

[ADMINISTRATIVE ORDER NO. 2, March 07, 2018]

2018 OMNIBUS SUMMARY RULES FOR CANCELLATION CASES OF EMANCIPATION PATENTS, CERTIFICATES OF LAND OWNERSHIP AWARDS AND OTHER TITLES ISSUED UNDER ANY AGRARIAN REFORM PROGRAM

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PREFATORY STATEMENT

An Integral component of the thrusts and priorities of President Rodrigo Roa Duterte is evident in his instructions to all the departments and agencies of the Government. The President mandates the reduction of all the requirements and the processing time for all the applications for department approval or agency action. The priority for action is to streamline all legal processes in the DAR. One area which urgently requires an overhaul of the process is the cancellation of Emancipation Patents (EPs), Certificate of Land Ownership Award (CLOAs) and other titles issued under any Agrarian Reform Program.

Republic Act (R.A.) No. 6657, as amended by R.A. No. 9700, as well as Executive Order (E.O.) No. 229, Presidential Decree (P.D.) No. 27, E.O. No. 228, R.A. No. 3844, as amended by R.A. No. 6389, and other agrarian laws prescribe the manner of acquisition, re-distribution, and award of agricultural lands to qualified farmer-beneficiaries with corresponding rights and obligations.

The awards of land to qualified beneficiaries are evidence by EPs, CLOAs, and other titles issued under any Agrarian Reform Program.

Section 9 of R.A. No. 9700 provides that the EPs, CLOAs, and other titles issued any Agrarian Reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of Registry of Deeds, subject to the conditions, limitations, and qualifications of this Act, the property registration decree, and other pertinent laws. The emancipation patents or the certificates of land ownership award being titles brought under the operation of the Torrens system, are conferred with the same indefeasibility and security afforded to all titles under the said system, as provided for by P.D. No. 1529, as amended by R.A. No. 6732.

All cases involving the cancellation of registered emancipation patents, certificates of land ownership award, and other titles issued under any agrarian Reform Program are within the exclusive and original jurisdiction of the Secretary of the DAR.

DAR Administrative Order (A.O. No. 6, series of 2011 and DAR A.O. No. 7, series of 2014 as amended by DAR A.O. No. 4, s. of 2015 provide for the rules and regulations for the involuntary cancellation of EPs, CLOAs, and other titles issued under any Agrarian Reform Program. DAR A.O No. 8, series of 1995 as amended by DAR A.O. No. 1, series of 2017 provide for the rules and regulations for the voluntary cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program. DAR A.O. No. 8, series of 1995 as amended by DAR A.O. No. 1, series of 2017 provide for the rules and regulations for the voluntary cancellation of EPs, DAR A.O. No 6, series of 2014 provides for the procedure for the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform for the purpose of correcting erroneous technical descriptions,

Indispensable to the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program is the case build-up process in the office of the Provincial Agrarian Reform Adjudicator (PARAD) and the case evaluation and preparation of the draft resolutions by the Office of the Assistant Secretary for Legal Affairs (ALAO), and the Bureau of Agrarian Legal Assistance (BALA).

In the case build-up process, PARADs may issue interlocutory orders to require the petitioner to submit all documentary requirements before the cancellation case folder is forwarded to the DAR Central Office. The ALAO and the BALA may likewise issue interlocutory orders for the same purpose. This arrangement of issuing overlapping interlocutory orders from various offices delays the resolution of cancellation cases.

On the other hand, cancellation petitions which are already being voluntarily withdrawn by the parties are still subject to the case build-up process in the PARAD, the BALA and ALAO and are still elevated to the Office of the Secretary for proper disposition due to Section 24 of R.A.No. 6657, as amended. This arrangement of elevating to the Office of the Secretary petitions which could have already been dismissed at an earlier instance, contributes to the clogging of the dockets.

Current procedures in the cancellation of an EP, CLOA or any other title issued under any Agrarian Reform Program unnecessarily afford a losing party in an

Agrarian Law Implementation (ALI) case another opportunity to challenge the very outcome of all ALI case during the filing of the petition for cancellation. This is due to the fact that the losing party in the ALI case has the second chance to oppose the cancellation of the title based on the very same set of arguments and evidence which said party submitted in the decided ALI case. This results to a repeat of the entire process which delays the speedy disposition of cancellation cases and contributes to the clogging of the dockets.

The rules on the cancellation of EPs, CLOAs, and other titles issued under any Agrarian Reform Program due to the death of the Agrarian Reform Beneficiary unnecessarily impose upon the PARAD the task of establishing the qualification of heirs of the ARB. The PARAD is given the task of identifying the names of the person(s) who will appear as the registered owner's of the new title upon cancellation due to the death of the ARB. This is a task reserved for the Register of Deed (ROD) and not DAR. This delays the cancellation process.

Regarding the cancellation of EPs, CLOAs and other titles issued under any Agrarian Reform Program for the purpose of correcting erroneous technical descriptions even when there is no issue regarding the identification or the number of the ARBs, or the correctness of the coverage of the landholding or any portion thereof, the cancellation of the defective title goes through several layers for the case build up process. It starts from the Provincial Agrarian Reform Program Officer (PARPO) which prepares the report and recommendations. These are submitted to the Regional Director (RD) for review. The Bureau of Land and Tenure Improvement (BLTI) then reviews said report and recommendations a second time after which the Assistant Secretary for Field Operations Office (AFOO) reviews the report and the recommendations is made by Undersecretary for Field Operations Office (UFOO) before everything is submitted to the Office of the DAR Secretary which makes the final review and renders the decision.

This five-layer process in the correction of entries in the EP, CLOA or other title issued under any Agrarian Reform Program delays the speedy disposition of cancellation cases and contributes to the clogging of the dockets.

SECTION 1. Coverage - These Omnibus Rules of Summary Procedure shall apply to the cancellation of an EP, CLOA or other title issued under any Agrarian Reform Program arising of from any of the following:

1.1. Any case that does not have any remaining unresolved ALI issues. An ALI Case where the Decision has become final and executory; and is not the subject of an annulment action.

1.2 An ALI Case or a Cancellation case where the Petitioner or all the parties would like to withdraw the said ALI or cancellation case.

1.3 A Cancellation case to correct erroneous technical description in the EP, CLOA , or other title issued under any Agrarian Reform Program where the correction of the entries in the title shall not result to any issue regarding the identification or the number of the ARBs, or the correctness of the coverage of the coverage of the landholding or any portion thereof.

1.4 A Cancellation case with an approved land transfer clearance arising from the sale, donation, assignment of rights, succession as well as any other form of conveyance approved by the DAR pursuant to Section 27 of R.A. No. 6657, as amended.

SECTION 2. Processing of Cases -

2.1 All cases under Section 2 hereof shall be commenced by application and no longer by petition. The party requesting for the cancellation of the title shall accomplish CANCELLATION FORM NO. 1 attached as Annex A.

2.2 The application form for the cancellation of the EP, CLOA, or other title issued under any Agrarian Reform program shall be accomplished by the Applicant who shall certify under oath as to the truthfulness of all Information supplied and as to the authenticity of the requisite documents to be attached, thus: