

**[DAR MEMORANDUM CIRCULAR NO. 06, S. 2011,
July 15, 2011]**

**CLARIFICATORY GUIDELINES ON THE IMPLEMENTATION OF THE
LAND ACQUISITION AND DISTRIBUTION PHASING UNDER
REPUBLIC ACT 9700**

Section 5 of the CARPER Law (Republic Act No. 9700)¹ revised the phasing schedule of land acquisition and distribution (LAD) provided under Republic Act No. 6657. This Memorandum Circular is issued to guide field implementers in the proper application of the phasing schedule under Section 5, R.A. No. 9700, amending Section 7 of R.A. No. 6657, as it applies to titled private agricultural lands, as well as untitled private agricultural lands (UPALs).

I. STATEMENT OF POLICY

Agrarian reform is a constitutional mandate to distribute ownership of land to landless tillers and farmers. This constitutional duty of the government subsists as long as the fundamental law of the land is in force and remains unchanged. In relation to this mandate, it is the policy of the Department of Agrarian Reform (DAR) to complete at the earliest possible time the acquisition and distribution of all remaining unacquired and undistributed agricultural lands prioritizing the large and/or aggregate landholdings on or before June 30, 2014.

II. COVERAGE

These rules shall apply to any and all land acquisition and distribution activities by the DAR beginning on July 1, 2009.

III. PHASING SCHEDULE

The phasing schedule of LAD under Section 7 of RA 6657, as amended, is as follows:

Schedule	Phases
	Phase 1 includes:
Starting July 1 2009 to June 30, 2012	> All large single private agricultural lands and above fifty (50) hectares, with or without Notice of Coverage > All large aggregate private agricultural lands of landowners with a total area greater than 50 hectares with Notice of Coverage (NOC) as of Dec. 10, 2008

- > All P.D. 27 lands (rice and corn lands), regardless of size
- > All idle or abandoned agricultural lands, regardless of size
- > All lands offered under Voluntary Offer to Sell (VOS), regardless of size
- > Lands covered by Voluntary Land Transfer (VLT) submitted as of June 30, 2009
- > Government Financial Institutions (GFI)-foreclosed lands, regardless of size
- > PCGG-acquired lands, regardless of size
- > All other government-owned alienable and disposable public agricultural lands, regardless of size

Phase 2-A

- > All remaining large **single** private agricultural lands with an area of 24 to 50 hectares, with or without NOC
- > All large **aggregate** private agricultural lands with a total area of above 24 to 50 hectares, with NOC as of December 10, 2008
- > All alienable and disposable public agricultural lands, regardless of size

Starting July 1, 2012 to
June 30, 2013

Phase 2-B

- > All remaining PALs of landowners with an aggregate area in excess of 24 hectares, with or without NOC;
- > All alienable and disposable public agricultural lands, regardless of size

Phase 3-A

- > All PALs with an aggregate area of above 10 hectares up to 24 hectares, with respect to the excess above 10 hectares;
- > All alienable and disposable public agricultural lands, regardless of size

Phase 3-B

Starting July 1, 2013 up to June 30, 2014 > All PALs with an aggregate area from above 5 hectares up to 10 hectares, with respect to the excess above 5 hectares
> All alienable and disposable public agricultural lands, regardless of size

For purposes of this Memorandum Circular, the term "large single lands" cover those with an area of twenty-four (24) hectares or more, whether titled or untitled. On the other hand, the term "aggregate landholdings" refer to several parcels of land, whether titled or untitled, that are owned by one landowner or co-owned by the same group of landowners.

The first batch (Phase 1 and Phase 2-A) of large **single** lands, whether titled or untitled, with an area of twenty-four (24) hectares and above, with or without an NOC, shall be covered immediately upon effectivity of RA. No. 9700 (July 1, 2009), the implementation of which should be completed by June 30, 2012. The principal consideration in determining *the phase for large single lands, whether titled or untitled, is the area or hectareage thereof, and not the issuance of NOC*. Thus a single titled or untitled land with an area of above 50 hectares shall be under Phase 1, while a single titled or untitled parcel of land with an area of 24 to 50 hectares shall be under Phase 2-A.

On the other hand, in the case of the first batch of large aggregate Landholdings, where the total area thereof is greater than 24 hectares, the issuance or non-issuance of the NOC on or before December 10, 2008 shall serve as the basis to determine under which phase they will fall. As a general rule, in order for the aggregate landholding to be covered under a particular phase, all of the lands comprising said landholding must have been subjected to NOCs, except when one of the component single lands thereof will nevertheless qualify on its own under Phase 1 or Phase 2-A, as the case may be, in which case, said component single land shall be covered under that particular phase to the exclusion of all the other "non-qualifying" component lands of the aggregate landholding.

IV. SPECIAL CASES

A. In the event a landowner has an aggregate landholding with a total area in excess of twenty-four (24) hectares, but where only some of the lands were subjected to NOCs, and where one of the lands has an area of above twenty-four (24) hectares, said land, need not be combined with the other parcels as it can qualify on its own under Phase I or Phase 2-A depending on its size, whether with or without an NOC issued as of December 10, 2008.

B. In cases where one or more co-owners of an aggregate landholding have not been subjected to an NOC, but the other co-owner/s have been issued such NOCs, and assuming the total area of each co-owner's share is more than twenty-four (24) hectares, the said landholding shall likewise fall under Phase I and/or Phase 2-A, as the case may be.

V. NOTICE OF COVERAGE