

**DENR Administrative Order  
No. 98  
December 29, 1988**

**SUBJECT : Implementing Guidelines for the  
Agrarian Reform in Public Lands - Program  
D of the Comprehensive Agrarian Reform  
Program (CARP)**

Pursuant to provisions of Republic Act No. 6657 and Section 15 of Executive Order No. 229 which provides for the implementation of Program D - Agrarian Reform in Public Lands of the Comprehensive Agrarian Reform Program, the following regulations and guidelines are hereby promulgated:

**Section 1. Basic Policies.** — Consistent with the Constitutional provisions on national patrimony and social justice, the following policies shall be the basic policies of the implementation of Program D of the CARP:

1. Promotion of equity and social justice in the disposition of public lands to include democratized control and access to natural resources;
2. Maintenance of resource sustainability while promoting efficient utilization and productivity for rural development; and
3. Promotion of environmental protection and ensuring ecological balance.

**Section 2. Components and Coverage of Program D.** Under the Program, the Department shall implement the following major component activities, namely:

1. Distribution of public alienable and disposable (A & D) lands suitable to agriculture which involves land transfer through application of free, homestead and/or sales patents,
2. Allocation of forest lands suitable for agroforestry through the principle of stewardship.

The coverage of Program D shall include both public A & D lands and forestlands and shall consist of both land transfer and non-transfer (stewardship) schemes of achieving agrarian reform in public lands.

**Section 3. Land Transfer-Distribution of Alienable and Disposable Areas.** This component of Program D involves the distribution of public alienable and disposable lands suitable to agriculture through land transfer to patent applicants.

3.1. Qualified Applicants. The following are qualified to apply for patents to public lands which are suitable to agricultural purposes and who satisfy additional existing requirements as prescribed by law (CA #141, as amended):

3.1.1. Must be the occupant-tiller of the land;

3.1.2 Does not possess/own/occupy/cultivate other landholdings, the aggregate area of which including the parcel/lot being claimed/applied for does not exceed three (3) hectares; and

3.1.3 Is not an illegal entrant/occupant (sanctioned under Section 22, EO #229 and R.A. 6657)

3.2. Maximum Land Limit. For any patent applicant (free patent, homestead or sales), the maximum land size to be released for any or all applications shall be three (3) hectares, to include both farm and home lots. In conformity with present policy of providing farm and home lots to beneficiaries, each beneficiary shall be given a home lot of at most 1,000 square meters preferably within the farm lot.

3.3 Areas Available. Only public A & D lands suitable to and primarily devoted by the applicant to agriculture shall be considered for a patent application. Areas subject to claims by persons other than the applicant has to be resolved first before the same could be released.

3.4 General Procedure. In the distribution to qualified applicants of public A & D lands the following shall be undertaken:

3.4.1 Land classification or reclassification (where necessary).

In unclassified areas of the public lands, land classification/reclassification shall be conducted by the DENR Land Classification Teams with the National Mapping and Resource Information Authority (NAMRIA) as lead agency to release and proclaim specific areas as A & D lands. Land classification/reclassification shall be pursued on the basis of existing guidelines derived from Sec. 13 of PD. 705 as implemented by DNR Order No. 3, Series of 1975 and as per Memorandum of the Secretary dated September 28, 1988.

- 3.4.2 Identification of Areas Suitable to Agriculture. In public lands released as A & D land reclassification/evaluation shall be undertaken by Land Evaluation Teams to proclaim A & D areas as suitable to agriculture and recommend as CARP areas under Program D.
- 3.4.3. Lot Surveys and Approval thereof . In A & D lands identified as CARP areas, the Community/Provincial Natural Resources Environmental Officers shall cause the conduct of lot surveys, either by administration or contract to properly map and ascertain technical and physical descriptions of the land to serve as reference for patent processing of claimants. Final lot surveys shall then be undertaken on areas which are under patent applications.
- 3.4.4 Processing of Patent Application and Issuance of Patents. Claims by the public shall be processed in accordance with provisions of the Joint DAR-DENR Administrative Order 2'88, Series of 1988.

**Section 4. Allocation through the Principle of Stewardship of Forestlands Suitable to Agroforestry (Integrated Social Forestry Program - CARP).** — This component of Program D which rationalizes access of settlers to forest lands should accelerate the implementation of the Integrated Social Forestry Program (ISFP), an on-going and continuing program of the Department which aims to protect the forest, to revegetate denuded forest lands and to improve the socio-economic conditions of forest occupants. ISFP involves the issuance of long-term

tenurial agreements (through Certificates of Stewardship Contracts or Community Forest Stewardship Agreements effective for 25 years renewable for another 25 years) and provision of technical, social, material and other support services to individual forest occupants and forest communities.

