

## **[ DAR ADMINISTRATIVE ORDER NO. 9, May 05, 1989 ]**

### **RULES AND PROCEDURES GOVERNING TITLING AND DISTRIBUTION OF LOTS IN DAR SETTLEMENT PROJECTS**

#### **I Mandate**

Section 2 of R.A. 6657 provides that "the state shall apply the principal of agrarian reform or stewardship, whenever applicable, in accordance with law in the disposition or utilization of other natural resources, including lands of the public domain.

Likewise pursuant to Section 49 of R.A. 6657, the PARC and the DAR are empowered to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of this Act.

In furtherance of this authority and in order to accelerate the issuance of Certificate of Land Ownership Awards (CLOA) to qualified beneficiaries in settlement projects administered by the DAR, these new Rules and Procedures are hereby adopted.

#### **II Coverage**

These new Rules and Procedures shall cover the titling and distribution of agricultural lands within proclaimed settlement projects under the administration of the DAR as provided for by existing laws.

#### **III Statement of Policies**

A. All settlement areas are declared open to access of qualified beneficiaries.

B. Land has a social function and there is a social responsibility in its ownership. Hence land shall be distributed to the actual tiller.

C. Only those that satisfy all of the following characteristics shall qualify as beneficiaries:

1. Landless
2. Filipino citizen

3. At least fifteen (15) years of age or head of family at the time of filing of application
4. Has the willingness, ability and aptitude to cultivate and make the land productive.

D. Preferential assistance shall be extended to:

1. Qualified women members of the agricultural labor force
2. War veterans and veterans of military campaign
3. Retirees of AFP and INP
4. Returnees/ surrenderees
5. Graduates of agricultural school

E. All lots (agricultural and non-agricultural) shall be distributed free of cost. No survey fees or other costs relative to the distribution of the land pursuant to this order shall be charged against the beneficiary.

F. Abandoned, unallocated or otherwise vacant lots shall be distributed to qualified beneficiaries pursuant to Section 22 of R.A. 6657.

G. The award limit shall not be more than three (3) hectares. However, qualified beneficiaries who have occupied and cultivated the land prior to June 15, 1988, in accordance with the Public Land law and other existing laws, shall be awarded the legal limits as established by said laws. Processing procedures shall be in the manner then prescribed or under this new procedure whichever shall be more expedient and advantageous to the beneficiary.

H. In general, land shall be distributed directly to individual qualified beneficiaries. In cases however, where the physical characteristics of the land are such that subdividing it shall limit its economic viability, or when the existing socio-cultural customs and traditions of the beneficiaries, e.g. tribal Filipinos, dictate otherwise, then the beneficiaries may opt for collective ownership, such as co-ownership or farmers cooperative or some other form of collective organization. Provided that the total area that may be awarded shall not exceed the total number of co-owners or members of the cooperative or collective organization multiplied by the award limit of three (3) hectares. And provided further that all the members shall agree on the mechanisms for dividing the land individually in case the majority decides to do so.

#### **IV Operating Procedures**

These operating procedures shall apply in settlement areas whose subdivision survey plans have already been approved by IMB-DENR.

In settlement areas without approved subdivision survey plans, the Regional Director shall effect the conduct and approval of said subdivision survey plans within one and half (1½) years from the issuance of this order.

Ownership of land awarded to qualified beneficiaries shall be evidenced by a Certificate of land Ownership Award (CLOA) or Homestead Patent which shall contain the conditions and restrictions as provided for in R.A.. 6657.

A. *The Municipal Agrarian Reform Officer [MARO]* (tasked with the administration of the entire settlement area) shall:

1. Conduct a physical inventory and perform the following:
  - a. Review and evaluate the list of allocatees and conduct lot verification to determine whether the FB allocatee still occupies and tills the lot covered by his Certificate of Allocation:
  - b. Require the occupant/tiller to accomplish the FB Application Form. (SP Form No. 1)
2. Evaluate the application form and recommend appropriate action on the basis of the following:

Applicants With Certificate of Allocation ( C.A. ) : Recommended Action

- |   |  |
|---|--|
| a) C.A. holder<br>(living)  | : Issue CLOA   |
| b) CA holder<br>(deceased)  | : Issue CLOA to qualified heirs  |
| c) C.A. holder but<br>not cultivator<br>(those who sue<br>employ tenants,<br>land speculators,<br>etc., except those<br>physically in<br>capacitated) | : Cancel C.A. and CLOA to<br>qualified beneficiary                                       |
| d) C.A. holder but<br>occupying the<br>wrong lot  | : Issue CLOA for lot occupied<br>and cancel C.A. for<br>corresponding lot                |
| e) Absentee C.A.<br>holder  | : Consider land covered by<br>C.A. abandoned and apply<br>procedures for cancellation of |