



Republic of the Philippines
Department of Environment and Natural Resources
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DEC 09 2021

DENR ADMINISTRATIVE ORDER
NO. 2021 - 38

SUBJECT : IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 11573 ENTITLED, “AN ACT IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS “THE PUBLIC LAND ACT”, AND PRESIDENTIAL DECREE NO. 1529, AS AMENDED, OTHERWISE KNOWN AS THE PROPERTY REGISTRATION DECREE”

Pursuant to Republic Act (R.A.) No. 11573 entitled, “An Act Improving the Confirmation Process for Imperfect Land Titles, Amending for the Purpose Commonwealth Act (C.A.) No. 141, as amended, otherwise known as the Public Land Act, and Presidential Decree (P.D) No. 1529, as amended, otherwise known as the Property Registration Decree”, R.A. No. 11231 or the *Agricultural Free Patent Reform Act*, Commonwealth Act (C.A.) No. 141, as amended, or the *Public Land Act*, R.A. No. 11032 otherwise known as the *Ease of Doing Business and Efficient Government Service Delivery Act of 2018*, and DENR Memorandum Circular No. 2021-07 or the *Adoption of the Online Public Land Application Module under the LAMS Philippines*, and in order to carry out its provisions, the following rules and regulations are hereby prescribed for the guidance of all concerned.

SECTION 1. Basic Policy. It is the policy of the State to simplify, update and harmonize similar and related provisions of land laws in order to streamline and remove ambiguity in its interpretation and implementation. It is also the policy of the State to provide security of tenure on land by continuing the administrative and judicial titling processes.

SECTION 2. Objective. This Order aims to establish the rules and regulations in the acceptance, processing, and approval of agricultural free patent applications, and procedure in the issuance of land classification certification for judicial titling.

SECTION 3. Scope and Coverage. This Order shall cover all applications for agricultural free patent and issuance of land classification certification for judicial titling nationwide.

SECTION 4. Definition of Terms. As used in this Order, the following terms shall be defined as follows:

- 4.1. **Alienable and Disposable Agricultural Lands** - lands of the public domain classified as agricultural subject to alienation and disposition by the State in accordance with the Public Land Act, as amended, and other related laws, that may be acquired through grant or confirmation of imperfect or incomplete titles.
- 4.2. **Implementing PENRO** - a Provincial Environment and Natural Resources Office without a CENRO, and which performs the roles and functions of the latter.
- 4.3. **Natural-born citizens** - citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship and those who are born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority.

SECTION 5. Qualifications of the Applicant. Any person who has passed the following qualifications shall be entitled, under the provisions of Section 44 of C.A. 141, as amended, to be issued a Free Patent:

- 5.1. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land;
- 5.2. Those who have for at least twenty (20) years prior to the filing of an application for agricultural free patent continuously occupied and cultivated, either personally or through a predecessor-in-interest, a tract or tracts of alienable and disposable agricultural lands; and
- 5.3. Must have paid the real estate tax thereon.

SECTION 6. Where to File the Application. The applicant or his/her duly authorized representative shall file the accomplished application form at the Community Environment and Natural Resources Office (CENRO) or the Implementing Provincial Environment and Natural Resources Office (PENRO) having jurisdiction on the area being applied for together with all the supporting documents stated in Section 7 hereof. He/she may also submit the application through email or through courier. Where applicable, the applicant may also apply online.

The filing of application may also be done in the Barangay where titling operation is on-going consistent with DAO No. 2019-08¹.

SECTION 7. Requirements. The following documents are needed in processing agricultural free patent applications:

- 7.1. Documents to be submitted by the Applicant
 - 7.1.1. Duly Accomplished Application Form;
 - 7.1.1.1. Notarized Special Power of Attorney (in case the application is filed by a representative)
 - 7.1.2. Application Fee of P150.00;

¹ DAO No. 2019-08 entitled, "Acceptance of Public Land Titling Applications at the Barangay Level"

- 7.1.3. Documentary stamp (to be attached in the application form);
- 7.1.4. Tax declaration in the name of the applicant. If the tax declaration is in the name of the applicant's predecessor-in-interest, any of the following documents shall be presented:
 - 7.1.4.1. Deed of Sale
 - 7.1.4.2. Extra Judicial Settlement of Estate
 - 7.1.4.3. Waiver of Rights
 - 7.1.4.4. Deed of Donation or other form of muniments of ownership
- 7.1.5. Certification of the status of land from the Land Registration Authority (LRA) (if the municipality has undergone cadastral proceedings or if there is an old survey).

