

**DENR Memorandum Circular**

**No. 09**

**May 05, 1993**

**SUBJECT : Supplementary Guidelines on the  
Disposition of Lands through Free Patent**

For a more effective and orderly implementation of DENR Memorandum Circular No. 12, series of 1990, which granted a period of filing applications for administrative legalization (free patent) and judicial confirmation of imperfect and incomplete titles pursuant to RA No. 6940 and DENR Administrative Order NO. 67 series of 1990 which provide guidelines for the implementation of the "Handog Titulo" Program, the following are hereby clarified for the information and guidance of all concerned:

1. **CONCEPT OF FREE PATENT.** Free patent falls within the category of unregistered private land. Under this Circular, unregistered private land shall pertain to public land occupied in varying lengths of time by persons who have acquired an incomplete or imperfect title thereto.

While these lands have been openly, continuously, exclusively and notoriously occupied by persons who are paying real estate taxes therefor, they are technically and legally still lands of the public domain.

The disposition of lands through free patents is governed mainly by the provisions of Commonwealth Act No. 141, as amended and other related laws. The Rules of Court provide useful guide in the processing and adjudication of free patent applications, such as the rules of property, testate and intestate succession, obligations and contracts. Such application of rules should be tempered to suit the policy of the DENR in expediting the issuance of land patents.

2. **LANDS ELIGIBLE FOR FREE PATENTS.** The following may be subject to the grant of free patents:
  - a. Lands of the public domain suitable and actually occupied for agricultural purposes certified as alienable and disposable by the Regional Executive Director concerned;
  - b. Lands inside "poblacion" may also be considered for free patent grants. However, such grants should take into consideration factors such as actual and physical use to which the land is mainly devoted,

improvements made thereon, its size, relative position, configuration and how it is classified for tax purposes;

- c. Lots without recorded claimants should likewise be given due course if the applicant could prove his rightful claim to the land and findings of the Investigator/Inspector so warrants..

A free patent application filed under Republic Act 6940 must have met the following requirements:

- a. the land must have been occupied and cultivated on or prior to 16 April 1960;
- b. that the land is free from claims and conflicts;
- c. the applicant has met the requirement regarding length of occupation and cultivation; and
- d. the applicant has paid the real estate tax thereon.

With regard to the length of occupation, an applicant for free patent must have continuously occupied and cultivated such land thirty (30) years prior to the effectivity of RA 6940, i.e., on or before 16 April 1960 by himself or through his predecessor-in-interest.

Cultivation, as used in this Order, does not necessarily prescribe full cultivation. Where the applicant has occupied and cultivated a bigger portion of land applied for, and has cleared the remaining portion or has left only a small portion untouched, he is entitled to a patent for the whole area. The occupation and cultivation of the land, in this case, may be by the applicant himself or through his predecessor-in-interest.

### 3. REQUIREMENTS FOR THE GRANT OF FREE PATENTS.

Pursuant to the provisions of Republic Act 6940, the grant of free patents shall be limited to natural-born Filipino citizens who are owners of no more than twelve (12) hectares of land. The fact that a person has a foreign-sounding name shall not be construed that such person is not a natural-born Filipino citizen. The following documents, however, must be submitted:

- a. sworn statement either in the application form or in a separate affidavit that the applicant is a natural born Filipino citizens;

- b. that he is not the owner of more than twelve (12) hectares; and,
- c. confirmation reports regarding the above made by the inspector who investigated the application..

Other documentary evidences to be submitted shall include the following:

- a. joint certification from the Department of Agrarian Reform and the Department of Environment and Natural Resources if the applicant is a beneficiary of the Agrarian Reform Program pursuant to DAR-DENR Administrative Order No. 02, series of 1987; and,
- b. joint affidavit of two disinterested persons who are residents of the place where the land applied for is located attesting to the fact that the applicant and/or his predecessor-in-interest has occupied and cultivated the land on or before 16 April 1960.

4. **AREA LIMITATION.** Areas applied for free patent should not exceed twelve (12) hectares taking into consideration the following factors:

- a. nature, location and productive potential of the land;
- b. the applicant's capacity to put the land into beneficial use;
- c. the number of people benefited; and,
- d. the state of social satisfaction in the area.

5. **NOTICES.** Notices in connection with free patent applications must be posted for two consecutive weeks in conspicuous public places. Where the notice suffer from minor flaws, the patent may be allowed provided such flaws are not serious of substantial.

6. This circular takes effect immediately and amends or modifies previous issuances inconsistent herewith.

**ANGEL C. ALCALA**  
Secretary