

[JOINT DENR-DAR MEMORANDUM CIRCULAR NO. 2003-01, s. 2003, March 17, 2003]

REAFFIRMING THE POLICIES AND PROCEDURES CONTAINED IN THE JOINT DAR-DENR MEMORANDUM CIRCULAR NOS. 14 AND 19, BOTH SERIES OF 1997, IN VIEW OF THE EXTENSION OF THE FREE PATENT LAW UNDER REPUBLIC ACT NO. 9176

I. In view of the extension of the Free Patent Law under R.A. 9176 and the consequent continuation of policies on free patent as provided in the said law, the policies, instructions, procedures and processes enunciated in Joint DAR-DENR Memorandum Circular Nos. 14 and 19, both series of 1997, are hereby reiterated and reaffirmed.

II. Specifically, the criteria mentioned in paragraph, II-B, Joint M.C. No. 14, series of 1997, for determining whether or not a specific landholding has attained the status of untitled private agricultural land are hereby restated as follows:

A. Continuous occupancy and cultivation by oneself or through one's predecessors-in-interest for at least thirty (30) years prior to the effectivity of R.A.. 9176 on December 04, 2002;

B. The land must have been classified as Alienable and Disposable for at least thirty (30) years prior to the effectivity of R.A. 9176;

C. One must have paid the real estate taxes thereon; and

D. There are no adverse claims on the land;

III. Similarly, the procedure enumerated in paragraph III of the implementing guidelines, Joint DAR-DENR M.C. No. 19, series of 1997, are hereby restated, to wit:

A. DAR, through its offices, shall provide DENR through its field offices, the list of untitled properties identified and/or documented for CARP coverage and other documents and data/information as may be necessary.

B. As soon as DAR and DENR have jointly identified specific properties that may be covered under the Land Acquisition and Distribution (LAD) component of CARP, the CENRO or RTD-LMS, shall issue to DAR the certification required under DAR-DENR-LBP Joint Memorandum Circular No. 12, series of 1994 for the landholdings being covered. Thereafter, the MARO shall initiate the acquisition process for the landholding concerned by sending the Notice of Coverage (CARP Form No. 5(a), Revised 2003) to the landowner, who shall have the right to select his retention area, and completes the documentation and distribution process;