



DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES

DENR Administrative Order
No. 73
Series of 1990

AUG 23 1990

SUBJECT: GUIDELINES FOR THE IDENTIFICATION, EVALUATION, APPRAISAL AND COMPENSATION OF IMPROVEMENTS AND CORRESPONDING DEVELOPMENT COSTS, UNDERTAKEN BY THE NON-MANGYAN OCCUPANTS OF THE PAITAN NON-CHRISTIAN RESERVATION (Proclamation No. 809) IN NAUJAN, ORIENTAL MINDORO.

For the guidance of all concerned in the identification, evaluation, appraisal and compensation of improvements and developments introduced by non-Mangyans within the Paitan Mangyan Reservation, the following guidelines are hereby promulgated:

Chapter I

DECLARATION OF PRINCIPLES

- Section 1. The Paitan Mangyan Reservation is hereby affirmed by the Department of Environment and Natural Resources pursuant to section 5, Article XII of the Constitution which provides that "the State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well being".
- Section 2. Proclamation No. 809 has remained valid and in force since 1935 and has never been revoked. On 23 Feb. 1953, Acting Executive Secretary MARCIANO ROQUE of the Office of the President of the Philippines denied the request for the release of the non-Christian reservation for distribution to Christians and non-Christians. On 24 April 1954, Sen. MANUEL MANAHAN, of the Presidential Complaints and Actions Committee of the Office of the President ordered the District Land Office of Calapan, Oriental Mindoro to cause the boundaries of the reservation to be delineated. On 10 Dec. 1954, Assistant Director VICENTE TORDESILLAS ordered the District Land Officer - District No. 9, Bureau of Lands, Calapan to advise the Christian settlers found in the reservation to


desist from intruding on the land and leave the Mangyans in the reservation in the peaceful occupation and enjoyment of the land for whom it has been reserved. On 1 July 1964, FRED SUMBAD, Field Representative of the Commission on National Integration informed the District Land Officer of Calapan that there were homestead sales and free patent applicants within the reservation and requested that officer to inform the applicants that the area they are actually occupying is within the reservation; and further requested immediate cancellation of issued titles. In 1974, the Secretary of Natural Resources and PACLAP Chairman JOSE J. LEIDO, JR. ordered the Acting Director of Lands to cancel all titles illegally issued within the reservation and hold in abeyance the processing of public land applications therein. As such, the land described therein shall be utilized and developed in accordance with the purposes stated therein, for the benefit of the Non-Christian Mangyan tribes of Paitan, Naujan, Oriental Mindoro.

Section 3. These guidelines shall be implemented within the mandate of the Constitution in Section 22, Article II which provides that "the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development" and in Section I, Articles III, which provides that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law".

Chapter II

DEFINITION OF TERMS

Section 4. The following terms are hereby defined:

- 4.1 Claimants - shall refer to Non-Mangyans who profess any adverse interest over specific real and personal properties within the reservation.
- 4.2 Non-Mangyans - shall refer to individual persons who are not members of the Mangyan tribe, according to indigenous customs and traditions.
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- 4.3 Improvements - shall refer to plants, trees, structures, and such other things that were introduced by the occupants to a specific land area.
- 4.4 Development cost - shall refer to the appraised value of such efforts and undertakings of the occupants to make a specific land area productive as used and enjoyed by said occupants.
- 4.5 Appraisal- a valuation system for improvements and development cost to determine actual cost for compensation of occupants.
- 4.6 Compensation - an amount approximate or equal to the appraised value of land improvements and development cost provided by the government to Non-Mangyan land claimants as a settlement for improvement that shall be left behind by claimants and turned over in favor of the government for the purpose of affirming the Paitan Mangyan Reservation.

Section 5. The following terms as used in these guidelines shall refer to the organizations described herein:

- 5.1 Project Team - refers to the Team created by virtue of Special Order No.739, series of 1989 dated August 22, 1989, as amended;
- 5.2 Inter-Agency Appraisal Team-refers to the Team created herein to conduct the Appraisal composed of one representative each of the Department of Agrarian Reform, the Provincial Assessor's Office, Municipal Assessor's Office and a selected Non-Governmental Organization;
- 5.3 Tripartite Funds Management Group- refers to the Group authorized to manage the funds released for this purpose by the Department of Budget and Management under Advice of Allotment No. C2 - 4173 - 89 - 4306 dated December 29, 1989 to the Provincial Governor of Oriental Mindoro. This group is composed of the Provincial Environment and

Natural Resources Officer, the
Provincial Agrarian Reform Officer
and the Provincial Governor.

Chapter III

FILING OF CLAIMS

- Section 6. Non-Mangyan occupants/claimants shall be furnished, thru registered mail, a copy of these guidelines and a sample specimen of the Claims Application Form and Affidavit of Quitclaim upon approval of these guidelines.
- Section 7. Interested applicants may get their official pre-numbered Claims Application Form from the DENR Paitan Project Office or the Provincial Environment and Natural Resources Office in Barangay Suki, Calapan, Oriental Mindoro. Each claimant shall be entitled to only one application form per lot.
- Section 8. Subject occupants/claimants may then file their claims for compensation at the DENR Project Office at the Paitan Mangyan Reservation, Paitan, Naujan, Oriental Mindoro or the Provincial Environment and Natural Resources Office in Barangay Suki, Calapan, Oriental Mindoro.
- Section 9. Claimants shall personally file duly accomplished application forms within four weeks from receipt of these guidelines and sample specimen forms. Failure to file within the prescribed period shall be considered as lack of interest to pursue such claims under these guidelines.
- Section 10. Each duly accomplished application form filed with and received by the Project Team shall be registered in a log-book for this purpose. Each claimant shall sign his/her name corresponding to the date of submission indicated therein, and shall note down the time of filing. The claimant's copy shall be stamped received and signed by the Project Team officer assigned, indicating the date and the time of filing.

