CREATION OF TASK FORCE PROBLEMATIC LANDS ADDRESSING LAND ACQUISITION AND DISTRIBUTION (LAD) CONCERNS AND RELATED ISSUES OF CARP IMPLEMENTATION

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I. PREFATORY STATEMENT

Reports coming from the field indicate that the volume of claim folders (CFs) involved in issues and situations which have resulted in the cessation or suspension of the further processing thereof have reached alarming proportions. The landholdings (LHs) covered by these CFs are reported as being confronted or beset by various issues and situations or problems in general, and are hence commonly described as “problematic lands.”

Many of the LHs in the list of problematic lands in various provinces have remained in the list, not moving or simply not progressing at an acceptable pace for various reasons.

II. PROBLEMATIC LANDS DEFINED

Problematic lands are landholdings covered by CARP, the acquisition and/or distribution of which has been temporarily stalled due to legal, technical/operational, and/or administrative issues which affect the program implementation.

III. SCOPE

This Memorandum Circular covers:

- Lands characterized as problematic in the PARC EXECOM-approved CARPER LAD balance database; and

- Lands which started as workable but which subsequently encountered problems during the Land Acquisition and Distribution (LAD) process.

IV. PROCEDURE TO ADDRESS THE SPECIFIC PROBLEMS

There is an urgent need to revive the processing of such CFs at the level of the DAR Municipal Office (DARMO) and the DAR Provincial Office (DARPO), analyze and evaluate them anew, and address the specific problems besetting each landholding in order to move the LAD process and to complete the necessary documentation. examples of these issues/situations which are perceived as problems are shown in the attached Annex “A”, which includes a second column containing the suggested approaches/courses of action to address each specific problem.

For this purpose, the following steps shall be undertaken:

Within seven (7) days from the issuance of this Circular, the DARPO-Provincial Data Processing Center (PDPC)/Planning Monitoring Evaluation Unit (PMEU) shall generate the list of problematic lands from the database, forward the same to the DARMO and the Chief Agrarian Reform Program Officer (CARPO) for Operations concerned, and furnish copies thereof to the Regional Director and Assistant Secretary for Field Operations Office.

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A. AT THE DARMO LEVEL

- The MARO conducts the actual inventory, validation, and review of the CFs and prepares a case brief for each not later than ten (10) days upon receipt of the generated list of problematic landholdings from the DARPO-PDPC/PMEU.

- The MARO shall then forward the CF with case brief to the DARPO for review.

- For landholdings tagged initially as workable that may turn out to be problematic, the MARO, within three (3) days from his determination that the landholding is problematic, shall prepare and submit a case brief to the PARO.

B. AT THE DARPO LEVEL

- The DARPO Operations Division shall also conduct actual inventory, validation, and review of CFs pending at its level that are included in the list of problematic landholdings forwarded by the PDPC/PMEU, and shall prepare a case brief for each, not later than ten (10) days upon receipt of the said list, after which the CF with the corresponding case brief shall be submitted to the PARO for review.

- The DARPO-PDPC/PMEU shall tag the newly-determined problematic landholdings as such in the LAD CARPER Balance database.

- A Provincial Task Force on Problematic Landholdings shall be immediately created, composed of the Provincial Agrarian Reform Officer (PARO) as head, with the CARPO for Operations, Quick Response Officer, a Chief of the Legal Division, and Civil Society Organizations (if present) representative/s in the area as members.

- The Task Force shall review, analyze, and strategize each CF with case brief received from the MARO, the DARPO-CARPO for operations, or the PARO. In connection therewith, the Task Force, through the PARO, is authorized to perform the following:

  - Write communication-letters to concerned offices or persons for follow-up or referral;

  - Request for documents from concerned offices or persons;

  - Ask for legal opinion from the DAR Legal Affairs Office or any concerned office;

  - Request the DARRO or the concerned office for the early resolution of the legal issues involving the LH concerned;

  - Request for funds from the Undersecretary for Field Operations Office if the problem involves additional budget for reconstitution, amendment survey, documentation, etc.;

  - Initiate dialogues or any applicable alternative dispute resolution mechanism;

  - File in behalf of the department appropriate cases before judicial or administrative agencies to move the LAD process;

  - Activate the Provincial CARP Implementing Team; and

  - Undertake any appropriate action within the power and authority of the DARPO as provided for in the rules, laws and Constitution.

