Award or CLOA

A document evidencing ownership of the land granted or awarded to the ARB by the DAR, and contains the restrictions and conditions provided in the CARL or R.A. No. 6657, as amended, and other applicable laws.⁷ It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.⁸ The owners' duplicate certificate of title shall be delivered by the DAR to the registered owner or to his duly authorized representative. If two or more persons are registered owners, one owner's duplicate certificate may be issued for the whole land, or if the co-owners so desire, a separate duplicate may be issued to each of them in like form.⁹

2.3. Emancipation Patent or EP

A document evidencing ownership of the land granted or awarded by the DAR to the Farmer-Beneficiary, and contains the restrictions and conditions provided in P.D. No. 27. It becomes indefeasible and imprescriptible after one (1) year from its registration with the ROD. It is a title brought under the operation of the Torrens System and conferred with the same indefeasibility and security afforded to all titles under the said system, as provided by P.D. No. 1529, as amended by R.A. No. 6732.

2.4. Torrens System

It is a land registration and land transfer system, in which a state creates and maintains a register of landholdings, which serves as the conclusive evidence (termed "indefeasibility") of title of the person recorded on the register as the proprietor (owner), and of all other interests recorded on the register. Ownership of land is transferred by the registration of a transfer of title, instead of by the use of deeds. The Registrar provides a Certificate of Title to the new proprietor, which is merely a copy of the related folio of the register. The main benefit of the system is to enhance the certainty of title to the land and to simplify dealings involving the land.

3.0. DELIVERY OF THE EMANCIPATION PATENT OR CERTIFICATE OF LAND OWNERSHIP AWARD TO THE AGRARIAN REFORM BENEFICIARY

- 3.1. Until such time that the EP or CLOA or any title issued under any Agrarian Reform Law is cancelled on the basis of a final and executory Decision emanating from the authorities vested by law in the Secretary of the DAR, no other office at the DAR shall delay the delivery of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law to an ARB without facing administrative and criminal liability unless otherwise provided in these rules.
- 3.2. Delivery of the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law should be made within one hundred eighty (180) days from the time that the RP Title is issued by the ROD or within thirty (30) days from the time that the concerned Provincial Agrarian Reform Program Officer (PARPO) II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.

3.3. The delivery of any and all owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law shall be undertaken within the alternative periods stated in the preceding paragraphs in the following manner:

- A. By personal delivery to the registered owner, or in the case of a collective CLOA, to any one of the ARBs registered in the collective CLOA as co-owner, or to any officer of the Cooperative should the CLOA be registered in the name of the cooperative provided that the said officer is likewise an ARB in the landholding owned in common.
- B. By personal delivery to any one of the heirs of a deceased ARB provided that the recipient executes a statement voluntarily and knowingly under oath or affirmation stating the scope and the effects of the receipt of the owner's duplicate copy of the EP/CLOA, thus:
 - a. He or she is an heir of the deceased beneficiary.
 - b. He or she acknowledges receipt of the owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law.
 - c. He or she undertakes that it is his or her primary duty to inform the other co-heirs that the document is in his or her custody.
 - d. He or she shall only have the primary duty of safekeeping of the document and shall turn it over to the DAR or to a court of law when instructed. He or she shall report to the DAR Municipal Office should the title be destroyed or lost within two (2) days from discovery.
 - e. He or she understands that the receipt of the owner's duplicate copy of the EP/ CLOA is not in any manner to be construed as conferment upon the recipient the status of an ARB or of a Reallocatee which shall be determined in a separate procedure.
 - f. The statement shall be signed by the recipient and shall be witnessed by the following:
 - i. Another heir of the deceased ARB or any resident of the Barangay whose identity and residence are known to the affiant.
 - ii. The Barangay Agrarian Reform Committee (BARC) Chairman or the Municipal Agrarian Reform Program Officer (MARPO) shall sign as the second witness. In the absence of the BARC Chairman or the MARPO, the second witness shall be any officer of the Barangay.

The aforesaid statement under oath or affirmation shall be executed in two original copies. The first copy shall be kept in the Office of the Municipal Agrarian Reform Program Officer (MARPO) and the second copy shall be submitted to the Office of the Provincial Agrarian Reform Program Officer (PARPO) II.

3.4. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law, cannot be undertaken to the registered owner or to an heir of the deceased ARB due to the absence of both parties, the MARPO shall submit a statement under oath or affirmation on the following:

- A. The Title Number
- B. Name of the ROD Office
- C. Date of Issuance of the Title
- D. Name of Registered Owner(s)
- E. Area of the awarded land
- F. There was an attempt to deliver the owner's duplicate copy of the title, but neither the ARB nor an heir can be located despite diligent efforts to locate the said persons. In case of a collective CLOA issued in the name of a cooperative, no officer qualified under paragraph A of Section 3.3. of these rules can be located.

