NATIONAL ADMINISTRATIVE REGISTER · AUGUST 30, 1990

# REVISED RULES GOVERNING THE ACQUISITION OF AGRICULTURAL LANDS SUBJECT OF VOLUNTARY OFFER TO SELL AND COMPULSORY ACQUISITION PURSUANT TO RA 6657

*DAR ADMINISTRATIVE ORDER NO. 9, August 30, 1990*

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I
Prefatory Statement

A. These rules are hereby prescribed to ensure the smooth and expeditious acquisition of agricultural lands covered by the Comprehensive Agrarian Reform Program pursuant to RA 6657.

II
Coverage

A. These rules cover Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) transactions involving lands enumerated under Section 7 of RA 6657.

1. Voluntary Offer to Sell (VOS)

a. All private agricultural lands voluntarily offered by landowners for sale to the government.

b. All other agricultural lands transferred to the DAR pursuant to Executive Order No. 407 dated June 14, 1990.

2. Compulsory Acquisition (CA)

a. All idle and/or abandoned agricultural lands regardless of size;

b. All agricultural lands other than those voluntarily offered.

c. All private agricultural lands which became due for coverage under Compulsory Acquisition according to the priorities defined in Section 7 of RA 6657.

III
Policy

A. All landowners whose lands are subject for coverage under RA 6657 may voluntarily offer their lands for sale to the government. However, lands upon which notices of coverage have already been sent by the government and received by the landowner shall no longer be eligible for classification as voluntarily offered lands.

B. All lands which are voluntarily offered for sale to the government, except lands within the retention limits, may no longer be withdrawn and shall immediately fall under Phase I, as provided for in Section 7 of RA 6657.

C. If the land is tenanted, the farmer-beneficiaries shall continue to pay lease rentals based on a leasehold agreement provided for under Administrative Order No. 4, series of 1989, until such time as the landowner signs the Deed of Transfer or the Land Bank of the Philippines establishes a Trust Fund in the landowner's name, as

the case may be.

D. The compensation for the land shall be the value determined by the LBP or the value set under summary proceedings by the DARAB or as may finally be determined by the Special Agrarian Court.

E. Landowners, other than banks and other financial institutions, who voluntarily offer their lands for sale shall be entitled to an incentive of an additional five percent (5%) cash payment pursuant to Section 19 of RA 6657.

IV
Operating Procedures

Responsibility/Activity

Applicability

**VOS**

**CA**

A. Landowner

1. Accomplishes the Letter of Intent (CARP Form No. 1) and Landowner's Information Sheet (CARP Form No. 1.1) and submits them to any DAR Unit (MARO, PARO, RARO, DARCO), together with the following basic ownership documents:

a. For Titled Property-

1. Copy of title (OCT/TCT) covering the land offered for sale with all pages duly authenticated by the Register of Deeds (ROD) as the exact copy of what is on file with his office. If the title is not yet in the name of the landowner/ offeror, submits instruments of acquisition such as Deed of Sale, Deed of Donation, etc., to establish his ownership of the land. In instances where the title in the custody of the ROD was lost or otherwise destroyed, and the original copy of the title has not been reconstituted, ROD shall issue a certification to that effect.

2. Copy of Tax Declaration in the name of the land-owner/ offeror issued before August 29 ,1987 duly certified by the Assessor.

3. Copy of the Approved Survey Plan or Plan of the property prepared and approved by a licensed Geodetic Engineer.

4. Copy of Sworn Statement of Landowner's Registration (LISTASAKA I or II), if any.

5. Other requirements as may be applicable

b. For Untitled Properties

1. Xerox copy of Deed of Sale/Transfer duly certified by the ROD/Assessor and/or other instruments of acquisition covering the subject property for a period of at least ten(10) years.

2. Copy of Tax Declaration issued before August 29, 1987 duly certified by the Assessor.


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3. Approved Survey Plan and Technical Description in narrative form.

4. Copy of Sworn Statement of Landowner's Registration(LISTASAKA I or II), if any.

5. Affidavit of Landowner that the property is not subject of adverse claim of third parties.

6. Certification of the Clerk of Court concerned whether or not the property has been the subject of and registration cases, cadastral proceedings, and status of the case, if any.