- After the review and analysis of the CFs by the Task Force, and in the event its finding is that the subject LH is workable, the PARO shall issue an Order directing the concerned official to proceed with the documentation thereof. On the other hand, if the finding is that the LH may now be considered as deductible pursuant to Section

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10 of R.A. No. 6657, after proper investigation in accordance with DAR A.O. No. 13 Series of 1990, the same may therefore be excluded from the CARPER LAD Balance database, in accordance with Memorandum Circular (M.C.) No. 8, Series of 2010.

6. The Task Force, after review and analysis of each CF, shall submit its status report on problematic lands to the regional director (RD) concerned using CARP LAD Form No. 64 attached hereto as Annex “B” on a monthly basis.

C. AT THE DAR REGIONAL OFFICE (DARRO) LEVEL

- The Regional Director (RD) shall instruct the Chief of Legal Division, thru the Assistant Regional Director for Operations (ARDO), to conduct a review of cases pending in the Regional Office and draft initial resolution for each case “submitted for resolution” within fifteen (15) days for comment/review of the rd or prepare memorandum why the case cannot yet be resolved.

The ARDO shall submit a list of cases which have LAD implications to be prioritized for resolution. Such list shall be submitted monthly to the Undersecretary and Assistant Secretary for Field Operations as well as the Undersecretary and Assistant Secretary for Legal Affairs.

- The RD shall instruct the CARPO for Operations concerned to facilitate actions on LHs which are workable and resolve operational issues promptly. If necessary, the rd and/or the CARPO may call on other agencies concerned for the resolution of the same.

- The RD shall regularly monitor the performance of each Provincial Task Force on Problematic Lands within his/her jurisdiction. The RD, if necessary, may create Special Action Teams to assist any Provincial Task Force in the resolution of issues arising from processing of CFs of problematic lands.

- The RD shall periodically inform the Undersecretary for Field Operations and Undersecretary for Legal Affairs of the status of the problematic lands at both the DARPO and DARRO levels.

D. AT THE DAR CENTRAL OFFICE (DARCO) LEVEL

- A National Task Force on Problematic Landholdings (National Task Force) shall be created, composed of the Undersecretary and Assistant Secretary for Legal Affairs (LAO), Undersecretary and Assistant Secretary for Field Operations (FOO), Chiefs of Staff of the said Offices, representatives from the Office of the Secretary, and a representative of Civil Society Organizations working on agrarian reform issues. The national Task Force shall be co-chaired by the Undersecretaries of Field Operations and Legal Affairs Office.

- The National Task Force shall regularly review the status of pending cases in the DARCO level which have LAD implications, as well as those CFs referred to it involving problematic lands.

- The Undersecretary for Legal Affairs shall instruct the Director of the Bureau of Agrarian Legal Assistance to resolve the cases identified with LAD implications and/or are high impact in nature in accordance with the guidelines on flashpoint cases.

- The Undersecretary for Field Operations shall also instruct the directors of Bureau of Land Acquisition and distribution and Bureau of Land development to implement actions strategized by the national Task Force on the problematic LHs referred to or which are pending before the DARCO. If necessary, the said Undersecretary or directors may call on other concerned agencies for the resolution of the same.

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V. BUDGET FOR THE TASK FORCE

The expenses of the Provincial Task Force in the performance of its functions shall be charged to the DARPO concerned, while the expenses of the National Task Force in the performance of its functions shall be borne by the Office of the Secretary.

VI. MONITORING AND REPORTING

The PARO shall submit regular monthly reports to the Regional Director and furnish a copy thereof to the Assistant Secretary for Field Operations on the CFs which have been completely processed, documented, and transmitted to other offices, as well as on those which are in the process of documentation at the DARPO level.

The PDPC/PMEU shall tag the problematic landholdings that have been transformed into workable in the database and print computer-generated monthly reports for the members of the concerned Provincial Task Force on Problematic Landholdings.

The Regional Director shall be responsible for the monitoring and reporting on the status of problematic lands within the region, and shall submit a monthly report to the Undersecretaries for FOO and LAO on or before the 10th day of the ensuing month.

The report shall include problematic landholdings which have been transformed into workable or LHs which have been determined to be deductible under the procedures defined in M.C. No. 8, Series of 2010.

The Office of the Secretary, through the Undersecretaries of FOO and LAO, shall monitor and act on any of the problematic cases pending before the DARCO in a manner consistent with the prevailing laws and jurisprudence.

VII. REPEALING CLAUSE

This Memorandum Circular modifies or repeals all issuances or portions that are inconsistent herewith.

VIII. EFFECTIVITY CLAUSE

This Memorandum Circular shall take effect immediately.

Adopted: 16 August 2011

(SGD.) VIRGILIO R. DELOS REYES
Secretary

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