

[DAR Administrative Order No. 02, s. 2015, March 04, 2015]

AMENDMENT TO ADMINISTRATIVE ORDER NO. 11, SERIES OF 2014, HASTENING THE ACQUISITION AND DISTRIBUTION PROCESS

Adopted: 04 March 2015

Date Filed: 29 June 2015

In order to further hasten the acquisition and distribution of private agricultural lands covered by the Comprehensive Agrarian Reform Program, this Administrative Order (A.O.) is issued amending pertinent provisions of, and adding necessary Sections in, A.O. No. 11, Series of 2014.

SECTION 1. Section 1 of A.O. No. 11, Series of 2014 is hereby amended to read as follows:

SECTION 1. Coverage. - This A.O. shall govern any and all petitions for coverage of privately-owned agricultural landholdings under the CARP.

SECTION 2. The last paragraph of Section 3 of A.O. 11, Series of 2014 is hereby amended to read as follows:

The Regional Office shall thereafter make a thorough verification if a Notice of Coverage covering the subject landholding has already been validly served. Should the Notice of Coverage be verified to have been validly served, Section 16-A hereof shall apply to the said case; otherwise, the procedure under Sections 4 to 16 shall apply.

SECTION 3. The first two paragraphs of Section 5 of A.O. No. 11, Series of 2014 is hereby further amended to read as follows:

SECTION 5. Disclosure Statement - The petitioner, in the petition or its integral annex, and the respondent, shall disclose and certify under oath, that:

(a) He is a party-in-interest or properly authorized by the party-in-interest in such case;

SECTION 4. Section 8 of A.O. No. 11, Series of 2014 is hereby amended to read as

follows:

SECTION 8. Notice to Landowner or Any Interested Person; Comment to Petition. – The RD shall notify in writing the landowner/s or any persons who may have an interest in the subject landholding, the PARPO, and the MARPO of the existence of the request or petition. Proof of service of such notice to the parties shall form part of the records of the case. A notice to the landowner or any interested person, with a copy of the petition attached thereto, shall contain a directive to submit a verified Comment, attaching thereto a Disclosure Statement stating the same contents as those mentioned in Section 5 hereof, although mentioning as a first statement that he is the landowner/respondent, within a non-extendible period of fifteen (15) days from receipt thereof

The Notice to Comment shall state that arguments to refute the coverage of the landholding, such as, among others, the exclusion or exemption of the landholding from CARP coverage must be raised in the said Comment. The failure to comply therewith, including the failure to submit a Disclosure Statement, shall be deemed as waiver of the right on the part of the landowner or interested person to refute the allegations of coverage and submit their Comment thereto.

Furthermore, the Notice must also state that it is incumbent upon the respondent to provide in his/her/its Comment to the Petition for Coverage as an alternate argument/prayer, **without prejudice to any allegations and/or defense that he/she/it may pose against the Petition for Coverage**, that he/she/it will exercise the right of retention and nominate his/her children as preferred beneficiaries. The respondent must also indicate the specific area he/she/it will retain, otherwise the DAR shall choose the retention area for him/her/it. The failure to comply therewith shall be deemed as waiver of the right of the landowner to retain a portion of his/her/its landholding or to nominate his/her preferred beneficiaries.

Finally, the notice to Comment shall state that issuances pertinent to the defense or remedies of the respondent are all available in <http://www.lis.dar.gov.ph>.

SECTION 5. A new Section, Section 11-A, is hereby added after Section 11 of A.O. No. 11, Series of 2014, as amended, which shall read:

SECTION 11-A. Immediate Processing of the Land Acquisition and Distribution Proceeding; Processing of ARB Identification, Surveys, and Valuation. - Unless otherwise ordered suspended by the Supreme Court, and without the need of a Notice of Coverage or the decision of the RD on the Petition for Coverage, the DAR shall proceed with the land acquisition and distribution proceeding short of the issuance of the Notice of Land Valuation (NLVA) and Distribution and the DAR Order to Deposit (DOD). This shall include the agrarian reform beneficiaries identification process, the segregation and subdivision