

Administrative Order

No. 02

January 15, 1993

SUBJECT : Rules and Regulations for the Identification, Delineation and Recognition of Ancestral Land and Domain Claims

Pursuant to Section 22, Article II; Section 5, Article XII and Section 6, Article XIII of the 1987 Constitution which provide for the recognition and protection of the rights of the indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being; Executive Order No. 192 which empowers DENR to exercise exclusive jurisdiction on the management and disposition of all lands of the public domain; and R.A. No. 7586 which provides for the due recognition of ancestral domains and other customary rights in protected areas, the following rules and regulations are hereby promulgated for the guidance of all concerned;

**ARTICLE I
BASIC POLICY AND OBJECTIVES**

Section 1. Basic Policy - It is the policy of the DENR to preserve and maintain the integrity of ancestral domains and ensure recognition of the customs and traditions of the indigenous cultural communities therein pursuant to the Constitutional mandate for the recognition and protection of the rights of indigenous cultural communities (ICCs).

Further, the government recognizes the importance of promoting indigenous ways for the sustainable management of the natural resources such as the ecologically sound traditional practices of the indigenous cultural communities.

Pursuant thereto, there is an urgent need to identify and delineate ancestral domain and land claims, certify them as such, and formulate strategies for their effective management.

Section 2. Objectives - The objectives of government in the identification, delineation and recognition of ancestral land and domain claims are the following:

- a. To protect the tenure of the indigenous cultural communities over ancestral lands and domains;

- b. To pursue the Constitutional mandate for equitable access to natural resources; and
- c. To ensure sustainable development of natural resources within the ancestral lands and domains especially the forests.

Section 3. Definition of Terms - For purposes of this Order, definitions found in existing laws, administrative issuances and related studies for the following terms are hereby adopted:

- a. **Indigenous Cultural Communities** - a homogeneous society identified by self-ascription and ascription by others, who have continuously lived as community on communally bounded and defined territory, sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who, through resistance to the political, social and cultural inroads of colonization, became historically differentiated from the majority of Filipinos.
- b. **Ancestral Domain** - refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- c. **Ancestral Land** - refers to land occupied, possessed and utilized by individuals, families or clans who are members of the indigenous cultural communities since time immemorial by themselves or through their predecessors-in-interest, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit or stealth.
- d. **Individual claim** - refers to claims on land and rights thereon, which have been devolved to individuals e.g. residential lots, rice terraces or paddies, tree lots.
- e. **Indigenous corporate claim** - refers to claims on land, resources and rights thereon belonging to families or clans e.g. private forest, swidden farms.
- f. **Communal claim** - refers to claims on land, resources and rights thereon belonging to the whole community within a defined territory.

- g. **Customary Laws** - refers to a body of rules, usages, customs and practices traditionally observed, accepted and recognized by the indigenous cultural communities.
- h. **Time Immemorial** - refers to a period of time where as far back as memory can go, a certain indigenous cultural community is known to have occupied, possessed, and utilized a definite territory devolved to them by operation of customary law or inherited from their ancestors in accordance with their customs and traditions.
- i. **Community Special Task Force on Ancestral Lands** - refers to the Special Task Force based in specific Community Environment and Natural Resources Offices (CENRO) which is responsible for the identification, delineation and recognition of ancestral land claims as defined in this Order.
- j. **Provincial Special Task Force on Ancestral Domains** - refers to the Special Task Force based in specific Provincial Environment and Natural Resources (PENRO) which is responsible for the identification, delineation, recognition and management of ancestral domain claims as defined in this Order.
- k. **Non-Governmental Organization** - refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the indigenous cultural communities and has an established track record for effectiveness and acceptability in the community where it is serving.
- l. **People's Organization** - refers to a private, non-profit voluntary organization of members of an indigenous cultural community which is accepted as representative of such community.

ARTICLE II COVERAGE OF ANCESTRAL LANDS AND DOMAINS

Section 1. Composition of Ancestral Lands - Unless Congress otherwise provides, ancestral lands shall consist of lands occupied, possessed or utilized by individuals, families or clans who are members of the indigenous cultural communities since time immemorial by themselves or through their predecessors-in-interest, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit or stealth, including but not limited to residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.

