



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City 1100
Trunkline: (+632) 929-6626 / 929-6635 / 929-4028 / 929-4028
E-mail: web@denr.gov.ph / Website: <http://www.denr.gov.ph>

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTORS
Regions I, II, III, IVA, IVB, V, NCR & CAR

FROM : The Undersecretary for Field Operations
Luzon, Visayas and Environment

SUBJECT : LMB'S RESPONSE ON THE ISSUES ON LANDS RAISED
DURING THE LUZON CLUSTER QUARTERLY MEETING
HELD VIA ZOOM LAST JUNE 23, 2022

DATE : OCT 19 2022

As a commitment of the Office to provide you an update on the discussion/agreement during the 2nd Quarter Luzon Cluster meeting, we are furnishing you a copy of the LMB's response on the concerns raised referred to their Bureau regarding Residential Free Patent application (RFP), issuance of Survey Authority, re-establishment of control points affected by Mt. Pinatubo, issuance of patents covered by PP 1637, and DAO 2018-10. Please refer to the submitted response of the LMB Director on the highlights of the 2nd Quarter Luzon cluster meeting dated 10 October 2022.

For information and reference.


ATTY. JUAN MIGUEL T. CUNA, *CESO I*

MEMO NO. 2022 - 730

ACC. 701-1



Republic of the Philippines
 Department of Environment and Natural Resources
LAND MANAGEMENT BUREAU
 880 Estuar Building, Quezon Avenue, Brgy. Paligsahan, Quezon City
 Direct Line: (02) 255-4362 Records and Knowledge Management Division
 Email: lmb@denr.gov.ph Website: lmb.gov.ph



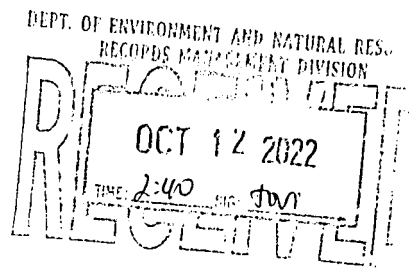
MEMORANDUM

FOR : The OIC-Assistant Secretary
Field Operations Luzon and Visayas

FROM : The Director

SUBJECT : **LMB'S RESPONSE ON THE ISSUES ON LANDS RAISED DURING THE LUZON CLUSTER QUARTERLY MEETING HELD VIA ZOOM LAST JUNE 23, 2022**

DATE : 10 OCT 2022



This refers to your memorandum dated June 30, 2022, requesting for our response on the issues raised during the above-mentioned meeting. Hereunder are our response:

Issue/Concern	Discussion	Concerned Agency	LMB's Response
1. NCR – There is no minimum lot area for RFPA especially in urban areas	<p>NCR – Explained that there are areas less than 10sqm having structures but not livable for habitation.</p> <p>OASFLV – Suggested to have consideration on the use of the area, or have restriction on any development. For purposes of titling, it might not have requirements for the use of the area e.g. for sanitation, building code and therefore, other clearances might be needed.</p> <p>R1 – Shared that they adapted the 22sqm socialized housing.</p> <p>OASFLV – The design could be for multi-level. Moreover, we will note on what the LMB could provide to enlighten everyone on the issue. In addition, titling may not be a problem, but there is a need to comply with the requirements of the other government agencies like LGUs.</p>	LMB	LMB has an on going research and consultation on the matter as data and existing policies of LGUs particularly HUC should be considered in implementing such restrictions. The minimum size being considered ranges from 18-22 sq.m.
2. NCR – There is no specific guideline in establishing the claim of an individual in the issuance of	NCR – Although there are basic requirements for establishing the claim of an individual, there are also complex cases to be considered in establishing the claims of individual. For example, the listed claimant is erroneous or does not exist/cannot be	LMB	<p>The issuance of Survey Authority (SA) is stipulated under Section 19 of DAO No. 2007-29:</p> <p>Section 19. Conditions in the Granting of Survey</p>

