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REVISED RULES AND PROCEDURES GOVERNING THE DISPOSITION OF HOMELOTS AND OTHER LOTS IN BARANGAY SITES AND RESIDENTIAL, COMMERCIAL AND INDUSTRIAL LOTS IN TOWNSITES WITHIN DAR SETTL...

DAR ADMINISTRATIVE ORDER NO. 1 S. 1992, January 07, 1992

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I
Prefatory Statement

Under Section 51 of Republic Act No. 3844, as amended, the DAR is mandated to administer and dispose of agricultural lands of the public domain under the custody and administration of the defunct National Resettlement and Rehabilitation Administration (NARRA) and such other public agricultural lands as may thereafter be reserved by the President of the Philippines for resettlement and sale, in consonance with Republic Acts No. 1160, 730, 6657, Executive Order No. 292 and Administrative Order No. 100, dated 05 January 1968, subject to the provisions of Commonwealth Act No. 141, as amended. Certain public lands have also been transferred to the DAR by various agencies of the government pursuant to Executive Order No. 407, Series of 1991, as amended by Executive Order No. 448, Series of 1991.

Furthermore, Section 49, Republic Act 6657 provides that the DAR shall have the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of said Act.

II
Coverage

This Administrative Order shall govern the manner and mode of disposition and titling of homelots and other lots in barangay sites and residential, commercial, and industrial lots in townsites within the DAR settlement projects and similar other areas under DAR's jurisdiction.

Barangay sites refer to specific areas in the rural portions of the municipality which are intended, earmarked or actually used by the inhabitants principally for residential purposes, and surveyed/subdivided for such uses. There may also be some lots for institutional, public, and other non-agricultural uses.

A townsite refers to the site of the municipality's poblacion or the "centro" which may consist of one or more urban barangays. It is also intended, earmarked or actually used by the inhabitants for residential, commercial, industrial, institutional, public and other non-agricultural uses, and surveyed/subdivided for such purposes.

III
Definition of Terms

A. Homelot refers to a parcel of land which is intended for farm residence in barangay site.

B. Residential Lot refers to a parcel of land which is intended for residence in townsite.

C. Townsite Lot refers to a parcel of land in the townsite of a settlement which is intended either for residential,

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commercial or industrial purposes.

D. Commercial Lot refers to a parcel of land in the townsite intended to be used as the center of business transaction, that is sale of merchandise and other personal services.

E. Industrial Lot refers to a parcel of land in the townsite intended as a site for processing of farm products and for other industrial purposes.

IV
Qualifications Of An Applicant

A. Qualifications: To be qualified, an applicant must meet the following requirements:

- Filipino citizen;

- At least 15 years of age or head of the family at the time of filing of application; and

- Applicant or his/her spouse is not the owner, awardee or allocate of a homelot or a residential, commercial or industrial lot.

V
Award Limits

A qualified applicant is entitled to acquire only one homelot or one residential/commercial/industrial lot with an area of not more than one thousand (1,000) square meters. However, an awardee or allocate of a homelot or residential lot may still be allowed to acquire on commercial or industrial lot in accordance with the provisions of Section VI hereof.

VI
Modes of Disposition

A. Homelots in barangay sites and residential, commercial and industrial lots in townsites shall be disposed of by direct sale to actual occupants if qualified. In case the occupant/applicant is not qualified, the lot may be sold to the qualified member of his family. Otherwise, the lot shall be considered as vacant and shall be disposed of in accordance with the next following provisions.

B. Vacant homelots in barangay sites shall be disposed of through public raffle to qualified applicants.

C. Vacant residential, commercial and industrial lots and townsites shall be disposed of through public bidding to the highest qualified bidder in accordance with the Bidding Procedures attached as "Annex A[*]" hereof. No bid which is less than the latest appraised value of the lot shall be accepted.

D. Lots allotted or intended for public use whether within barangay sites or townsites shall be turned over/deeded by the DAR to the particular government entity or agency concerned.

E. An allocate or awardee occupying the lot allocated or awarded to him before the effectivity of this Order shall be issued a CLOA upon full payment of the cost of the land.

F. An allocate or awardee occupying a different lot allocated or awarded to him before the effectivity of this Order shall be awarded the correct lot effective as of the date of his original award following the procedures enumerated in “Annex B[*]” hereof, and issued the CLOA upon full payment of the lot.

G. Awards or allocations of absentee beneficiaries shall be cancelled following the procedures enumerated in “Annex “B” and the lot shall be awarded and titled to the actual occupant thereof if qualified. If the lot is vacant,

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same shall be disposed of by public raffle in the case of homelot in barangay sites pursuant to Sub-section B hereof, or through public bidding if within townsites pursuant to Sub-section C hereof.

VII
Cost of the Lot

A. Vacant townsite lots shall be sold after public bidding to the highest bidder provided that the highest bid shall not be less than the latest appraised value of the land as determined by the DAR.