- 4.1. Qualified Participants. Persons/groups qualified to become beneficiaries under this component of Program D are forest occupants who satisfy requirements listed in Section 4 of DENR Administrative Order No. 97, Series of 1988.
- 4.2. Maximum Land Size. Seven (7) hectares shall also be the maximum size of land that may be availed of by deserving qualified forest occupants under the ISFP under CARP.
- 4.3. Areas Available. Forestlands actually and directly occupied by qualified forest occupants and found suitable for agroforestry subject to provisions provided in Section 5 of DENR Administrative Order No. 97, Series of 1988.
- 4.4. General Procedures. This non-land transfer component of Program D shall be implemented following the basic ISFP procedures as provided in its implementing rules and regulations particularly in Section 9 of DENR Administrative Order No. 97, Series of 1988.

**SECTION 5. Resettlement Areas.** — Areas in within the public lands which are occupied and are not included as CARP areas in public lands as ISF area shall be evaluated by a Committee to be created by the Secretary for appropriate reclassification or proclamation as resettlement areas. In cases where reclassification is not feasible, the occupants shall be resettled in other CARP, ISF areas or declared resettlement areas identified by the government.

**SECTION 6. Integration of Survey Procedures.** — To streamline processes and speedily deliver services to the public, survey procedures for CARP Program D shall henceforth be guided by the following guidelines:

- 6.1. Area Identification. The land areas which in principle may be identified for inclusion in CARP shall initially be done by the

National Mapping and Resource Information Agency (NAMRIA) in existing maps, and verified in the field by the Community Implementation Committee. For this purpose, a list and preliminary/control map/s shall be prepared and forwarded by NAMRIA to the Community Implementation Committee (CICC) or the Provincial Implementation Coordination Committee (PICC), for verification, whichever is applicable. A copy of the list shall be furnished the DENR-CARP National Implementation Coordination Committee, (NICC), the Regional Implementation Coordination Committee (RICC), and the Provincial Implementation Coordination Committee. Once ascertained by the Regional Offices, the NAMRIA shall give priority in classifying unclassified forest lands which have large potential areas for CARP, in order to deliver to the people this basic input to increase productivity. Classification/reclassification shall be pursued on the basis of the guidelines referred to in Section 3.4.1.

- 6.2 Alienable and Disposable Areas. A & D areas suitable for CARP shall be surveyed and delineated by regional technical personnel of the lands sector, unless the area straddles forest and A & D Lands.
- 6.3 ISF — CARP Areas. Areas within classified forest lands below 50% slope shall be evaluated by the regional Land Evaluation Team as to the soil suitability for agroforestry. Potential areas for ISF - CARP, shall be sub-classified /reclassified or surveyed for parcellary purposes under the direct supervision of the CENRO/PENRO.
- 6.4 Perimeter Survey. Perimeter surveys for ISF lots within the parcels of forest settlements may be conducted by regional land evaluation personnel, ISF technicians, as a composite team or by contract, whichever is expedient. Survey returns shall be subject to validation by the composite technical group before approval.

**SECTION 7. Survey Results Verification/Validation and Approval.** To further contribute to the momentum that will be generated during the implementation of CARP surveys, erroneous survey returns shall be eliminated, hence the Regional Implementation Coordinating Committees shall each constitute a cross-sectoral technical group to

verify/validate survey returns as to accuracy and completeness before the same are approved or endorsed to the Central Office for approval.

- 7.1. Procedure. The CICC/PICC shall endorse survey results to the RICC, copy furnish the PICC in the case of the CICC. The RICC shall expeditiously dispatch a composite survey team of Sr. Geodetic Engineers who were not directly involved in implementing the survey/s to verify the submitted survey results.
- 7.2. Establishing the Final Forest Line. In the cases where the final forest line needs to be established/redefined as per survey results arising from DENR - CARP activities, the Regional Executive Director shall endorse the necessary documents to the Executive Committee for approval, thru the National Mapping and Resource Information Authority (NAMRIA).

**SECTION 8. Management and Administration.** The components of Program D being inherent and basic activities of the Department shall be implemented by the regional offices in accordance with the DENR-CARP organizational set-up as per DENR Special Order No. 716, Series of 1988.

The functions and responsibilities of the various units in shall be in accordance with the operational guideline/framework set for the DENR-CARP organizational set-up.

