



Republic of the Philippines
Department of Environment and Natural Resources

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MAY 15 2000

MEMORANDUM CIRCULAR
NO. 2000 - 11

**SUBJECT : GUIDELINES IN THE CANCELLATION OF ILLEGAL TITLES
BASED ON CLOAs, CLTs AND EPs**

In contrast to Memorandum Circular No. 2000-06 of 10 March 2000 which provided guidelines for the disposition of cases of fake and illegal titles, the guidelines below apply exclusively to illegal titles based on Certificates of Land Ownership Awards (CLOAs), Certificates of Land Transfer (CLTs) and Emancipation Patents (EPs) issued by the DAR and provides for the procedure for their cancellation based on DAR rules and regulations.

There exists an imperative need to address the rampant issuances of CLOAs, CLTs, and EPs over forest lands, parks, reserved and proclaimed areas and other inalienable lands of the public domain which have been illegally titled by unscrupulous people with the indispensable cooperation and connivance of field personnel of our department & the Department of Agrarian Reform. Whatever reason may have been advanced for having done so, the CLOAs, CLTs, EPs issued over these areas are considered null & void from the very beginning. But because of the registration of these CLOAs in the Registry of Deeds, there arises the need to cause their cancellation by directly assailing their validity and legality in appropriate proceedings before the DAR and not through the Office of the Solicitor General, in contrast to other fake and illegal land titles covered by Memorandum Circular No. 2000-6 dated 10 March 2000.

Sections 49 and 50 of RA No. 6657 (CARL) and Section 34 of Executive Order 129-A in relation to Section 13 thereof have provided for the creation of a quasi-judicial body vested with primary jurisdiction to determine and adjudicate land reform matters with exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive jurisdiction of the Department of Agrarian Reform and Department of Environment and Natural Resources.

Titles based on CLOAs, CLTs, EPs, etc., found to cover forest, reserved or proclaimed area and other inalienable lands may be cancelled or annulled by filing an action for cancellation with the Provincial Agrarian Reform Adjudication Board (PARAB), Regional Agrarian Reform Adjudication Board (RARAB) or Department Agrarian Reform Adjudication Board (DARAB).

To effect the cancellation of an illegal title based on a CLOA, CLT or EP issued over public land, the process is as follows:

1. File petition/complaint for cancellation together with supporting papers such as affidavits of witnesses and documentary evidence such as land classification map, executive proclamation, forestry administrative order, etc. The Provincial Environment & Natural Resources Officer (PENRO), the Assistant Regional Executive Director for Legal (ARED) or the Regional Executive Director can initiate the action by filing a sworn complaint or petition with the PARAB of the province where the land involved is located. Complainant or counsel can sign the complaint, of

which the defendants or respondents should be furnished copies complete with annexes and attachments (Section 1, Rule IV, New Rules of Procedure). Venue of the hearing shall be in the province where the land involved is situated, However, upon request of the parties for compelling reason, the RARAB or the BOARD may transfer or change the place of hearing of the case to another place. (Sec. 2, Rule III).

2. Thereafter, what follows are the same steps and procedures obtaining the ordinary proceedings viz:
 - a. Summons with copy of the complaint and its annexes and attachments are sent/served to adverse party. Notice of hearing requiring parties to appear is also sent simultaneously.
 - b. Answer (sworn) is filed within ten (10) days from receipt of complaint. No default in case of failure to answer.
 - c. The proceedings shall be non-litigious in nature. Technicalities of law, rules and procedures shall not apply as long as due process is observed.
 - d. Within ten (10) days from termination of the hearing, simultaneous submission of memorandum/draft decision by parties is made. Thereafter, case is deemed submitted for decision.
 - e. Within fifteen (15) days from submission of the case for decision and within sixty (60) days from filing of complaint, the adjudication/board shall render its decision.
 - f. Unless appealed, decision/order becomes final within fifteen (15) days from receipt of copy thereof. Filing of a motion for reconsideration shall suspend the running of the period for appeal to resume upon receipt of order of denial of the motion.
3. Appeal may be made by the aggrieved party to the Court of Appeals within fifteen (15) days from receipt of copy of the decision. Notwithstanding an appeal to the Court of Appeals, the decision of the Department of Agrarian Reform shall be immediately executory.

In view of the foregoing, it is hereby directed that all concerned immediately take the necessary steps to inventory and document cases for cancellation of illegal/irregular CLOAs, CLTs, or EPs as the case may be, observing as much as possible the guidelines earlier issued on the disposition of cases for cancellation of fake illegal titles.

The Office of the Assistant Secretary for Lands and Legislative Affairs as Chair of the Task Force on Anti-Fake and Illegal Titles must be furnished copies of the complaints filed for record purposes.

Please be guided accordingly.



ANTONIO H. CERILLES
Secretary