

**[DAR ADMINISTRATIVE ORDER NO. 05, S. OF
2008, July 15, 2008]**

**AMENDMENT TO DAR ADMINISTRATIVE ORDER NO. 02, SERIES
OF 2005, ENTITLED, RULES AND PROCEDURES GOVERNING THE
ACQUISITION OF AGRICULTURAL LANDS SUBJECT OF
VOLUNTARY OFFER TO SELL AND COMPULSORY ACQUISITION
AND THOSE COVERED UNDER EXECUTIVE ORDER NO. 407**

I. Prefatory Statement

Section 15 of EO 229 provides that "All alienable and disposable lands of the public domain suitable for agriculture and outside proclaimed settlements shall be distributed by the Department of Environment and Natural Resources (DENR) to qualified beneficiaries as certified jointly by the DAR and the DENR."

Pursuant thereto, Joint DAR-DENR Administrative Order No. 02, s. of 1988 was issued which provided the guidelines for the implementation of Section 15 of E.O. 229 and delineated the responsibilities between the DAR and the DENR with respect to the disposition of alienable and disposable lands of the public domain and the identification of beneficiaries thereof.

On the above basis, Item 111.7 of DAR Administrative Order No. 02, s. of 2005, provided that:

"Landholdings which were issued patents under the "Handog Titulo" program of the Department of Environment and Natural Resources (DENR) after June 15, 1988 shall not be subject of acquisition and distribution by the DLR unless Section 6 of R.A. No. 6657 applies. However, if the LO has other land-holdings other than those under the "Handog Titulo" program, said other landholdings shall be covered under CARP unless the aggregate landholding does not exceed five (5) hectares." (emphasis supplied)

However, the above provision raised queries from the DAR field offices inasmuch as there are tenanted landholdings covered by patents issued under the "Handog Titulo" project which are being covered by them under the Comprehensive Agrarian Reform Program (CARP) in consideration that these landholdings exceed the five (5) hectare retention limit. The above provision which no longer subjects said landholding under CARP in effect disenfranchises the tenants of their rights to become agrarian reform beneficiaries under the law.

On the other hand, the DENR clarified that the "Handog Titulo" Project, as it is hereby quoted:

"Was a strategy formulated by the DENR mainly to further accelerate the issuance of quality patents to complement the ongoing accelerated