#### 8.1. Monitoring and Evaluation

- 8.1.1 Documentation As an integral part of the CARP Regional set-up, the Regional Implementation Coordinating Secretariat shall also compile/consolidate all pertinent documents such as those containing targets, performance trends, financial status, and all survey returns including the final decision thereto, for documentation purposes.
- 8.1.2 Reporting Monthly physical and financial reports shall be submitted by all DENR - CARP implementing agencies whose activities are not integrated in the DENR Central Office such as the Lands Management Bureau, and the NAMRIA and the Regional Offices.

For the Field Operations, the basic planning and implementing unit shall be the Community Environment Natural Resource Office. The designated CARP Coordinators shall be responsible for integrating DENR CARP monthly physical and financial reports. As applicable, the CICC shall submit monthly reports to the PICC within a week after the end of the particular reporting period. Reporting cut-off date shall be the last working day of any particular month. The PICC shall consolidate all reports submitted and submit a summary report to the RICC within the second week after the reporting period. The RICC shall submit an integrated physical and financial report for DENR - CARP which indicates performance of all DENR components to the National Implementation Coordinating Committee, copy furnish the Support Coordinating Committee within three weeks after the particular reporting period.

### 8.1.3. Validation

8.1.3.1. A national technical monitoring group which are members for the national secretariats shall be constituted, to perform periodic report validation and performance reviews on the various DENR - CARP implementing units. They shall have the authority to check review the systems and procedures used by the regional technical evaluation groups.

This group shall likewise perform routine monitoring reviews on the separate books of financial accounts and physical status of implementation which are to be established and will be dealt with later in this Order.

8.1.3.2 The regional technical monitoring groups who are part of the RICC secretariat shall monitor regional implementation thru visits to the provinces and municipalities where DENR - CARP activities are implemented, with the

responsibility to observe the trend of implementation, identify bottlenecks, note positive and negative slippages, and bring to the attention of the RICC Chairman hindrances to implementation in order that remedial measures can be instituted before the negative slippages or implementation problems compound.

8.2. Financial Matters and Actual Implementation-It is a policy to bring the DENR - CARP financial capabilities to where the activities are implemented to accelerate the execution of activities necessary to meet the established physical targets.

8.2.1. Budget Preparation. The CICC's shall prepare Work and Financial Plans for the coming year by February of the current year, to keep time with the schedule for submission of budget programs. The PICC's are to consolidate the municipal Work and Financial Plans, and the process continues up the national Support Coordinating Committee which endorses the DENR's budgetary requirements for the coming year to the Presidential Agrarian Reform Council.

8.2.2. Submissions to the Department of Budget and Management. All budget requests are to be coursed through the Support Coordinating Committee (SCC), copy furnish the DENR Budget Division. The SCC notes and endorsed to the PARC. The Department of Budget and Management will not process budget requests not endorsed by the PARC.

8.2.3. Facilitation of Funds Releases. The SCC Secretariat shall monitor and coordinate with the Department of Budget and Management to facilitate the release of DENR - CARP budgetary requests.

8.2.4 Bottom-up Budget Preparation. Once the PARC has approved a budgetary ceiling based on DENR submissions, the ceilings shall be relayed to all implementing units for the preparation of realizable workplans. In the event that the requests have been



slashed, the SCC shall proportionately reduce the requested amount in accordance with the approved ceiling to come up with ceilings for all implementing units.

8.2.5 On-Site Fund Allocation. Accordingly, the Regional allocations shall be broken down to provincial and municipal allocations as per the submitted Work and Financial Plans, and made available to the site implementing units thru the Cash Advance method, which will be subject to liquidation at the regional level. In this regard, Special Disbursing Officers for PICC's and CICC's shall have to be designated.

8.2.6 Maintenance of a Separate Financial and Physical Accomplishment Book. A separate book of accounts for CARP Funds (Fund 158) and the corresponding activities funded or accomplished shall have to be maintained at all levels where the funds are expended. Officers concerned must endeavor to constantly reconcile financial utilization with physical accomplishment.

**SECTION 9. Implementing Provision.** The Secretary may issue additional instructions and circulars as may be necessary for the effective implementation of this Order.

**SECTION 10. Reference to Other Regulations.** This Order revises, amends, repeals all existing forestry rules and regulations which are inconsistent herewith.

**SECTION 11. Control.** The Executive Committee, upon the recommendation of the Support Coordinating Committee based on the findings of the technical monitoring group may institute punitive/administrative sanctions to any implementing agency who do not to comply with this and other DENR - CARP guidelines issued. Professed ignorance of the guidelines do not excuse the erring parties, inasmuch as all DENR-CARP rules and regulations shall be circulated to all concerned.

**SECTION 12. Effectivity.** This Order shall take effect immediately.

**(Sgd.) FULGENCIO S. FACTORAN, JR.**  
**Secretary**