

DENR Administrative Order

No. 98 - 04

January 23, 1998

SUBJECT : Amendment to Department Administrative Order No. 03, Series of 1993 Providing for Supplementary Guidelines in the Disposition of Pindangan Estate (The Estate), Alcala, Pangasinan.

To fast-track and ensure the smooth implementation of the resolution of the Supreme court dated May 15, 1980 in G.R. No. 21062, "*Cabonitalia et. al., versus Santiago, et. al.,*" the dispositive portion of which is hereunder quoted:

The Court, with the end in view of a speedier determination of these land disputes, to consider the case definitely terminated. The Director of Lands, with the approval of the Minister of Agriculture (now the Department of Environment and Natural Resources) shall determine the adjudication and distribution of the land in question to legitimate occupants and claimants. (Underscoring supplied)."

the following revised guidelines in the disposition of the subdivision lots comprising the Estate are hereby issued for the information and a guidance of all concerned:

1. The Community Environment and Natural Resources Office (CENRO) shall make an inventory of the status of the subdivision lots, and shall submit to the RED, DENR, Region I, furnishing the LMB Director and the Undersecretary for Field Operations, the corresponding list indicating the following information:

- 1.1 Land Use - lot classification as to whether it is agricultural, residential, commercial, industrial, etc.
- 1.2 The existence or non-existence of a public land application over the lot in conformity with law, rules and regulations on the matter.
- 1.3 Name of the applicant(s)
 - 1.3.1 Claimants/occupants included in the list of the 178 occupants named by former District Land Officer Pedro A. Asensi shall be properly annotated.
 - 1.3.2 Lots occupied by two or more persons, both claiming preferential rights, may be divided among them or may be properly recorded in the CENRO for investigation as a case of claim and conflict.
2. The lots, if agricultural, shall be disposed of in the manner and subject to the limitation prescribed in Chapters V and VI of the Public Land Act (Commonwealth Act No. 141) and if residential, in the following manner:
 - 2.1 The notice of sale shall be made through mass publication and mass auction sale.
 - 2.3 To protect the interest of the bonafide occupants especially the group of 178, lots shall be disposed of through sealed bidding.
3. Processing of Application - applications for uncontested lots already filed with the CENRO shall be immediately given due course in accordance with the existing rules and regulations governing the sale of public lands. In the exercise of this functions, the CENRO shall be preference to bonafide occupants of Barangay Pindangan, Alcala, Pangasinan,

particularly to the 178 occupants previously named in the list of former District Land Officer (DLO) Pedro Asensi. Any such occupant must established the following qualifications.

3.1 He must be a Filipino citizen, of legal age, and/or head of the family and actually occupying/possessing the lot applied for.

4. The approval of the appraised value of the land, the authority to conduct bidding, and issuance of order of award shall be done in accordance with DAO NO. 38, s. of 1990. The public auction shall be conducted by the Community Environment and Natural Resources Office (CENRO). The processing and preparation of the Deed of Conveyance shall be done by the Regional Executive Director with the approval of the Secretary.

4.1 The Regional Executive Director shall have authority to cancel or reject any or all uncontested applications which do not conform with the foregoing requirements. Henceforth, the land covered by cancelled or rejected applications shall be declared open for disposition by public auction through oral bidding following existing rules and regulations.

4.1.1 The order of rejection or cancellation may be appealed by the person adversely affected to the Secretary of Environment and Natural Resources within fifteen (15) days from receipt of a copy of such order.

5. All cases involving claims or conflicts shall be investigated in accordance with existing rules and regulations and the corresponding report of investigation shall be submitted to the Regional Executive Director immediately upon the termination thereof for resolution. However, all cases of claims or conflicts

amicably settled or those investigated ex-parte shall be submitted to the CENRO for resolution.

5.1 Since possession cannot be recognized at the same time in two different personalities except in the case of co-ownership, a question may arise regarding possession. This issue shall be resolved based on the following criteria:

5.1.1 The present and undisputed possessor shall be preferred;

5.1.2 If there are two or more possessors, the provisions of par. 1.3.2 shall apply;

5.1.3 An applicant shall only be entitled to one residential lot not to exceed one thousand (1,000) square meters and one farm lot not to exceed five (5) hectares.

5.2 It shall be the responsibility of the CENRO to enforce and adopt adequate measures to prevent the entry of persons with undocumented legal title in the area and he may avail the assistance of law enforcement agencies in this regard.

6. Heirs or transferees in good faith of the 178 occupants listed in the report of former DLO Pedro Asensi may continue the sales application filed by his predecessor-in-interest or transferor subject to the area limitation prescribed in these guidelines.

7. All orders and other issuances inconsistent with these guidelines are hereby revoked or modified accordingly.

8. This Order shall take effect immediately.

(Sgd.) VICTOR O. RAMOS
Secretary