

DENR Memorandum Circular

No. 23

July 08, 1993

SUBJECT : Revised Procedures on the Transfer of Certificate of Stewardship (CS) to the Next-of-Kin of the Holders Thereof

Pursuant to Section 11 of DENR Administrative Order No. 4 series of 1991, and in order to facilitate the transfer of rights and privileges of the holder of Certificate of Stewardship (CS) to his/her next-of-kin, the following procedures shall be complied with by all concerned:

Section 1. General Conditions on the Transfer of Certificate of Stewardship. In general, the transfer of Certificate of Stewardship to the next-of-kin shall be governed by the following conditions:

- 1.1 The rights and privileges conferred to the holder/s of a Stewardship Agreement may be transferred only to the next-of-kin of the original holder only under any of the following situation:
 - a. Death or incapacity of the original Steward;
 - b. Movement outside of the area by the Steward;
 - c. Change of vocation of the Steward aside from upland farming; and
 - d. The steward cease to be the actual tillers of the area for whatever valid and acceptable reason/s.

Other nominated persons or party possessing the necessary qualifications may also be appointed by the original steward. PROVIDED, however, that prior approval of DENR Secretary or his duly authorized representative is sought;

- 1.2 In all cases appertaining hereto, the original CS number assigned to the grantee shall remain the same;
- 1.3 The concurring qualified heirs or next-of-kin shall enjoy the rights and privileges corresponding to the remaining unexpired term of the Stewardship Agreement;
and

- 1.4 When the CS is named to both husband and wife, transfer to the next-of-kin can only be effected if both spouses are incapable of developing the area for reasons mentioned under Section 1.1 hereof.

Section 2. Qualification and Responsibilities of the Next-of-Kin. The qualified next-of-kin eligible to receive the CS in their order of succession are:

- 2.1 **Children** - The rights and privileges emanating from the Stewardship Agreement shall pass on to the children of the grantee, provided that he/she is the only child and/or the eldest son/daughter of legal age. He or she shall be allowed to continue the remaining term of the agreement in behalf of the other children.

Upon the expiration of the term specified in the Stewardship Agreement, the children shall agree among themselves who shall be the steward of the area covered by the Agreement upon its renewal.

Subdivision of the farmlot into smaller portions shall in no case be allowed.

- 2.2 **Parents** - The surviving parents of the grantee shall succeed to the rights and privileges provided hereof provided that there are no concurring children of the grantee.
- 2.3 **Brothers and Sisters** - The rights and privileges of the grantee shall only pass on to his/her brothers or sisters in case the provisions in Items 2.1 and 2.2 are not applicable.

In case the concurring heirs are minor children, the surviving parents, the brother or sister of the grantee or in default thereof any person judicially appointed, shall act as the administrator of the land covered by the Agreement in behalf of the children of the grantee and shall relinquish their administratorship to the latter in the event the latter have already reached legal age in accordance with Item 2.1 hereof.

Section 3. Requirements - In order to support the claim for the transfer of the CS to the qualified next-of-kin, the following documents shall be submitted to the DENR Regional Office concerned:

- 3.1 Certificate of the Barangay Captain thru the recommendation of the association attesting to the incapacity of the grantee; or to the qualifications of the nominated person in case the original grantee has no next-of-kin.

- 3.2 Death Certificate of the grantee from the Registrar's Office of the municipality where the area is located;
- 3.3 Birth Certificate or Certification of Barangay Captain where a child is the concurring heir.

Section 4. Procedures. The following procedures shall be observed in the transfer of the CS:

- 4.1 The grantee and/or his next-of-kin shall notify the DENR through the CENRO concerned prior to the transfer of the Stewardship Agreement;
- 4.2 The CENRO Social Forestry Desk Officer or his representative shall conduct an investigation to determine the validity of the proposed transfer of the Stewardship Certificates to the next-of-kin and/or nominated person;
- 4.3 The provision on the acceptance of the CS by the qualified heir shall be indicated at the back of the Stewardship Certificates to be transferred including the duplicate and triplicate copies, as follows:

"I, (name of heir/next-of-kin) with postal address at (Sitio, Barangay, Municipality and Province) is the qualified heir/successor of the area described herein pursuant to Section 11 of DENR Administrative Order No. 4, Series of 1991, as amended, and hereby pledge to assume the duties and responsibilities in which (name of transferor) has been entrusted under the Stewardship Agreement.

Signature of Successor

Attested by:

CENRO

Date _____

Section 5. Repealing Clause. All circulars, orders and memoranda which are inconsistent herewith are hereby appealed and or amended accordingly.

Section 7. Effectivity. This Circular takes effect immediately.

ANGEL C. ALCALA
Secretary