



Republic of the Philippines
Department of Environment and Natural Resources

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MEMORANDUM FROM THE SECRETARY

TO : **THE ADMINISTRATOR**
NAMRIA

THE OIC-DIRECTORS
FMB and LMB

THE REGIONAL EXECUTIVE DIRECTOR
DENR-Regions XII
Koronadal City

SUBJECT : **CLARIFYING THE LAND CLASSIFICATION STATUS OF**
THE AREAS COVERED BY EXISTING, EXPIRED OR
CANCELLED FLGLAS/PLAS UNDER LC MAP NO. 700,
GENERAL SANTOS CITY

DATE : **OCT 25 2005**

This refers to the issue on the legal land classification status of the areas covered by existing, expired and cancelled Forest Land Grazing Lease Agreements/Pasture Lease Agreements (FLGLAs/PLAs) under Land Classification (LC) Map No. 700 approved on November 22, 1927 and reverted to the category of forest land on June 8, 1961 as indicated therein.

On June 30, 2003, after an exhaustive study of the facts and pertinent documents available, the Technical Committee created by then Secretary Elisea Gozun to conduct an investigation on the legal land classification status of the areas covered by LC Map Nos. 700 in Fatima, General Santos City, adopted the following conclusions:

1. That all lands covered by FLGLA No, 504 and the other FLGLAs/PLAs similarly situated, under LC Map No. 700 have been reverted from A & D to the category of forest lands by operation of law. The classification of these areas shall remain as such until a law shall have been enacted reclassifying the areas from forest lands to A & D lands;
2. No. 2 condition of the terms and conditions of FLGLA No. 504, a standard in all FLGLA forms, supports the legal conclusion that the area is indeed forest land;
3. The absence of the required administrative/legal instrument to perfect the reversion process cannot be given much weight to render such reversion ineffective considering that there is no provision in CA 452, as amended that requires the issuance of an administrative order to perfect the reversion process. The provision of CA 452 simply requires a request from the Bureau of Forestry to the Bureau of Lands that the area be reverted to the category of public forest land;



4. The certification issued by NAMRIA and the subsequent affirmation of FMB to the effect that all lands covered by FLGLA No. 504 and the other FLGLAs/PLAs have been reverted to the category of forest lands further strengthens the conclusion that there was indeed a valid reversion process before the issuance of the FLGLAs/PLAs;
5. The absence of the required reversion order is actually a failure or inability of NAMRIA to locate or produce a copy thereof from its official files to support its assumption that there was indeed a valid reversion process as shown in LC Map 700. This absence, however, cannot negate the presumption of the regular performance of official duty as there is no clear showing that this presumption has been rendered nugatory; and
6. It is evident in Sections 5 and 6 of CA 452, as amended, otherwise known as the Pasture Land Act, that A & D lands found suitable for grazing purposes and subsequently granted lease agreements thereon were not at one time reverted to the category of forest lands but on a case to case basis where reversion is effected simply upon request of the Bureau of Forestry to the Bureau of Lands.

Sections 5 and 6 of Commonwealth Act 452 otherwise known as the Pasture Land Act, quoted as follows:

"Section 5. All parcels of public land applied for grazing purposes shall be investigated by the Bureau of Forestry (now Forest Management Bureau) and if the same are found to be within the certified alienable or disposable land suitable for grazing purposes, said Bureau shall request the Bureau of Lands (now Lands Management Bureau) that said parcels of land be reverted to category of public forest land. Upon such reversion the Bureau of Forestry shall take proper action on the pasture application in accordance with the provisions of this Act."

Section 6. Upon approval of this Act, all subsisting pasture leases granted by the Bureau of Lands, shall continue in full force and effect until the date of their expiration: Provided, however, upon being advised by the Bureau of Lands of the expiration or cancellation of any pasture lease, the Bureau of Forestry shall request the Bureau of Lands that the area be reverted to the category of public forest land and there after said land shall be subject to disposition for grazing purposes in accordance with the provision of this Act. All other pasture lease applications which are still pending action in the Bureau of Lands shall be referred to the Bureau of Forestry for appropriate action."

Hence, it is hereby clarified that all parcels of land covered by FLGLA No, 504 and the other FLGLAs/PLAs similarly situated, under LC Map No. 700, General Santos City have been reverted from A & D to the category of forest lands by operation of law and shall remain as such until a law shall have been enacted reclassifying the areas from forest lands to A & D lands.

Likewise, the area covered by Proclamation No. 446 dated August 15, 1994, amended by Proclamation No. 858 dated August 22, 1996, which is inside LC Map No. 700 is classified as forest land and shall remain as such until a law shall have been enacted reclassifying the same from forest lands to A & D lands.

FOR INFORMATION AND STRICT OBSERVANCE OF ALL CONCERN.



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MICHAEL T. DEFENSOR