7. Certification from the DENR:

a. stating that the subject property is not within any civil, military, or watershed reservation, national park, or timber or mineral land and whether the same has been classified as alienable and disposable

b. stating the cadastral claimant, if any, of the subject property

c. stating whether or not there has been an application for the acquisition of the subject property under Commonwealth Act No. 141, as amended, and status, if any

8. Certification of the Register of Deeds and the Provincial Assessor concerned to the effect that subject property is free from all liens and encumbrances

9. Certification of the Land Registration Administration that the subject property as indicated in the approved survey plan is not within any titled or decreed proper

10. Proof of Publication of Cautionary Notice

All VOS letters and documents submitted by the landowner must be forwarded to the Municipal Agrarian Reform Office concerned.

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**X**

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**X**

**X**

**X**

**X**

**X**

**X**

**X**

**X**

**X**

## B. MARO

1. Receives the duly accomplished CARP Form Nos. 1 and 1.1 including supporting documents.

2. Gathers basic ownership documents listed under 1.a or 1.b above and prepares corresponding VOCF/ CACF by landowner/landholding.

3. Notifies/invites the landowner and representatives of LBP, DENR, BARC and prospective beneficiaries of the schedule of the ocular inspection/investigation of the property at least one week in advance.

4. MARO/Land Bank Field Office/BARC shall:

a. Identify the land and landowner, and determined the suitability for agriculture and productivity of the land and jointly prepare Field Investigation Report(CARP Form No. 2), including the Land Use Map of the

property.

b. Interview applicants and assist them in the preparation of the Application For Potential CARP Beneficiary (RA 6657) (CARP Form No. 3).

c. Screen prospective farmer-beneficiaries and for those found qualified, cause the signing of the respective Application to Purchase and Farmer's Undertaking (CARP Form No. 4).

d. Complete the Field Investigation Report based on the result of the ocular inspection/investigation of the property and documents submitted. See to it that Field Investigation Report is duly accomplished and signed by all concerned.

## 5. MARO

a. Assists the DENR Survey Party in the conduct of a boundary/subdivision survey delineating areas covered by OLT, retention, subject of VOS, CA (by phases, if possible), infrastructures, etc., whichever is applicable.

b. Sends Notice of Coverage (CARP Form No. 5) to landowner concerned or his duly authorized representative inviting him for a conference.

c. Sends Invitation Letter (CARP Form No. 6) for a conference/public hearing to prospective farmer beneficiaries, landowner representatives of BARC, LBP, DENR, DA, NGOs, farmers' organizations and other interested parties to discuss the following matters:

Result of field investigation
Inputs to valuation
Issues raised
Comments/recommendations by all parties
concerned.

d. Prepares Summary of Minutes of the Conference/public hearing to be guided by CARP Form No. 7.

e. Forwards the completed VOCF/CACF to the Provincial Agrarian Reform Office (PARO) using CARP Form No. 8 (Transmittal Memo to PARO).

**X**

**X**

**X**

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**X**


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**X**

**X**

## PARO

1. Review, evaluates and validates the Field Investigation Report and all pertinent forms and documents contained in the VOCF/CACF for completeness and consistency. Gathers all the additional required documents not available at the MARO level but may be obtained at the PARO level.

2. If in order forwards completed VOCF/CACF to the RARO using CARP Form NO. 9 (Transmittal Memo to RARO).

**X**

**X**

**X**

**X**

## D. RARO

1. Reviews the VOCF/CACF and supporting documents for completeness and consistency, and if found to be in order, approves and signs the Field Investigation Report.

2. Prepares the Notice of Acquisition (CARP Form No. 10 or 11 as the case may be) to be signed by the Regional Director or in his absence, by the duly designated official. Such notice shall be forwarded to the landowner concerned by personal delivery with proof of service or registered mail with return card.

3. Forwards the VOCF/CACF to LBP through the Regional Manager using a DAR Memorandum to Value the land including improvements and facilities, if any. (CARP Form No. 12)

**X**

**X**

**X**

**X**

**X**

**X**

## E. LBP REGIONAL OFFICE

1. Reviews and evaluates the VOCF/CACF for completeness, consistency and document sufficiency; and thereafter determines the Land Valuation in accordance with the applicable guidelines.

