



Republic of the Philippines
Department of Environment and Natural Resources

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MEMORANDUM FROM THE SECRETARY

TO : **All Regional Executive Directors
The Director, Lands Management Bureau
The Head, CARP Secretariat**

SUBJECT : **COPY OF THE PRESIDENTIAL AGRARIAN
REFORM COUNCIL (PARC) EXECUTIVE
COMMITTEE POLICY ORDER NO. 01,
SERIES OF 2005 ENTITLED
"IMPLEMENTING GUIDELINES ON
EXEMPTION FROM PAYMENT OF FEES IN
THE REGISTRATION OF PATENTS."**

DATE : APR 18 2005.

Referred herewith is the letter of Hon. Rene Villa, Chairman, PARC Executive Committee and Secretary, Department of Land Reform, furnishing this office a copy of the Presidential Agrarian Reform Council (PARC) Executive Committee Policy Order No. 01, series of 2005 entitled "*Implementing Guidelines on Exemption from Payment of Fees in the Registration of Patents.*"

In this regard, you are hereby directed to disseminate this Implementing Guidelines (IG) to our field offices.

For strict compliance.


MICHAEL T. DEFENSOR



Memo 134



DENR
MOD-002176

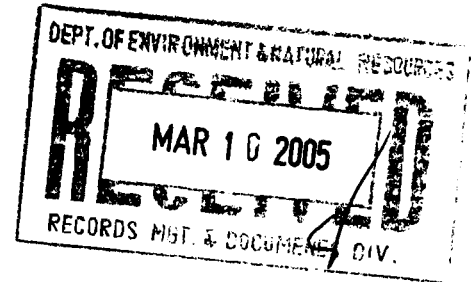


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Republic of the Philippines
PRESIDENTIAL AGRARIAN REFORM COUNCIL

23 February 2005

HON. MICHAEL T. DEFENSOR
Department of Environment and Natural Resources
Visayas Avenue, Diliman
Quezon City



Dear Secretary Defensor:

This is to furnish you with a copy of Presidential Agrarian Reform Council (PARC) Executive Committee Policy Order No. 01, Series of 2005 entitled: **Implementing Guidelines on Exemption from Payment of Fees in the Registration of Patents**. This Implementing Guidelines covers all Homestead and Free Patents officially transmitted by the DENR to the Registry of Deeds for registration purposes and which are being reported as accomplishment under the Comprehensive Agrarian Reform Program (CARP). The PARC Executive Committee approved this IG in its 94th meeting on October 2004.

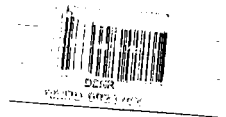
Attached, for your reference, is the excerpts from the minutes of the 94th PARC Executive Committee meeting and the Department of Justice (DOJ) opinion as basis of the Policy Order.

Please disseminate this IG to all concerned DENR field offices. We request that assistance be accorded to the Land Registration Authority (LRA) as may be necessary in the implementation of this guidelines.

Thank you for continuing support to CARP.

Very truly yours,

RENE C. VILLA
Chairman, PARC Executive Committee and
DLR Secretary





Republic of the Philippines
PRESIDENTIAL AGRARIAN REFORM COUNCIL

PARC EXECUTIVE COMMITTEE POLICY ORDER

No. 01
Series of 2005

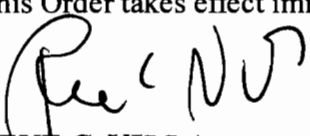
**SUBJECT: IMPLEMENTING GUIDELINES ON EXEMPTION FROM
PAYMENT OF FEES IN THE REGISTRATION OF PATENTS**

In the interest of service and consistent with the implementation of E.O. 229, the title of which is "Providing Mechanisms for the Implementation of the Comprehensive Agrarian Reform Program" and RA 6657, "An Act Institutionalizing a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanisms for its Implementation; and for Other Purposes", and in order to support the National Government's thrust in distributing agricultural lands under CARP, the following guidelines on the exemption from payment of fees in the registration of patents are hereby promulgated, to wit:

1. All Homestead and Free Patents officially transmitted by the Department of Environment and Natural Resources (DENR) to the Registry of Deeds for registration purposes which are being reported as accomplishment under CARP, shall be exempted from all fees, including registration fees, as provided under Section 28 of E.O. 229 and Sections 66 and 67 of RA 6657.
2. All such pending patents in the Registry of Deeds due to non-payment of fees, shall be registered by the Registry of Deeds free from payment of registration fees and other charges.

This Order covers those patents issued over agricultural lands and those that were officially transmitted by DENR to Registry of Deeds upon the effectivity of E.O. 229.

This Order takes effect immediately.


RENE C. VILLA
Chairman, PARC Executive Committee
And Secretary, DLR



Excerpt from the Minutes of the 94th PARC ExCom Meeting Held on October 11, 2004 on the Waiving of Registration Fees on Free Patents Transmitted by DENR to the ROD.

Background

As a background, Ms. Guevarra briefly informed the Committee that in the 92nd PARC ExCom Meeting held on June 04, 2003, the TWG created to study the proposal on the waiving of fees reported to the Committee that an Implementing Rules and Regulations to be issued by the LRA will suffice to resolve the issue on exemption of registration fees. On August 1, 2004, the LRA submitted to the PARC Secretariat its Implementing Guidelines (IG) for Payment of Fees in the Registration of Patents, Unclaimed/Unregistered as of December 31, 2002 dated July 18, 2003. The IG was also forwarded to the DENR and DAR for comments. The TWG conducted a series of meetings to discuss the IG and the suggested draft guidelines the DENR submitted to the PARC Secretariat. In the course of resolving the issues raised by the DENR and LRA in the finalization of the IG, several new issues emerged. The DENR commented that the guidelines issued by LRA do not conform with the intent of RA 6657. The LRA also submitted its position on the comment of DENR. In view of the conflicting interpretations of the provisions of related laws, the TWG together with Undersecretaries Ricardo S. Arlanza and Manuel Gerochi agreed to seek a DOJ opinion on the matter.

On June 2004, the Department of Justice issued Opinion No. 59 stating among others that the PARC will determine who are the farmer beneficiaries of the Program who can avail of the provisions under Sec. 67. In the last meeting of the TWG, it was agreed that the PARC will issue the guidelines exempting to implement Sec. 67 of RA 6657. But in the event that the LRA will still insist that it is not covered by Sec.67, the LRA can go to court to challenge the PARC Excom guidelines.

As recommended by the Technical Working Group, an IG was drafted for approval by the PARC ExCom which will thereafter be recommended for PARC Approval.

Discussion

Secretary Villa asked if there is a consensus among the agencies concerned, i.e., the DAR, DENR and LRA regarding the matter so that the policy order will be issued.

Usec. Arlanza informed the Committee that in the October 5, 2004 meeting of the TWG with DENR and LRA, it was decided that the DENR shall draft the Implementing Guidelines, considering the intent of RA 6657 and EO 229, particularly on the distribution and registration of patents and titles.

The Committee moved for the approval of the PARC Policy Order on the Implementing Guidelines on exemption from payment of registration fees of patents.