Chapter IV

SUBMISSION OF DOCUMENTS

- Section 11. Within two weeks from the date of submission of the Claims Application Form, the claimant shall present to the Project Team

authenticated photocopies of pertinent documents stated in the application forms, and such other documents that the Team may require. To support the claims for purposes of authentication, the claimant shall present to the team the original of the photocopied documents for verification after which the original documents shall be retained in the possession of the claimant.

Section 12. The claimant may submit such other documents as he/she may deem necessary in addition to the documents required by the Team.

Section 13. The claimant may request, with justification, for an extension of not more than 2 weeks to submit the required documents.

Section 14. Failure to submit the required documents within the time prescribed without justification, shall be considered as failure of proof and shall disqualify claimant for compensation under these guidelines.

Chapter V

EVALUATION OF CLAIMS

Section 15. Claimants shall be categorized as follows:

a. actual occupant- in physical possession

a.1 possible CARP beneficiary

a.2 not qualified for CARP

b. absentee claimant

Section 16. Status quo shall be maintained for those categorized as 1.1a, until such time that a resettlement site has been made available by DAR; provided that, status quo shall no longer be maintained for those subsequently evaluated subject to required pertinent documents submitted or procured by the Team and recategorized as 15.a.2 although previously categorized as 15.a.1.

Section 17. For claims/occupations falling along the boundary of the reservation, only improvements and developments made within the parcels of land identified inside the reservation shall be evaluated under these guidelines.

Chapter VI

DOCUMENTS REQUIRED

- Section 18. For evaluation as possible CARP beneficiary (V 15.a.1) the following initial documents shall be required:
- 18.1 certification from the Register of Deeds that he/she has no other land registered under his/her name whether individually or in co-ownership with others.
 - 18.2 certification from the Provincial Assessor that he/she has no other land declared under his/her name whether individually or in co-ownership with others.

Chapter VII

APPRAISAL

- Section 19. An Inter-Agency Appraisal Team shall determine the value of existing improvements and developments of lots within the reservation upon the recommendatin by the Project Team.
- Section 20. The Inter- Agency Appraisal Team shall conduct an actual appraisal of the improvements and developments of each qualified claimant with the knowledge and consent of the claimant.
- Section 21. The Inter-Agency -Appraisal Team shall determine the amount of compensation due each qualified claimant on the basis of the actual appraisal conducted. The results of the appraisals duly confirmed by the respective claimants shall be submitted to the Project Team.
- Section 22. If and when occupant/ claimant agrees to the amount of compensation as determined by the Inter-Agency-Appraisal Team, he/she shall execute the herewith Affidavit of Quitclaim and submit the same to the Project Team within ten (10) days from the date of the appraisal. Failure to do so shall be construed as lack of interest to further pursue the applicant's claim for compensation.
- Section 23. In the event that the claimant disagrees as to the amount of compensation as determined by the Inter-Agency Appraisal Team, he/she

shall notify the Project Team stating therein his/her reasons within five (5) days from the date of receipt of information of the appraisal. He/ She may appeal for a reconsideration and request for re-appraisal of the lot within the same five-day period.


Chapter VIII

COMPENSATION

- Section 24. The Project Team shall submit to the Tripartite Funds Management Group the request for payment of compensation for each appraised claim.
- Section 25. Upon receipt of the request for compensation by the Project Team, and upon verification of the authenticity of the claim and request for payment, the Tripartite Fund Management Group shall authorize the release of funds and issue payments to each claimant.
- Section 26. Upon payment of compensation of improvements and developments introduced, the concerned claimant shall surrender such original documents, copies of which were previously submitted to the Project Team and used as basis for evaluation of the claim, and execute a Quitclaim. The claimant shall immediately abandon the premises within fifteen (15) days or relocated to a new site, if this is the agreed compensation. Failure to do so shall authorize the filing of appropriate legal action against the claimant, costs of which shall be charged to the claimant.

Chapter IX

SANCTIONS

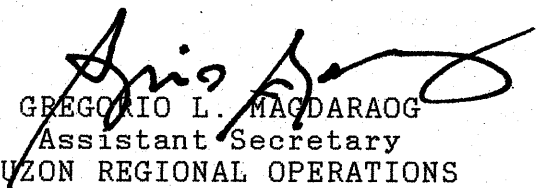
- Section 27. Failure to submit applications within the time prescribed herein shall disqualify the claimant from availing of compensation in accordance with these guidelines.
- Section 28. Occupants/claimants inside the reservation who fail or refuse to avail of the benefits granted by these regulations within the time prescribed without justifiable cause, shall be subject to such appropriate legal actions that will be taken by the government for the recovery of the lands illegally occupied by them.
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Chapter X

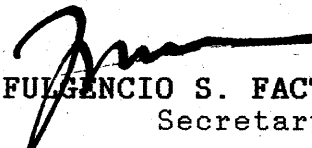
EFFECTIVITY

Section 29. These guidelines shall take effect immediately.

Recommending Approval:


GREGORIO L. MAGDARAOG
Assistant Secretary
LUZON REGIONAL OPERATIONS

Approved:


FULGENCIO S. FACTORAN, JR.
Secretary

[projects I.1/P-S0.5]