

**[DENR DEPARTMENT ADMINISTRATIVE ORDER
NO. 2009-05, April 21, 2009]**

**PRESCRIBING GUIDELINES FOR THE SYSTEMATIC DISPOSITION
OF ALIENABLE AND DISPOSABLE RESIDENTIAL LANDS
THROUGH MISCELLANEOUS SALES APPLICATION UNDER
REPUBLIC ACT NO. 730.**

Pursuant to Executive Order No. 192 series of 1987 granting the DENR the authority to formulate policies and regulations for the effective management, conservation and development of the country's natural resources and in further implementation of Republic Act 730 in relation to Commonwealth Act 141 as amended, which reposes on the Department of Environment and Natural Resources the primary responsibility to dispose lands of the public domain primarily used for residential purposes through a private sale under certain conditions, the following regulations is hereby prescribed:

SECTION 1. OBJECTIVES – This Administrative Order is issued to achieve the following objectives:

1. To simplify systematic disposition of public alienable and disposable residential lands covered by RA 730;
2. To provide simplified guidelines for the affordable and reasonable appraisal of residential parcels for all applicants; and
3. To enhance economic growth by improving land tenure security and fostering the development of an efficient land market in rural and urban areas by fast tracking the titling and registration of residential lands covered by RA 730;

SECTION 2. DEFINITION OF TERMS - As used in this Administrative Order, the following terms and phrases shall be defined and understood as follows:

- a. *Miscellaneous Sales* – Sale of alienable and disposable residential, commercial and industrial lands under Chapter IX of the Public Land Act (Commonwealth Act 141). Disposition under miscellaneous sales is subject to bidding.
- b. *Miscellaneous Sales Under Republic Act 730* - Sale of alienable and disposable residential lands not more than 1,000 square meters to qualified occupants as defined in Section 6 of this Administrative Order.
- c. *Private Sale or Direct Sale* - Sale of public lands to its actual occupants. Disposition under direct or private sale is not

subject to bidding.

d. Appraisal – Process of determining the value of alienable and disposable land for sale or lease under the Public Land Act.

e. Mass Appraisal – Process of determining the value of all public land in a given locality than can be disposed under RA 730.

f. Appraisal Committee – A body created pursuant to Section 116 of the Public Land Act for the purpose of determining the value of public land for sale or lease.

g. Systematic Adjudication or Disposition – is a government-initiated process adjudicating land rights on a locality basis and aiming to register all untitled land in the locality.

SECTION 3. COVERAGE - This Order shall apply to the systematic adjudication and disposition of public land for residential purposes at a private sale under Republic Act 730.

SECTION 4. PUBLIC NOTICE - A declaration and public notice to inform the community of the area that will undergo the systematic adjudication shall be made by the DENR and the Local Government Unit during project preparation and before actual processing of miscellaneous sales applications. For this purpose, a notice shall be posted for a period of thirty (30) days at the Municipal Hall, Barangay Hall and CENRO office of the area that will undergo systematic adjudication. A certification of posting shall be prepared by the LGU concerned and the CENRO and the same shall be attached to the area appraisal report.

SECTION 5. LAND PARCELS THAT MAY BE ACQUIRED AND AREA LIMITATION. - Land of the public domain of the Republic of the Philippines which are non-timber or non-mineral suitable for residential purposes and are not needed for public service, the area of which shall not exceed one thousand square meters may be acquired through private sale.

SECTION 6. PERSONS ENTITLED TO A PRIVATE SALE. - Persons who have the following qualifications may purchase public lands for residential purposes through private or direct sale under Republic Act 730;

- a) Filipino citizens;
- b) Must be of legal age;
- c) Do not own a home lot in the city or municipality where the land is located; and
- d) Must occupy in good faith the land applied for, have constructed their houses thereon and reside therein,

SECTION 7. CERTIFICATION FROM THE LOCAL PLANNING AND DEVELOPMENT OFFICE – The concurrence of the local government unit's