In consideration of the time for securing the Certification of status of land from the LRA, this may be submitted by the applicant within ninety (90) calendar days from the filing of application. Failure of the applicant to submit said Certification within the prescribed period shall cause the rejection of the application without prejudice to the refiling thereof and he/she shall be notified of such rejection through LAMS short message service (SMS).

In cases where the subject application is covered by a cadastral subdivision plan (CSD), the LRA Certification shall be waived provided that the applicant indicates in the application that no petition for judicial titling has been filed.

7.2. Documents to be secured by the CENRO/Implementing PENRO

- 7.2.1. Copy of approved survey plan /cadastral map
- 7.2.2. Technical Description/V-37
- 7.2.3. A&D Certification

A copy of the above-mentioned documents shall form part of the application and may be dispensed with once accessible within the LAMS Digital Cadastral Database (DCDB).

The Application Form for Agricultural Free Patent, attached as Annex A, and the Checklist of Requirements, attached as Annex B, shall be posted in the official website of the Regions for downloading purposes of the applicants. The same forms in hard copies shall also be provided in the CENRO/Implementing PENRO for easy access of the applicants.

SECTION 8. Area Limitation and Signing Authority. In the processing of agricultural free patent applications, the following area limitation and the corresponding signing authority shall apply:

- 8.1. Below five (5) hectares - PENRO
- 8.2. At least five (5) hectares up to ten (10) hectares - RED
- 8.3. More than ten (10) hectares up to twelve (12) hectares - Secretary

SECTION 9. Processing of Agricultural Free Patent Applications. The following provisions shall be implemented in the processing of agricultural free patent applications:

9.1. Timeframe

The processing of applications for agricultural free patent shall only commence once all the requirements as stated in Section 7 of this Order are submitted to the CENROs/Implementing PENROs and an acknowledgement receipt is issued to the applicant. The timeframe in the processing, approval/disapproval, and transmittal of patents to the Registry of Deeds (RoD) shall be in accordance with the following:

9.1.1. If the approving authority is the PENRO

- Processing of patent - 120 calendar days
- Review, Approval/Disapproval of patent - 5 calendar days
- Transmittal to RoD - 5 calendar days

9.1.2. If the approving authority is the RED

- Processing of patent - 110 calendar days
- Review, Approval/Disapproval of patent - 25 calendar days
- Transmittal to RoD - 10 calendar days

9.1.3. If the approving authority is the Secretary

- Processing of patent - 90 calendar days
- Review, Approval/Disapproval of patent - 35 calendar days
- Transmittal to RoD - 15 calendar days

If the land applied for will be subdivided, the approval of survey shall not be included in the counting of the 120-day period.

In case of conflicting claims or an opposition is filed, the 120-day period shall be deemed interrupted and the procedures under DAO No. 2016-30 and DAO No. 2016-31 shall apply. The CENRO/Implementing PENRO shall notify the applicant of such opposition through SMS of LAMS.

9.2. Procedures

9.2.1. Preliminary Assessment and Acceptance of the Application

9.2.1.1. Preliminary Assessment

All applications personally filed at the CENRO/Implementing PENRO, or sent either through courier or through email shall undergo preliminary assessment to determine the status of the subject lot, the qualification of the applicant, and the completeness of the submitted documentary requirements. Said assessment shall be done by the Regulation and Permitting Section (RPS) of the CENRO/Implementing PENRO before endorsing the same to their Records Officer.