B. The cost of vacant homelots within barangay sites shall be based on the latest appraised value as determined by the DAR and sold through public raffle pursuant to Section VI-B hereof.

C. Homelots allocated or awarded prior to the effectivity of this Order shall be sold to the awardee or allocatee at the cost of not less than three pesos (P3.00) per square meter.

D. Residential lots allocated or awarded prior to the effectivity of this Order shall be sold to the awardee or allocatee at the cost of ten pesos (P10.00) per square meter.

E. Industrial and commercial lots allocated or awarded prior to the effectivity of this Order shall be sold at the cost of fifteen pesos (P15.00) per square meter.

VIII
Terms and Manner of Payment

1. Cash payment in full; or

2. Ten percent (10%) of the cost of the lot as downpayment, and the balance payable in ten (10) equal annual amortizations at six percent (6%) per annum.

IX
Cancellation of Award and/or Allocation

The procedures enumerated in “Annex B” hereof, shall be followed in the cancellation of award or allocation of abandoned homelots in barangay sites and residential, commercial or industrial lots in townsites.

X
Operating Procedures

A. Municipal Agrarian Reform Office (MARO)

1. The qualified applicant files his/her Application to Purchase Lot (SP Form NO. 1-A), in the MARO office.

2. Verify the records of subject lot available in the MARO.

3. Conduct ocular inspection and investigation based on the approved subdivision plan and records of the lot applied for.

4. Prepare the Final Investigation Report (SP Form No. 3) and Sketch Plan (SP Form No. 4) and process the application and supporting documents.

5. Forward the Individual Land Distribution Folder (ILDF) to the PARO for further processing. The ILDF shall contain the following documents:

- Duly accomplished Application to Purchase (SP Form No. 1-A or 1-A with 1-B);

- Final Investigation Report (SP Form No. 3) (copy furnished the concerned beneficiary);

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- Sketch Plan of the lot (SP Form No. 4);

- Certificate of Allocation/Order of Award or Confirmation, if any (for old allocatee-occupants);

- Copy of the Order of Award (SP Form No. 5) if public bidding/raffle is conducted (for new applicants/applicants of vacant lots) together with all pertinent documents leading to the issuance of CLOA;

- MARO Certification as to actual occupant;

- MARO Certification as to adverse claim, conflict or court case involving the lot applied for;

- Official Receipts of payments for the lot (original or xerox copy); and

- Other records or documents as may be appropriate to support or justify the application.

B. Provincial Agrarian Reform Office (PARO)

1. Examine and process ILDF submitted by the MARO concerned;

2. Issue and attach to ILDF the certifications by the Provincial Trial Attorney and Legal Officer as to adverse claim, conflict or court case, abandonment or cancellation proceedings involving the applied lot;

3. Prepare the Amortization Schedule (SP Form No. 6) for those with unpaid balances for implementation of the MARO, or upon full payment, prepare the Certification of Full Payment (SP Form No. 6-A), as the case may be to be signed by the PARO Accountant and Provincial Agrarian Reform Officer;

4. Maintain the file of applications and ILDF of those with unpaid balances pending full payment; and

5. Prepare and forward CLOA together with the supporting documents (ILDF) for fully paid lots to the RARO.

C. Regional Agrarian Reform Office (RARO)

1. Process and conduct the final review of the CLOA and ILDF;

2. Issue and attach to the ILDF the Certifications of Regional Trial Attorney and Legal Officer as to adverse claim, conflict or court case, abandonment or cancellation proceedings involving the applied lot;

3. Regional Director affixes his initials in all copies of the prepared CLOA and causes the approval and signature of the Secretary with the DAR seal affixed thereon;

4. Record signed CLOA using SP Form No. 2 (copy furnished the LDD/BLAD and MIS); and

5. Transmit signed CLOA to the PARO concerned for registration with the Register of Deeds (ROD).

D. Provincial Agrarian Reform Office (PARO)

1. Prior to the registration of CLOAs, effect a final ground investigation/verification to ascertain whether concerned beneficiaries are still the actual occupants/possessors of subject lots. Otherwise, hold the CLOAs and institute appropriate actions;

2. Register CLOAs with the ROD after ascertaining the actual occupation of beneficiaries;

3. Record the registered CLOA and enter the same in the CLOA Registry Book; and

4. Transmit the same to the MARO for distribution.

E. Municipal Agrarian Reform Office (MARO)

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1. Record the registered CLOA;

2. Distribute registered CLOA to the beneficiaries concerned within five (5) days from receipt thereof; and

3. Maintain a Log Book of all CLOAs/titles issued within the municipality and prepare an index card for individual ARBs.

XI
Effectivity and Repealing Clause

This Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation. Previous orders, circulars, memoranda, rules and regulations or portions thereof inconsistent herewith are hereby revoked, cancelled or modified accordingly.

Adopted: 7 Jan. 1992

(SGD.) BENJAMIN T. LEONG
Secretary

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[*] Text available upon request at the Office of the National Administrative Register (ONAR), U.P. Law Center, Diliman, Quezon City

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