

[DAR Administrative Order No. 03, s. 2015, March 04, 2015]

AMENDMENT TO ADMINISTRATIVE ORDER NO. 5, SERIES OF 2014

Adopted: 04 March 2015

Date Filed: 29 June 2015

PREFATORY STATEMENT

Section 30 of Republic Act No. 9700 allows the execution of any case pending on 30 June 2014 even after the said date. As such, whenever a decision of a case, once it becomes executory, results to the coverage under the Comprehensive Agrarian Reform Program (CARP) of a particular landholding, the Department of Agrarian Reform (DAR) may acquire the said land from the landowner and distribute it to qualified beneficiaries even beyond the abovementioned date.

The actual act of execution of a decision that results to the acquisition and distribution of the land is the cancellation of the Land Title of the landowner in favor of the Republic of the Philippines, and the deposit of the landowner's just compensation by the Land Bank of the Philippines.

Nothing in the law prevents the DAR and other CARP implementing agencies from performing preliminary acts short of the cancellation of the Land Title of the landowner and depositing his just compensation, such as, among others, screening beneficiaries, conducting land surveys, and calculating the value of the just compensation, before the case becomes executory.

It is under the abovementioned principle that the undersigned issued Administrative Order (A.O.) No. 5, Series of 2014 allowing the pertinent agencies to initiate the performance of preliminary acts short of the actual execution of the case whenever a decision is made by the Office of the Secretary in favor of coverage.

With respect to landholdings not covered by a particular case, the law allows the DAR to proceed with the acquisition and distribution thereof insofar as the process has been initiated on or before 30 June 2014. It has been much publicized that the acquisition and distribution process for lands not covered by cases is initiated either by the acceptance of Voluntary Offer to Sell or by the service of Notices of Coverage. It is due to this that a misconception may have developed that a Notice of Coverage may not be issued beyond 30 June 2014, even though it is in pursuant to a particular case that has been pending since that said date.

To forestall any confusion, it will be more prudent to amend A.O. No. 5, Series of 2014, by changing the nomenclature of the term "Notice of Coverage" to "Notice to Proceed".

SECTION 1. Section 3 of A.O. No. 5, Series of 2014 is hereby amended to read as follows:

SECTION 3. Notice to Proceed. - Upon receipt by the PARPO of the directive to proceed with the preliminary processing, he shall immediately initiate the process of the issuance of a Notice to Proceed. The Notice to Proceed shall be issued in the same manner, and to the same persons, as that of a Notice of Coverage.

The Notice to Proceed shall inform the landowner that the DAR shall proceed with the preliminary processing of the acquisition of the subject land until the issuance of the Memorandum of Valuation with the attached Land Valuation Worksheet by the LBP, and that it shall proceed thereafter should the Office of the President affirms the decision of the Office of the Secretary in its decision to revoke the Exemption/Exclusion or Conversion Order.

The Notice to Proceed must also state the periods for the LO to file a protest on coverage, nomination of preferred beneficiary/ies, manifestation for exemption/exclusion, and manifestation to exercise the right of retention, as well as to submit a duly attested list of the agricultural lessees, farm workers, and/or tenants in his/her/its landholding, together with the consequences of the failure to exercise the rights during the said periods. The same Notice must state in bold letters that the act of the landowner to nominate preferred beneficiaries, exercise the right of retention, and submit lists of tenants and farm workers shall not prejudice his/her/its legal position in the pending appealed case in the OP.

SECTION 2. Section 4 of A.O. No. 5, Series of 2014 is hereby amended to read as follows:

SECTION 4. Period to Protest Coverage, Nominate Preferred Beneficiary/ies, File a Manifestation for Exemption/Exclusion, File a Manifestation to Exercise Retention Rights, Application/Petition for Exemption/Exclusion, and to Choose a Retention Area. - It is incumbent upon the landowner, despite the pending appealed case, to conduct the following within a non-extendible period of thirty (30) days from his receipt of the Notice to Proceed provided for in Section 3 hereof:

1. File a Protest against coverage, which must be filed before the PARPO and should contain the substantial bases thereof;
2. Nominate child/ren who may qualify as preferred beneficiary/res;
3. File a Manifestation for Exemption or Exclusion from CARP coverage before the PARPO; and
4. File a Manifestation to Exercise the Right of Retention before the PARO.