

AUTHORIZING THE CLASSIFICATION AND/OR RE-CLASSIFICATION OF LANDS EIGHTEEN PERCENT IN SLOPE OR OVER IN THE PROVINCES OF CEBU AND BENGUET AS ALIENABLE AND DISPOSABLE LANDS.

PRESIDENTIAL DECREE NO. 1998, November 09, 1985

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WHEREAS, Presidential Decree No. 705, as amended, prohibits the classification of lands of the public domain eighteen percent (18%) in slope or over as alienable and disposable;

WHEREAS, the Provinces of Cebu and Benguet have peculiar topography and terrain wherein wide areas eighteen percent (18%) in slope or over have been cultivated to agricultural crops and/or developed as townsites;

WHEREAS, the individuals who have introduced improvements in these areas have raised the problem of acquiring titles to their holdings;

WHEREAS, this problem, which has now reached proportions necessitating immediate solution, could be solved by releasing said areas as alienable and disposable without endangering the national programs on reforestation and conservation;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by law, and upon recommendation of the Minister of Natural Resources, do hereby order the following:

SECTION 1. In the following cases, lands eighteen percent (18%) in slope or over in the Provinces of Cebu and Benguet shall be classified and/or reclassified as alienable and disposable by the Minister of Natural Resources if they meet any or all of the following criteria, to wit:

- developed area planted to agricultural crops using effective erosion control practices or measures like terracing; and/or
- established and developed townsite within barangays or communities where basic structures, e.g., roads, schools, church are already existing.

Provided, however, That a land capability and suitability survey shall be conducted first by the Composite Land Classification Team over the areas in question to determine whether the existing land use conforms with the above mentioned criteria: Provided, further, That the claimants or occupants had been in continuous possession of the area on or before May 19, 1975: Provided, finally, that in the title that will be issued therefore, whether administratively, judicially or otherwise, the following additional conditions shall appear:

- That the existing land condition when the area was classified as alienable and disposable shall continue to be maintained and environmentally improved at all times;
- That if the top or crown of the hill of mountain is more or less flat and level, but its slopes are steep and rocky, the steep hillsides shall be planted to trees and/or other appropriate vegetative cover;

- That if the slopes of hills or mountains are of gentle grade while the mountain or hilltops are steep and pointed, the peaks shall be planted to trees and/ or other appropriate vegetative cover;
- That the right of the Government to administer and protect the timber found thereon shall be maintained, provided, that the grantee or his heirs may be allowed to cut and utilize such timber as may be needed for his or their personal use;
- That the land granted herein shall not be used for any purpose other than the existing use for which the said land was classified as alienable and disposable under this Section and any change in any land use, except with the approval of the Minister of Natural Resources, shall constitute a sufficient ground for the cancellation of the title and the reversion of the land to the mass of public forest.

SEC. 2. When public interest so requires, steps shall be taken to expropriate/cancel titles, reject public land application, or eject occupants thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Republic of the Philippines to be affixed.

DONE in Metro Manila, Philippines, this 9th day of November, in the year of Our Lord, nineteen hundred and eighty-five.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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