In case of incomplete requirements or there is an existing application found over the subject lot, or the applicant is not qualified to apply for agricultural free patent application as determined by the RPS, the applicant shall be notified accordingly on the matter with consideration on the following:

- a. If the applicant files at the CENRO/Implementing PENRO, he/she shall be notified through a letter (Annex C) and the application shall be returned immediately.
- b. If the application is submitted using email, the notification shall also be through a letter to be sent in his/her email address.
- c. If the application is submitted through courier, the notification shall be sent through SMS of LAMS.

9.2.1.2. Acceptance of Application

After the preliminary assessment and once all the documentary requirements are submitted, the application shall be forwarded to the Records Officer for registration, allocation, indexing, and numbering. The application shall be encoded, scanned, and uploaded to the LAMS Philippines.

An acknowledgement receipt through SMS of LAMS shall be sent to the applicant notifying him/her of the acceptance and processing of the application. The SMS shall also contain the details of the application and the tracking number for future reference of the applicant. The 120-day period shall only commence upon sending of the SMS notification to the applicant.

All applications submitted at the CENRO/Implementing PENRO, through courier, or through email shall be reviewed and processed in the same manner. However, for those applications submitted through courier or through email, the signing and subscription shall be done during the investigation/inspection in the absence of an electronic signature.

9.2.2. Posting of Notice

The CENRO/Implementing PENRO shall cause the posting of notices attached as Annex D for fifteen (15) days in the municipal building and in the barangay hall where the land applied for is located.

The notices of posting may also be made in the website of the concerned local government unit (LGU) if arrangement for such is obtained.

The Land Investigator/Inspector shall attest to the posting done which shall form part of the Investigation/Inspection Report, attached as Annex E.

9.2.3. Investigation/Inspection

Prior to the conduct of investigation/inspection, the applicant shall be notified in writing of such schedule. The land investigator shall investigate/inspect the parcel subject of the application to determine the qualifications of the applicant and verify the claims on the land bringing with him/her a copy of the approved survey plan/cadastral map.

In case of contiguous lots or those located within the same barangay, the investigation/inspection shall be done by carpet/mass approach. The land investigator is authorized to subscribe proofs, affidavits and oaths of any kind required or necessary in connection with the application for agricultural free patent.

Subscription and signing of the Application Form for those submitted through courier or through email shall be done at this stage. The application form as received by the CENRO/Implementing PENRO shall be brought by the investigator on the site.

Thereafter, the land investigator shall prepare the investigation report within three (3) days after the posting period. A geo-tagged photograph shall be part of the investigation report pursuant to DAO No. 2016-22².

9.2.4. Preparation of Judicial Form and Other Forms

After the submission of the investigation report, the assigned personnel in the CENRO/Implementing PENRO shall prepare the Judicial Form including the V-37/certified lot data computation and the Order of Award. These documents shall form part of the carpeta.

9.2.5. Endorsement of the Application to PENRO/RED/Secretary

The CENRO/Implementing PENRO shall endorse the application to the PENRO, RED, or Secretary as the case may be, for review, final evaluation, and approval.

² DAO No. 2016-22 dated June 29, 2016 entitled, "Requiring Geo-tagged Photographs of the Land Subject of Public Land Applications During the Ocular Inspection/Investigation"

A Complete Staff Work (CSW) from the Office of the Regional Executive Director shall be required for those patents that will be transmitted to the Office of the Secretary for approval.

In case the PENRO/RED/Secretary disapproves the patent, an Order shall be issued by the PENRO/RED/Secretary, setting aside the Order of Award and declaring the corresponding Judicial Form void and shall be marked accordingly. A copy of the said Order shall be furnished to the applicant (Annex F).

9.2.6. Transmittal to Registry of Deeds (RoD)

Upon approval of the PENRO, or receipt of the signed patent from the RED or Secretary, the PENRO or his/her duly authorized representative shall then transmit the patent to the RoD using the form attached as Annex G.

The PENRO, through SMS shall notify the applicant that their patent is transmitted to the RoD.

A detailed flowchart in processing agricultural free patents is attached as Annex H.

SECTION 10. Cadastral Cost. All patents issued under R.A. 11573 shall no longer be subjected to the payment of cadastral cost.

SECTION 11. Issuance of Alienable and Disposable (A&D) Agricultural Land Certification for Judicial Confirmation of Imperfect or Incomplete Titles. The duly designated Chief of the Surveys and Mapping Division (CSMD) of the Regional Office is authorized to issue the Alienable and Disposable Agricultural Land of the Public Domain Certification for purposes of judicial confirmation of imperfect or incomplete title. The said Certification shall state the corresponding Forestry Administrative Order (FAO), Executive Order (EO), Proclamation, or other similar issuances as basis for the classification of the land as alienable and disposable.

The A&D Certification shall be stamped on the sepia or blueprint copy of the plan, in case of an approved plan. Thereafter, an update on the LAMS will be made. For those Advanced Plans submitted for approval, the said certification shall be annotated in the lower left portion of the plan and signed correspondingly by the Chief, SMD (Annex I).

In case the copy of the above-mentioned issuances is unavailable, the SMD of the Regional Office shall secure a written statement from NAMRIA that the copy of the land classification (LC) map is existing in their inventory. Consequently, a sworn certification stating such fact shall be issued by the Chief, SMD. The certification is attached as Annex J.

SECTION 12. Removal of Restrictions. All Free Patents issued pursuant to R.A. 11573 shall not be subject to any restriction, consistent with R.A. No. 11231.

For purposes of maximizing the remaining old Judicial Forms, the restrictions indicated thereon are considered as not written and shall be disregarded.

SECTION 13. Applicability of DENR Memorandum Circular No. 2019-10.³ The procedures under DMC No. 2019-10 shall still be applicable to those areas specified therein, until such time that the Land Management Bureau (LMB) deems it appropriate for said areas to shift to the regular titling process consistent with this Order.

SECTION 14. Communication, Education, and Public Awareness (CEPA). To ensure effective dissemination of R.A. 11573 and this IRR, the CENRO/Implementing PENRO shall conduct a massive CEPA campaign using all available social media platforms consistent with DENR Memorandum Circular No. 2021-09⁴.

For those Regions with existing partnership with LGUs, this shall be done in parallel with barangay level acceptance of applications consistent with DAO No. 2019-08.

SECTION 15. Supplemental Guidelines. The LMB Director shall issue supplemental guidelines for clarifications/directions on the implementation of the processing of agricultural free patents as may be necessary.

SECTION 16. Transitory Provision. All subsisting or pending applications filed prior to the effectivity of R.A. 11573 shall be processed in accordance with this Order.

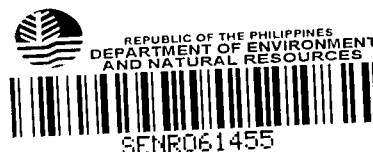
SECTION 17. Separability Clause. If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 18. Repealing Clause. All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

SECTION 19. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of the copy thereof by the Office of the National Administrative Register (ONAR).



ROY A. CIMATU
Secretary



³ DMC No. 2019-10 dated December 11, 2019 entitled, "Supplemental Procedures on the Issuance, Processing, and Approval of Survey Authority, Survey Plans, and Public Land Applications Covering Lots in the Provinces of Sarangani, South Cotabato, and Palawan.

⁴ DMC No. 2021-09 entitled, "Social Media Guidelines for DENR Regional Offices, Staff and Line Bureaus, and Attached Agencies"

Republic of the Philippines
Department of Environment and Natural Resources

APPLICATION FOR AGRICULTURAL FREE PATENT
(under Chapter VII of CA 141, as amended, and R.A. No. 11573)

Applicant's Information

Name: _____
Mailing Address: _____
Sex: Male Female
Age: _____
Civil Status: Single Married Divorced Separated Widowed
Citizenship: _____ Natural-born Citizen: Yes No
Mobile No.: _____
Email address: _____
Mother's Maiden Name: _____
Name of Spouse (if married): _____

1. I am not an owner of more than 12 hectares of land.
2. I am not a CARP beneficiary.
3. I have not filed any petition for judicial titling on the same subject lot.
4. I entered upon and began cultivation of the same on _____
(**dd/mm/yyyy**), and since then, I have continuously cultivated the land; and have made thereon the following improvements:

5. (Optional, if the applicant is a transferee)

The land described and applied for is not claimed or occupied by any other person but is public land which was first occupied and cultivated by _____ on _____ (**dd/mm/yyyy**).

6. (Optional, if the applicant is an heir)

The previous cultivator, _____ who was my ancestor, died on _____ (**dd/mm/yyyy**). Since his/her death, I have cultivated the said land and existing improvements thereon which consists of the following:

Evidence of relationship, death, burial, and heirship is hereto attached and consist of

The following are the names and addresses of the heirs of my ancestor

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

ANNEX A

7. I am _____, the only heir/representative of the heirs of _____ entitled to succeed him/her according to the laws of the Philippines.

8. The land has been continuously occupied and cultivated by me or my said ancestor since the date of entry thereon as above stated, except during the following period, when the land was not occupied for the reason stated

9. To the best of my knowledge, information and belief, the land applied for is an alienable and disposable public agricultural land suitable for agricultural purposes.

10. I agree to demarcate applicable easements consistent with the existing policies and regulations.

11. The following named witnesses will testify that the allegations in this application are true:

	Name	Address
1.	_____	_____
2.	_____	_____

12. I understand that any applicant who willfully and knowingly submit false statements or executes false affidavits in connection with this application shall be deemed guilty of perjury and that any person who, not being qualified to apply for public lands, files an application or induces or permits another to file it on his/her behalf shall be punishable in accordance with existing laws. His/her application shall be rejected or cancelled and all amount paid on account thereof shall be forfeited in favor of the Government, and he/she shall not be entitled to apply for any public land in the Philippines.

Applicant's Name and Signature

AFFIDAVIT

Republic of the Philippines)
_____: S.S.
_____)

The person making the foregoing application under oath depose and say:

That I have read, or someone has read to me, and I thoroughly understand the foregoing application and that I signed the same and this affidavit in the presence of the officer who administered the oath; and that each and every statement in the application is true and correct.

Applicant's Name and Signature

**This portion shall be filled up by the DENR*

Application No. _____

ANNEX A

Entry No. _____

Before me, at the place aforesaid on this _____ day of _____, _____ personally appeared _____ known to be the person whose name appears in the foregoing application, and in my presence signed the said application and subscribed and sworn to this affidavit. He/She exhibited to me his/her Government Issued ID No. _____ issued at _____ on _____ (dd/mm/yyyy).

Officer Authorized to Administer Oath

Official Title

This form is not for sale.

ANNEX B.

Checklist of Requirements for Agricultural Free Patent Application

- Duly Accomplished Application Form with 1 Documentary stamp
- Notarized Special Power of Attorney (in case the application is filed by a representative.
- Application Fee (Php150)
- Tax Declaration (in the name of the applicant). If the Tax Declaration is in the name of the applicant's predecessor-in-interest, any of these documents shall be submitted.
 - Deed of Sale
 - Extra Judicial Settlement of Estate
 - Waiver of Rights
 - Deed of Donation or other form of muniments of ownership
- Clearance from the Land Registration Authority (LRA) *(to be submitted within 90 days after filing of application)*

Note: The LRA Clearance will be waived when the lot subject of application is covered by a cadastral subdivision plan (CSD).

Republic of the Philippines
Department of Environment and Natural Resources

NOTICE TO THE APPLICANT

Date: _____

This is to inform you that your application for agricultural free patent is hereby returned for the following reason/s:

- There is an existing application over the same subject lot.
- The subject lot is not alienable and disposable (A&D) based on our record and cannot be issued with a patent.
- Not qualified to apply for an agricultural free patent due to _____.
- Incomplete submission of documentary requirements.

For incomplete requirements, you are advised to submit the following documents as marked below to this Office. Please note that your application will not be processed until all requirements are complied.

- Tax Declaration (in the name of the applicant). If the Tax Declaration is in the name of the applicant's predecessor-in-interest, any of these documents shall be submitted:
 - Deed of Sale
 - Extra Judicial Settlement of Estate
 - Waiver of Rights
 - Deed of Donation or other form of muniments of ownership

RPS Staff

Republic of the Philippines
Department of Environment and Natural Resources

NOTICE OF APPLICATION FOR FREE PATENT

Notice is hereby given that Mr./Ms. _____ has filed with this Office an Agricultural Free Patent Application under the provisions of Chapter VII of Commonwealth Act 141, as amended, and Republic Act No. 11573 to a tract of land situated in _____, _____, _____, Philippines, described as follows:

Barangay

Municipality

Province

Lot No. _____
Pls _____
Cad _____
Area _____

All adverse claims to the tract of land as described above must be filed in this Office within the posting period, otherwise, said application shall be given due course.

CENR Officer/Implementing PENR Officer

ANNEX E

Republic of the Philippines
Department of Environment and Natural Resources

Attached is the V-37 noting the dimensions of the area and the improvements thereon.

IN VIEW OF THE FOREGOING, it is respectfully recommended that the application be given due course/rejected.

I declare under pain of administrative sanctions that the statements indicated in this report are true and based on facts gathered in the course of the investigation, and on the documents presented by the applicant.

FOR YOUR INFORMATION.

Land Investigator/DPLI

ANNEX F. ORDER OF DISAPPROVAL OF APPLICATION

Republic of the Philippines
Department of Environment and Natural Resources

ORDER

IN RE: Free Patent Application No. _____

Name of Applicant: _____

X-----X

On _____ (date of application), _____ (name of applicant) filed an Agricultural Free Patent Application covering lot _____ located at _____ containing an area of _____ hectares before the CENRO/Implementing PENRO.

Upon evaluation of the qualifications of the applicant, it has been determined that _____ (state findings/grounds i.e., not a natural born citizen). Thus, the Order of Award (if signed or approved) dated _____ is hereby SET ASIDE and the corresponding Judicial Form bearing serial number _____ is declared VOID and shall be marked accordingly.

Let a copy of this Order be furnished to the applicant.

SO ORDERED.

Date: _____

PENRO/RED/Secretary

ANNEX G

Transmittal of Agricultural Free Patents for Registration

The Register of Deeds

Province _____

Date: _____

Sir/Madam:

Respectfully transmitted for registration are the following agricultural free patents:

No.	Application Number	Date Applied/ Received	Date Approved	Name of Patentee	Sex	Lot/Survey No.	Area (Ha.)	Location		Serial Number	Patent Number
								Barangay	Municipality		