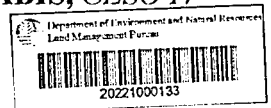
<p>Survey Authority</p>	<p>located. The conflict has not escalated to a formal complaint or multiple claimants. It could be the conduct of investigation for survey authority is subjective and the documents presented by the proponent varied. Currently, they are crafting a procedural manual for the conduct of investigation pursuant to ISO standard.</p> <p>CAR – There is a manual for survey and the requirements are included in the manual. So, there is already a specific guideline and everybody can check the procedure regarding land survey. The process which was highlighted is to first resolve the conflict for multiple claimants and then issue the survey authority for the winning party.</p> <p>OASFLV – As it was explained, it can be checked to the manual for guidance. Moreover, this issue will then be forwarded to the LMB. Meanwhile, advice the SMD of NCR to visit the provision in the survey manual.</p>		<p>Authority and Survey Order.</p> <p>a. Survey Authority – That the parcel subject for request shall:</p> <ol style="list-style-type: none"> 1. Be within the A & D area 2. Have no existing claims and conflicts 3. Be outside any existing civil, military and/or any other kinds of reservations 4. Not be the subject of a pending land registration case or any pending litigation 5. Not within any ongoing cadastral or public land subdivision project <p>The option to allow the survey of the lots subject of claims and conflict by stipulating conditions will considered in the ongoing review of the Manual on Land Survey.</p>
<p>3. R3 – Re-establishment of control points/references and relocation of lots affected by Mt. Pinatubo</p>	<p>R3 – This was an issue particularly in towns of Bacolor, Florida Blanca and Porac. After Mt. Pinatubo has erupted, these areas were covered by lahar for a depth of about 20-40 meters. Thus, established control points are gone/missing. Now that it is under mining, the LMS need to re-establish the missing monuments. This activity was proposed in the 2022 WFP but unfortunately, was not included in the approved WFP. Considering this activity is crucial in the identified areas, they will again propose the said activity for possible inclusion in the 2023 budget. It was emphasized that Dir. Talabis has a positive response on his issue and is willing to provide assistance to resolve the issue.</p> <p>OASFLV – This office will make a follow-up with LMB regarding the request of R3.</p>	<p>LMB</p>	<p>The LMB drafted a memorandum addressed to DENR R3, requesting for an inventory of the said missing control points. The said data shall be the basis for the WFP for CY 2024 since the budget for CY 2023 was already submitted to the Congress.</p>

<p>4. R4A – Suspension on the issuance of survey authority, approval of plans and issuance of patents over areas covered by PP 1637</p>	<p>R4A – There is a recommendation for the lifting of suspension and it has been forwarded to the bureau. However, we are not sure whether this has been forwarded to the Secretary.</p> <p>OASFLV – Considering this is a specific issue, the region can make a direct follow-up. Nevertheless, this office will also make a follow up to determine the status of the suspension with Dir. Talabis</p>	<p>LMB</p>	<p>The LMB already endorsed the said recommendation dated September 13, 2022 for the lifting of suspension to the office of Usec. Adobo. Attached is the copy of the signed memorandum for your reference.</p>
<p>5. R5 – In the new manual of authority particularly DAO 2018-10, wherein the authority is given to the RED</p>	<p>R5 – In the WFP, there are targets of appraisal of foreshore to be endorsed to FMB, but in the new manual of authority, the appraisal is now within the level of RED. To harmonize the action, this issue could be discussed with the planning.</p> <p>OASFLV – It will be checked whether devolved functions are included in the revised manual. Moreover, this issue will be referred to the Planning, if necessary, adjustment is needed and to be taken up at the Central Office.</p>	<p>LMB, Planning</p>	<p>The LMB issued a memorandum addressed to the OIC-Director of Policy and Planning Service dated August 10, 2022 regarding the recommendation to remove some SPMS success indicators under P/A/P Natural Resources Enforcement and Regulatory program. Attached is the copy of the said memorandum for your reference.</p>

For your information.

Emelyne V. Talabis
ATTY. EMELYNE V. TALABIS, CESO IV

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09/29/2022