

DENR Memorandum Circular
No. 26
July 15, 1993

SUBJECT : Guidelines in the Determination, Disposition and Titling of the Lands Formerly Covered by Proclamation No. 2262 dated March 29, 1983 in Accordance with Memorandum Order No. 107 dated 23 March 1993

Under Proclamation No. 2282 dated March 29, 1983, the President of the Philippines reclassified certain portions of the public domain as agricultural lands and declared the same as alienable and disposable for agricultural and resettlement purposes of the Kilusang Kabuhayan at Kaunlaran Land Resource Management Program of the defunct Ministry of Human Settlements. The parcels with a total area of 1,502,246 hectares are located in various municipalities and provinces.

This Proclamation NO. 2282 was revoked by Presidential Memorandum Order No. 17 dated June 17, 1986.

On March 23, 1993 President Fidel V. Ramos issued Memorandum Order No. 107 clarifying Memorandum Order No. 17 dated June 17, 1986 and providing the following guidelines, quoted hereunder to wit:

"Section 1. All lands covered by Proclamation No. 2282 which were classified as alienable and disposable agricultural lands prior to 19 March 1983 and used or administered by KKK-NISF as agricultural lands shall remain alienable and disposable agricultural lands.

"Section 2. All lands actually classified as agricultural lands prior to the effectivity of Proclamation No. 2282 and used or administered by KKK-NISF as agricultural land shall be turned over to the Department of Agrarian Reform for disposition to farmer-beneficiaries in accordance with Executive Order No. 407.

"Section 3. The Department of Agrarian Reform and the Department of Environment and Natural Resources shall jointly determine which areas were reclassified as alienable and disposable agricultural land previous to the effectivity of Proclamation No. 2282 for disposition by the Department of Agrarian Reform".

Accordingly these detailed guidelines are hereby promulgated for the information of and compliance by all concerned.

I. COVERAGE

These guidelines shall apply to public agricultural lands covered by Proclamation No. 2282 and classified as alienable and disposable (A & D) lands prior to 29 March 1983.

II. STATEMENT OF POLICIES:

- A. In general, all lands actually classified as agricultural lands prior to 29 March 1983 which is the effectivity of Proclamation No. 2282 and used or administered by the KKK (Now the National Livelihood Support fund, NLSF) as agricultural lands shall be turned over to the Department of Agrarian Reform (DAR) for disposition to farmer-beneficiaries in compliance with Memorandum Order No. 107.
- B. Alienable and disposable agricultural lands refer to land devoted to agricultural activity and within the A & D areas, and not classified as mineral, forest, residential, commercial or industrial lands.
- C. The areas to be transferred to DAR shall include claims of cultural communities or indigenous tribal groups, vacant or unoccupied lands within the alienable and disposable agricultural lands classified as such prior to March 29, 1983.
- D. CENROs shall ensure that the lands covered by Proclamation No. 2282 and which were reclassified as alienable and disposable agricultural lands prior to 29 March 1983 are documented and turned over to their DAR counterpart. Copies of the documentation shall be furnished the lands Management Bureau thru the Regional Executive Directors.
- E. The protection, development and rehabilitation of forest lands shall be emphasized so as to ensure their continuity in production condition.
- F. The following lands are not covered under the turn-over scheme as enumerated in DAR Memorandum Circular NO. 107, series of 1993.