G. A statement on the actual conditions of the landholding covered by the EPs, individual CLOAs, collective CLOAs, or other titles issued on the basis of any agrarian reform law stating the following:

- a. The actual activity on the landholding
- b. The improvements and structures on the landholding
- c. The known occupants.
- d. The known tillers

3.5. If the delivery of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law, cannot be undertaken to the registered owner or to an heir of the deceased ARB due to a defect on the technical description appearing on the face of the said title. In such instances, the PARPO II shall submit a statement under oath or affirmation on the following:

A. The Title Number

B. Name of the ROD Office

C. Date of Issuance of the Title

D. Name of Registered Owner(s)

E. Area of the awarded land

F. The specific defects appearing on the face of the title constituting as the reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Offices beyond one hundred eighty (180) days from the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.

3.6. Any and all original statements made under oath or affirmation mentioned in paragraph numbers 3.4 and 3.5 of these rules shall be executed in four (4) copies. One copy shall be for the affiant. The second copy is for the MARPO. The third copy shall be submitted to the PARPO II. The fourth copy shall be filed by the MARPO to the ROD where the EP, CLOA, or any other title was issued on the basis of an Agrarian Reform Law. It is the duty of the MARPO to ensure that the sworn statements referred to are annotated on the title. It is the duty of the MARPO to ensure that the sworn statements referred to are filed with the proper Office of the Register of Deeds for the purpose of having the statement annotated on the title.

3.7. Any and all undelivered owner's duplicate copy of the EP, individual CLOA, collective CLOA, and other titles issued on the basis of any Agrarian Reform Law, and these rules shall be turned over by the concerned MARPO to the PARPO II who shall be responsible for the safekeeping and inventory of the said titles in accordance with the rules and regulations of the Department.

3.8. All Regional Directors shall submit to the Office of the Secretary (OSEC) on the last Wednesday of every quarter, a Report on the total number of the owner's duplicate copy of EPs, individual CLOAs, collective CLOAs, and other titles issued on the basis of any Agrarian Reform Law which are still in the possession of the Regional, Provincial, or Municipal DAR Offices despite the fact that the RP Title has been issued more than one hundred eighty (180) days ago or more than thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law. The Report shall contain the following information:

A. The Title Number

B. Name of the ROD Office


C. Date of Issuance of the Title

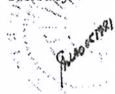
D. Name of Registered Owner(s)

E. Area of the awarded land

- F. Reason(s) for the continued possession of the EP or CLOA by the Regional, Provincial, or Municipal Office beyond one hundred eighty (180) days from the issuance of the RP Title or beyond thirty (30) days from the time that the concerned PARPO II has received the owner's duplicate copy of the EP, CLOA, or any other title issued under any Agrarian Reform Law.
- 3.9. The Regional Director shall submit to the OSEC the complete compilation of the Reports from the DAR Regional, Provincial, and Municipal Offices with the following requisite Certifications:
- A. The Regional Director shall attest to the correctness of the Report on the data from the DAR Regional Office.
- B. The PARPO II shall attest to the correctness of the Report on the data from the DAR Provincial Office. In the absence of a PARPO II, the Regional Director shall submit the Report and certify as to its correctness.
- C. The MARPO shall attest to the correctness of the Report on the data from the DAR Municipal Office. In the absence of a MARPO, the PARPO II shall submit the Report and certify as to its correctness.
- 3.10. Any statement to be executed under oath or affirmation under these rules may be made before a notary public of the place of execution of the said statement. Otherwise, the statement shall be made before any Regional Agrarian Reform Adjudicator (RARAD), Provincial Agrarian Reform Adjudicator (PARAD) or a Chief of the Legal Division in accordance with DAR Administrative Order No. 5, Series of 2011.
- 3.11. In any and all instances, the PARPO II shall commence within thirty (30) days the proper process for the reallocation of the awarded land to a qualified beneficiary in the absence of the original awardee or the heirs of the deceased ARB or the proper process for the correction of the defects appearing on the face of the EP, CLOA, or any other title issued under any agrarian reform law.
- 3.12. If, for any reason, any provision hereof is declared null, void and/or unconstitutional, no other provision or part thereof shall be affected and the same shall remain in full force and effect.
- 3.13. This Order shall reverse and modify any and all previous issuances made by this Office which are not consistent with these rules.
- 3.14. This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, May 20, 2021


ATTY. JOHN R. CASTRICIONES
Secretary



¹ DAR vs. Carriedo. G.R. No. 176549 (January 20, 2016 /October 10, 2018).

² Section 24 of R.A. No. 6657, as amended.

³ Sections 73 and 74 of R.A. No. 6657, as amended.

⁴ Section 55, R.A. No. 6657, as amended.

⁵ Section 24, R.A. No. 6657, as amended.

⁶ Section 39, P.D. No. 1529, as amended.

⁷ DAR vs. Carriedo (2018) G.R. No. 176549.

⁸ Section 24, R.A. No. 6657, as amended.

⁹ Section 41 of P.D. No. 1529.