

**[DLR ADMINISTRATIVE ORDER NO. 04, S. 2005,
August 02, 2005]**

**REVISED RULES GOVERNING THE ISSUANCE OF NOTICE OF
COVERAGE IN THE ACQUISITION OF AGRICULTURAL LANDS
UNDER R.A. NO. 6657**

I.

Prefatory Statement

The Notice of Coverage (NOC) commences the acquisition of private agricultural lands coverable under the Comprehensive Agrarian Reform Program (CARP). Along the various phases of CARP proceedings, the process stalls because of Landowner (LO) resistance, most of whom invoke the ground of lack of notice or non-observance of due process in attacking the proceedings. This revised Administrative Order (AO) gives due notice and reasonable time to LOs in exercising their rights and privileges and at the same time plugs common loopholes to safeguard and ensure completion of the acquisition process.

Under this AO, the NOC notifies the LO of the coverage of his/her landholding/s under CARP and the exercise of his/her rights and privileges. The LO shall be sent separate invitation letter for the conduct of Field Investigation (FI).

II.

Procedures

1. Commencement

1.1. *Commencement by the Provincial Agrarian Reform Officer (PARO)* - After determination by the Municipal Agrarian Reform Officer (MARO) of the agricultural landholdings coverable under CARP in his area of jurisdiction, he shall submit the list of these agricultural landholdings to the PARO who shall prepare and send, through the MARO, the NOC (CARP-LA Form No. 7) to the concerned LO.

1.2. *Commencement by a Party* - Any person may commence the proceedings herein by filing a petition for coverage before the Department of Land Reform (DLR) Central Office (DLRCO), DLR Regional Office (DLRRO), DLR Provincial Office (DLRPO) or DLR Municipal Office (DLRMO) of the region/province or municipality where the subject landholding is located. The DLR office which received the petition for coverage shall transmit or forward the same to the PARO of the province where the subject landholding is located. The DLRPO, through the MARO, shall validate the petition and shall issue the NOC, if warranted. In the event that the result of the validation/evaluation by the DLRMO/DLRPO is such that an NOC is not warranted, the DLRPO shall forward its findings or that of the DLRMO to the DLRRO for evaluation and issuance of an Order, treating the petition as an Agrarian Law Implementation (ALI) case.

2. Posting of the NOC

The MARO shall post copies of the NOC for at least seven (7) days in the bulletin boards or any conspicuous places in the municipality/city and the barangay where the property is located and thereafter issue the corresponding Certification of Posting Compliance (CARP-LA Form No.5).

3. By Whom the NOC is served

3.1 Upon receipt of a copy of the NOC and upon instruction by the PARO (CARP-LA Form No. 8), the MARO where the subject landholding is located or any DLR personnel officially authorized by the PARO shall cause the service of the NOC to the LO in accordance with these rules.

3.2 If the LO's residence is outside the Philippines or unknown, the MARO of the place where the subject landholding is located shall submit a report of such fact or failure to notify the LO through the regular mode of service to the PARO, and shall request the latter to cause the publication of the NOC in a newspaper of general circulation.

4. Service of the NOC

4.1 *General Rule* - The NOC shall be addressed to and received by the LO.

4.2 *Service upon co-owners* - In case of co-ownership, the NOC shall be served upon each and every co-owner, unless one is specifically authorized to receive for the other co-owners.

4.3 *Service upon minors or incompetents* - When the LO is a minor, insane or otherwise incompetent, service shall be made upon him personally and to his legal guardian if he has one, or if none, upon his guardian ad litem whose appointment shall be applied for by the DLR. In the case of a minor, service may also be made on his father and/or mother.

4.4 *Service upon entity without juridical personality* - When the LOs who are persons associated in an entity without juridical personality are sued under the name by which they are generally or commonly known, service may be effected upon all the LOs by serving upon any one of them, or upon the person in charge of the Office or place of business maintained in such name. Such service shall not bind individually any person whose connection with the entity has, upon due notice, been severed before the proceeding was brought.

4.5 *Service upon domestic private juridical entity* - When the LO is a corporation, partnership or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, in-house counsel or administrator.

4.6 *Service upon LO whose identity or whereabouts is unknown* - In any proceeding where the LO is designated as an unknown owner, or the like, or whenever his whereabouts are unknown and cannot be ascertained by diligent inquiry, service may be effected upon him by publication in a newspaper of general circulation in such places and for such time as the DLR may order.