

REAFFIRMING THE POLICIES AND PROCEDURES CONTAINED IN THE JOINT DAR-DENR MEMORANDUM CIRCULAR NOS. 14 AND 19, BOTH SERIES OF 1997, IN VIEW OF THE EXTENSION OF THE FREE PATENT LAW ...

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I. In view of the extension of the Free Patent Law under R.A. 9176 and the consequent continuation of policies on free patent as provided in the said law, the policies, instructions, procedures and processes enunciated in Joint DAR-DENR Memorandum Circular Nos. 14 and 19, both series of 1997, are hereby reiterated and reaffirmed.

II. Specifically, the criteria mentioned in paragraph, II-B, Joint M.C. No. 14, series of 1997, for determining whether or not a specific landholding has attained the status of untitled private agricultural land are hereby restated as follows:

- A. Continuous occupancy and cultivation by oneself or through one's predecessors-in-interest for at least thirty (30) years prior to the effectivity of R.A. 9176 on December 04, 2002;
- B. The land must have been classified as Alienable and Disposable for at least thirty (30) years prior to the effectivity of R.A. 9176;
- C. One must have paid the real estate taxes thereon; and
- D. There are no adverse claims on the land;

III. Similarly, the procedure enumerated in paragraph III of the implementing guidelines, Joint DAR-DENR M.C. No. 19, series of 1997, are hereby restated, to wit:

- A. DAR, through its offices, shall provide DENR through its field offices, the list of untitled properties identified and/or documented for CARP coverage and other documents and data/information as may be necessary.
- B. As soon as DAR and DENR have jointly identified specific properties that may be covered under the Land Acquisition and Distribution (LAD) component of CARP, the CENRO or RTD-LMS, shall issue to DAR the certification required under DAR-DENR-LBP Joint Memorandum Circular No. 12, series of 1994 for the landholdings being covered. Thereafter, the MARO shall initiate the acquisition process for the landholding concerned by sending the Notice of Coverage (CARP Form No. 5(a), Revised 2003) to the landowner, who shall have the right to select his retention area, and completes the documentation and distribution process;
- C. DENR, through the CENRO, PENRO or RTD, as the case may be, shall make available to DAR officials concerned certified copy of the following to implement this Circular:
 - 1. The cadastral survey records and/or isolated survey records including the list of claimants;
 - 2. Land classification maps; and
 - 3. Other documents, data and/or information.

D. In case the landowner opts for retention, DAR shall conduct the segregation survey of the retention area and the subdivision of the remaining area for distribution and submits the survey returns to the DENR for verification and approval;

E. DENR shall accept and process the application for Free Patent from the occupant/land claimant covering the retained area; and

F. DENR shall issue the Order of Approval for the Free Patent application covering the retention area a copy of the same shall be a pre-requisite for the payment of the landowner's compensation.

DAR shall generate the CLOAs covering the areas outside the retention area in accordance with the existing guidelines, registers the same with the Register of Deeds and distributes titles to the agrarian reform beneficiaries.

IV. The following types of land shall not be covered by this Joint Memorandum Circular:

A. All unclassified lands of the public domain;

B. All lands classified as inalienable, i.e., timber or forest lands, national parks, mineral lands, and other reservation for specific purposes;

C. All un-surveyed lands or lands not covered by an approved plan even if classified as A & D for 30 years or more; and

D. All lands classified as A & D after December 04, 1972.

V. This Circular shall take effect immediately.

Adopted: 17 March 2003

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