2. Gathers additional documents needed for a more appropriate land valuation.

3. Prepares the Claim Folder Profile and Valuation Summary (CARP Form No. 13) and forwards same to the proper approving officers of the Bank.

4. Notifies the DAR of the valuation, through a Memorandum of Valuation, enclosing a copy of the approved Claim Folder Profile and Valuation Summary (CARP Form No. 13).

**X**

**X**

**X**

**X**

**X**

**X**


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**X**

**X**

**F. RARO**

1. Prepares and issues the Notice of Land Valuation to the landowner (CARP Form No. 13.1) together with the Memorandum of Valuation from LBP and a copy of the duly approved Claim Folder Profile and Valuation Summary, copy furnished the LBP Regional Office. At the same time a copy of this notice and memorandum shall be posted for at least one (1) week in the bulletin board at the provincial capitol, municipal hall and the barangay hall concerned.

2. If the landowner accepts the offered price, sends the Memorandum to LBP to prepare the Deed of Transfer and to pay the landowner (CARP Form No. 14) enclosing the landowner's letter of acceptance.

3. If the landowner rejects the offered price or fails to reply within thirty (30) days from receipt of the Notice of Land Valuation, sends Memorandum to LBP to open a Trust Account in the name of the landowner, (CARP Form No. 16), and advices the DARAB through the Provincial Adjudicator, to conduct summary administrative proceedings pursuant to DAR Administrative Order No. 13 and Section 16 (d) of RA 6657. If the landowner disagrees with the valuation as determined by the DARAB through the Provincial Adjudicator, he may file the appropriate petition before the proper Court.

4. Upon receipt from LBP of the proof of the Trust Deposit, transmits to the Register of Deeds the Proof of Trust Deposit, owner's duplicate copy of the title, (if available), and other applicable supporting documents with the request for the transfer of title of the acquired property to the Republic of the Philippines. (CARP Form No. 17)

**X**

**X**

**X**

**X**


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**X**

**X**

**X**

**X**

G. DARAB through the Provincial Adjudicator

1. Upon receipt of advice from RARO, conducts summary administrative proceedings.

2. Renders decision and informs parties concerned of the same.

**X**

**X**

**X**

**X**

**H. RARO**

1. Fifteen (15) days after receipt of the decision of DARAB fixing the valuation, request the LBP to prepare the Deed of Transfer (CARP Form No. 15) for the signature of the landowner if he so accepts, otherwise, request the LBP to adjust the trust deposit to conform with the DARAB decision and accordingly informs the landowner. In the event the landowner signs the Deed of Transfer, LBP should transmit a copy to the Register of Deeds as additional support to the transfer of title in favor of the Republic of the Philippines.

**X**

**X**

## I. REGISTER OF DEEDS (ROD)

1. Registers the Deed of Transfer (DOT) and issues a new title in the name of the RP, free from liens and encumbrances.

2. After registration, forwards the owner's duplicate copy of title issued in the name of RP, to LBP Field Office.

**X**

**X**

**X**

**X**

## J. LBP

1. Prepares payment release order for the payment to the landowner of the value of the land compensation.

2. In case the land is encumbered, pays the mortgagee-bank/creditor or establishes a trust account in the name of the mortgagee-bank if it refuses to accept LBP bonds as payment.

3. After the landowner's compensation is paid, forwards to RARO a xerox copy of the new title in the name of the RP, together with certified copy of the Deed of Transfer.

**X**


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**X**

**X**

**X**

**X**

**X**

**K. RARO**

1. Forwards to PARO the certified copy of the Deed of Transfer and the TCT, together with the Memorandum of the Regional Director instructing him to take over physical possession of the land and proceed with the distribution of the same in favor of the qualified beneficiaries.

**X**

**X**

V
Transitory Provisions

All Voluntary Offers to Sell and Compulsory Acquisition transactions for which no valuation or payment has been made by the LBP as of the effectivity of this Order shall be subject to land valuation by the LBP pursuant to Executive Order No. 405 dated June 14, 1990.

VI
Amendment Clause

This Order amends DAR Administrative Order Nos. 12, 14 and 17, Series of 1989. All othger issuances inconsistent herewith are hereby modified or repealed accordingly.

VII
Effectivity

This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of RA 6657.

Adopted: 30 Aug. 1990

(SGD.) BENJAMIN T. LEONG


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