

**[DAR ADMINISTRATIVE ORDER NO. 02, s. 1996,
August 06, 1996]**

**REVISED RULES AND PROCEDURES GOVERNING THE
ACQUISITION OF AGRICULTURAL LANDS SUBJECT OF
VOLUNTARY OFFER TO SELL AND COMPULSORY ACQUISITION
PURSUANT TO REPUBLIC ACT NO. 6657**

I. PREFATORY STATEMENT

In compliance with the Supreme Court Resolution dated 05 July 1996 in the cases of Land Bank of the Philippines (LBP) versus Court of Appeals (CA), Pedro L. Yap, et. al., (G.R. No. 118712) and Department of Agrarian Reform (DAR) versus CA, Pedro L. Yap, et. al., (G.R. No. 118745), the following rules and procedures are hereby promulgated.

II. COVERAGE

These Rules shall cover Voluntary Offer to Sell (VOS) and Compulsory Acquisition (CA) transactions involving lands enumerated under Section 7 of RA 6657, and those acquired under Executive Order No. 407 dated June 14, 1990, as amended.

A. Voluntary Offer to Sell (VOS)

All private agricultural lands voluntarily offered by landowners for sale to the government.

B. Compulsory Acquisition (CA)

All idle and/or abandoned agricultural lands regardless of size.

All other private agricultural lands falling under the coverage of the Compulsory Acquisition mode according to the schedule and priorities defined in Section 7 of RA 6657.

C. E.O. 407 Acquisition

All other agricultural lands transferred to the DAR pursuant to Executive Order No. 407 dated June 14, 1990, as amended.

III. POLICY

A. All landowners (LO) whose lands are subject for coverage under RA 6657 may voluntarily offer their lands for sale to the government. However, lands for which notices of coverage have already been sent by the government and received by the

landowner shall no longer be considered as voluntarily offered lands.

B. If the land is tenanted, the ARBs shall continue to pay lease rentals based on existing guidelines on leasehold operations until such time that the landowner signs the Deed of Transfer, or the LBP deposits the compensation proceeds in the name of the landowner, as the case may be. In case there is any standing crop on the land at the time of acquisition, the landowner shall retain his share of the harvest thereof pursuant to Section 28 of RA 6657 and other related laws.

C. The compensation for the land shall be the amount agreed upon by the DAR, LBP and the landowner in accordance with the criteria provided for in Section 17 and 18, and other pertinent provisions of RA 6657 and existing guidelines, or the value set under summary administrative proceedings conducted by DAR pursuant to Section 16(d) of RA 6657 and the DAR Adjudication Board Revised Rules of Procedures, or as may be finally determined by a competent court.

D. Landowners, other than banks and financial institutions, who voluntarily offer their lands for sale shall be entitled to an additional five percent (5%) cash payment pursuant to Section 19 of RA 6657.

IV. OPERATING PROCEDURES

| Steps | Responsible Agency/Unit | Activity | Forms/Documents (Requirements) |
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| A. Identification and Documentation | | | |
| For VOS only | | | |
| 1 | LO DARMO | Files Letter Offer together with the basic ownership documents in any DAR office. The DAR office which received the afore said documents forwards same to DAR Municipal Office where the subject property is located | CARP Form No. 1 (Letter Offer) Certified copy of OCT/TCT Certified copy of Tax Declaration Copy of the approved survey plan of property |
| 1.a | DARMO | Receives and reviews duly accomplished CARP Form No. 1 with the attached documents, gather documents required as maybe applicable | Refer to List of Documents Required Pursuant to RA 6657 under Different Situations (Annex "A") |

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| | | to a particular situation. | |
| 1.b | DARMO | Acknowledges receipt of documents, advises LO on specific procedures and to submit additional documents, if any, to include the surrender of the owner's duplicate certificate of title to LBP as a requirement for payment; prepares corresponding claim folder (CF) of LO | |
| 1. | DARMO | For CA only Gathers all appropriate documents similar to those enumerated under VOS and prepares corresponding CF of LO. | Same as above |
| 1 | LO | For EO 407 covered lands Executes DOT in favor of RP and surrenders to DAR all appropriate documents. | Owner's duplicate copy of title Tax Declaration and other necessary documents to effect the transfer of ownership |
| 1.a | DARPO | Forwards duly executed DOT and appropriate documents to ROD for registration of same and requests for the issuance of title in the name of RP. | Duly executed DOT Approved subdivision or segregation plan (ASP) with technical descriptions |
| 1.b | ROD | Registers DOT and issues TCT in the name of RP and | |

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| | | forwards owner's duplicate certificate of title to PARO. | |
| 1.c | DARPO | Proceeds with the distribution of land. For VOS, CA and EO 407 | |
| | | Provides LBP thru PARO list of landholdings together with the certified copy of the title, tax declaration and approved survey plan or sketch plan of the property for scheduling of the ocular inspection. | The list should contain the ff - Name of LO - Title/TD No. - Area - Location |
| 2 | DARMO | Sends Notice to BARC, DENR, DA, LBP and prospective ARBs on the schedule of the field investigation at least two weeks in advance. Invites the LO to join the field investigation, to select his retention area and to submit his Statement of Production and Income. If LO cannot be contacted, notice shall be published in a newspaper of national circulation. | CARP Form No. 2 (Notice to Conduct Field Investigation) |
| 3 | DARMO | Conducts joint field investigation of the property with LBP, DENR, DA, LO, BARC and prospective ARBs | CARP Form No. 2.a (Invitation Letter to LO for the Field Investigation) |
| 4 | DARMO | Prepares FIR and Land Use Map | |
| 5 | DARMO | | CARP Form No. 3 (Field |

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| 6 | DARMO | jointly with LBP and BARC. Screens/selects qualified ARBs and causes the signing of the APFUs Sends LO the Notice of Coverage together with a copy of the FIR by personal delivery with proof of service or by registered mail with return card. | Investigation Report) CARP Form No. 4 (Application to Purchase and Farmer's Undertaking) |
| 7 | DARMO | Posts a copy of the Notice of Coverage for seven (7) working days in the bulletin board of the barangay and municipal halls where the property is located and issues Certification of Posting Compliance | CARP Form No. 5 (Notice of Coverage) |
| 8 | DARMO | Forwards claim folder to PARO | CARP Form No. 6 (Certification of Posting Compliance) |
| 9 | DARMO | | CARP Form No. 7 (CF Transmittal Memorandum) |

B. Review and Completion of Data/Documents

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| 10 | DARPO | Receives claim folder and forwards to the DAR-LBP Pre-Processing Unit (PPU) for review/evaluation of documents. Gathers lacking documents, if any. |
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C. Land Survey

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| 11 | DARPO | Expedites survey activities and ensures that | Approved subdivision or segregation plan |
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