Prepared by: _____

Verified by: _____

Records Officer _____

Chief, Technical Services Division _____

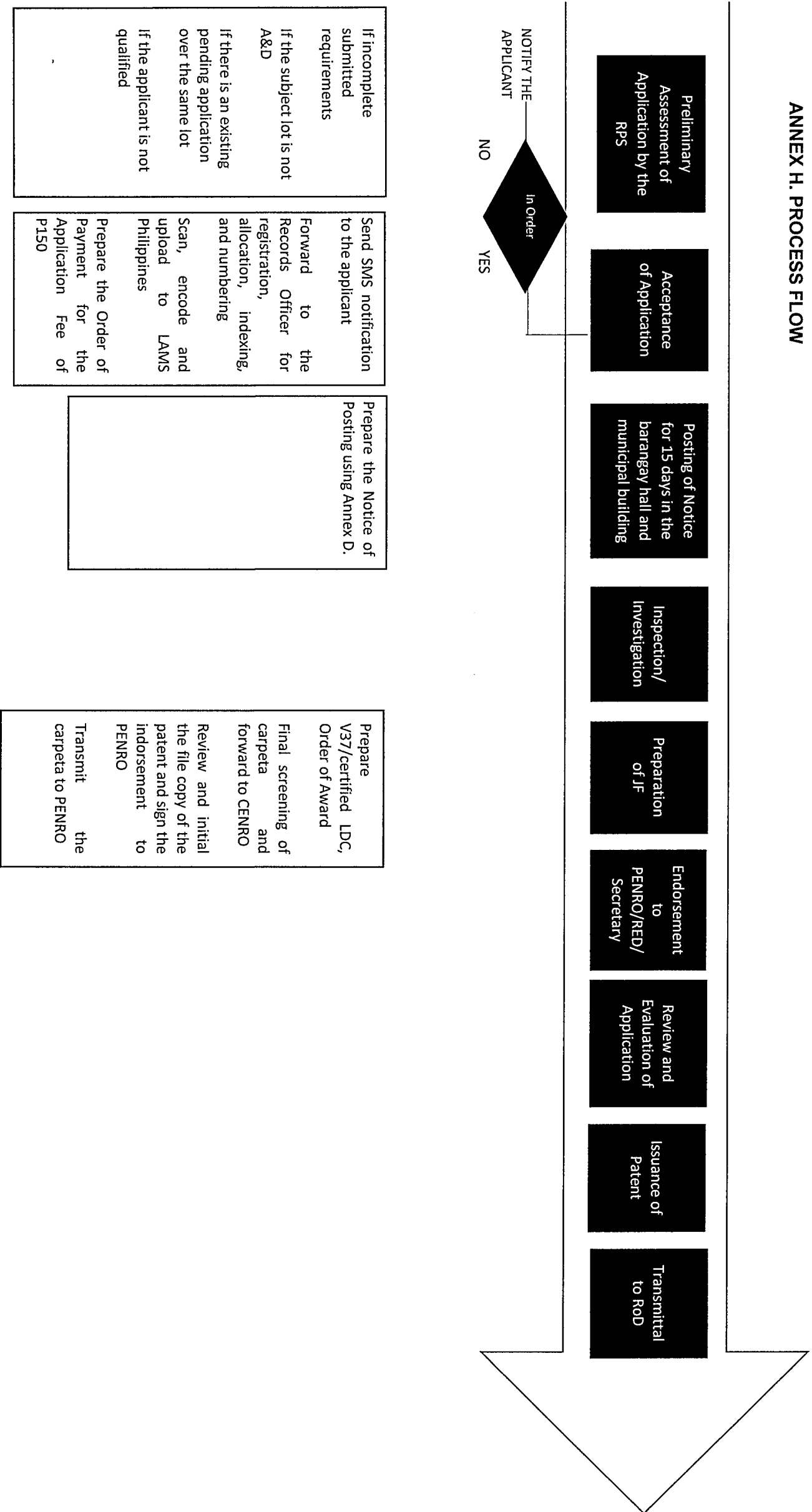
Very truly yours,

RoD RECEIVED

Official Logo of LRA/RoD
Name and Signature of
Receiving Officer/ Date
Received

PENR Officer

ANNEX H. PROCESS FLOW



Republic of the Philippines
Department of Environment and Natural Resources

Date: _____

A&D Certification

(to be stamped in the approved survey plan)

THIS IS TO CERTIFY that the tract of land situated in
_____ with an area of _____ hectares falls within
Alienable and Disposable (A&D) lands based on
_____.

Chief, Surveys and Mapping Division

Republic of the Philippines
Department of Environment and Natural Resources

Date: _____

A and D Certification

THIS IS TO CERTIFY that based on _____ (*Memorandum, Letter, etc.*) from the NAMRIA dated _____, the original copy of the Forestry Administrative Order (FAO), Executive Order (EO), or Proclamation, classifying a tract of land situated in _____ with an area of _____ hectares, as alienable and disposable, is not available on its file/record and that a copy of the corresponding Land Classification (LC) Map is existing in their inventory.

It is further certified that the subject lot falls within Alienable and Disposable (A and D) lands per LC Map No. _____, Project No. _____, dated _____.

Chief, Surveys and Mapping Division

Subscribed and sworn to before me this _____ day of _____ 202__
in the Municipality/City of _____.

Notary Public

Document No. _____
Page No. _____
Book No. _____
Series of 202__