1. Lands with adverse claims until the adverse claims are resolved administratively or judicially and when the adjudicate opts to be a CARP-Beneficiary.
- 2.. Parcel or forest lands which were already classified and titled shall be respected, except, when the area exceeds the retention limits allowed by law in which came they shall be covered by CARP following the schedule of priorities under Section 7 of R.A. 6657.
3. Parcels or lots covered by public land applications filed with the DENR or the DA (BFAR) shall be respected. The applicant concerned shall be allowed to pursue his application with the DENR. Applicants who wish to instead acquire their lots through CARP may be allowed to do so provided that they present proof that they have already requested the DENR to cancel or reject their application and that they possess all the qualifications of an ARB. The DAR shall immediately thereafter advise the DENR in writing about the receipt of such application to be CARP beneficiary.
4. Lands which have been proclaimed as reservations in favor of other government agencies or instrumentalities. The DAR may initiate for the acquisition of those portions that are not being used for the purpose of the reservation or not needed by the agency concerned, pursuant to E.O. 407 as amended by E.O. 448, subject to the usual land classification..
5. Poblacions, Townsites, Barangay sites and similar sites actually used for residential or non-agricultural purposes. Their titling shall be pursued under the DENR program thru cadastral proceedings or under the provisions of the Public Land Act 141 as amended.
6. All lands utilized as government sites, lands actually, directly or exclusively used and found necessary for parks, wildlife, forest reserves, etc., as specified in Section 10, RA 6657 to be exempted and excluded from the coverage of CARP are not covered by this transfer scheme.

7. Lands intended for or devoted to public use such as highways, roads, railroads, foreshores, public right-of-way, easements, and other similar uses, as well as lands under bodies of water such as rivers, creeks, bays, natural springs, irrigation canals, reservoirs and similar areas under water shall be retained.
8. All lands that are unclassified or classified as Timberland or Permanent Forestlands, National Parks, Mineral lands, even if fully occupied or cultivated shall not be transferred to DAR. The occupants shall be included in the ISF program of the DENR in accordance with Joint DAR-DENR Administrative Order No. 2, series of 1992.
9. Lands where actual occupants or claimant may already be entitled to a free patent under R.A. 6940 by reason of continuous occupation and cultivation by himself or thru his predecessors-in-interest for at least 30 years prior to April 16, 1990, shall not be covered by this transfer scheme. The claimant shall be allowed to protect his rights in the DENR under the provisions of the Public Land Act.
10. Fifty (50) meters strip of lands along edge of normal high waterline of rivers and streams with claimants of at least five (5) meters wide along streamlines facing oceans, lakes and other bodies of water, and strips of land at least 20 meters wide facing lakes are not covered.

III. PROCEDURES

1. Each CENRO concerned shall plot in the municipal base map the areas proclaimed for KKK-NISF under Proclamation No. 2282.
2. On an overlay, the boundaries of cadastral (CAD), Public Land Subdivision (PLS), and Group Settlement Surveys (GSS) are plotted. On the same overlay, the boundaries of A & D lands in the area as per the land classification maps are also plotted.
3. Ascertain if the cadastral, PLS lots are already titled thru judicial or administrative procedures, or covered by existing public land applications, or without applications.

4. The priority listing to be turned over to DAR shall include the claims of cultural communities or indigenous tribal groups, ____ or occupied lands, (i.e. not covered by public land applications) which are inside the alienable and disposable areas (A & D lands). The corresponding lot descriptions and cadastral maps/plans shall be turned over to their DAR counter-parts. Copies of the documentation shall be furnished the lands Management Bureau thru the Regional Executive Director, the DENR Provincial and Regional CARP project coordinators.
5. The second listing shall include the lots that are covered by subsisting public land applications, lands with adverse claims and lands proclaimed as reservations in favor or other government agencies (to be identified in the listing).
6. The third listing which is for DENR use shall include lands within the alienable and disposable areas (A & D) in the areas covered by Proclamation No. 2282 such as poblacions, townsites, barangay sites and similar sites actually used for residential or non-agricultural purposes; lands utilized as government sites, in addition to those lands specified in Section 10, RA 6657; and lands intended for public use such as highways, roads, public right-of-way, foreshores and other similar uses. These lots are not covered by CARP.
7. The CENRO shall certify to DAR the parcels located at the periphery of A & D areas whether they are outside of, partially or totally inside, the unclassified areas or forest lands.

IV. IMPLEMENTATION/DEFINITION OF RESPONSIBILITY.

As this project is to be accomplished as soon as possible, the CENROs are directly responsible in carrying out this order in their respective areas. Their activities shall be supervised by the RTD for Lands thru the PENROs. Sectoral issues which may arise shall be resolved by the RED.

V. EFFECTIVITY.

This Memorandum Circular shall take effect immediately.

ANGEL C. ALCALA
Secretary