Section 2. Composition of Ancestral Domains - Unless otherwise Congress provides, ancestral domains shall consist of all territories possessed, occupied or utilized by indigenous cultural communities, by themselves or through their ancestors or predecessors-in-interest since time immemorial in accordance with their customary laws, traditions and practices, irrespective of their present land classification and utilization, including but not limited to such lands used for residences, farms, burial grounds, communal and/or private forest, pasture and hunting grounds, worship areas, individually owned lands whether alienable/disposable or otherwise and other natural resources.

Section 3. Partition of Ancestral Domains - Customary laws and traditions governing property rights or relations within ancestral domains shall be respected.

ARTICLE III IDENTIFICATION AND DELINEATION OF ANCESTRAL DOMAINS

Section 1. Information Dissemination - Upon the effectivity of this Administrative Order, all Provincial Special Task Forces on Ancestral Domains (PSTFAD) and Community Special Task Forces on Ancestral Lands (CSTFAL) shall, in coordination with Local Government Units, Non-Government Organizations, People's Organizations, Cultural Community Offices, shall start intensive information campaign on the program for the identification and delineation of ancestral land and domain claims. Provided, that the initial stage of the information campaign, which includes, but not limited to meetings with Indigenous Cultural Community leaders, leaders of Non-Government and People's Organizations, Local and National Government Official, shall in no case last for more than 90 days from said date of effectivity.

Section 2. Identification of Indigenous Cultural Communities - Within ten (10) days after completion of the initial stage of the information campaign, the PSTFAD shall, in coordination with the nearest local Cultural Community Office, appropriate People's Organization and Non-Government Organizations, identify and prepare an official list of the indigenous cultural communities found in its area of jurisdiction, which list shall serve as basis for identifying ancestral domain claims in the area.

Section 3. Identification of Boundaries - Within 45 days after the completion of the formal Identification of ICCs in the area, the Provincial Special Task Force on Ancestral Domains (PSTFAD) shall meet with the respective traditional councils and/or Elders of each indigenous cultural community within the province in order to make a preliminary identification of the natural boundaries of their respective ancestral domains, which boundaries shall be traced upon a topographic map of the province

concerned. The PSTFAD shall invite to such meetings representatives from Non-Government Organizations, People's Organizations, local Cultural Community Offices and Local Government Units.

Section 4. Publication of Ancestral Domain Claims - The PSTFAD shall, upon establishment of ancestral domain claims in accordance with the preceding, Section, cause the publication of a list of such claims in at least two newspapers of provincial circulation and the posting of the same in at least two public places nearest the location of the claims to allow other claimants to file opposition thereto within 15 days from date of such publication. Provided, that in areas where no newspaper exists, the latter shall be deemed sufficient.

Section 5. Submission of Proofs of Ancestral Domain Claims - Fifteen (15) days after such publication, the indigenous community concerned shall submit documentary proofs supportive of its claim over the identified territory. The Provincial Special Task Force on Ancestral Domain shall acknowledge receipt thereof and shall compare the same with photocopies of such documents and if found to be faithful reproductions thereof, shall authenticate and accept them and return the originals to the claimants. Proof of such claim shall include the testimony of elders or community under oath and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such indigenous cultural community in the concept of owners, which shall be any of the following:

- a. Written accounts of the indigenous community's customs and traditions;
- b. Written accounts of the indigenous community's political structure and institutions;
- c. Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- d. Historical accounts;
- e. Survey plans and sketch maps;
- f. Anthropological data;
- g. Genealogical surveys;
- h. Pictures and descriptive histories of traditional communal forest and hunting grounds;
- i. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like;
- j. Write-ups of names and places derived from the native dialect of the community.

Section 6. Ocular Inspection and Verification - Within 30 days from receipt of the documentary proofs of an ancestral domain claim, the PSTFAD concerned shall conduct an ocular inspection of the territory claimed in order to establish the veracity of the proofs, and shall prepare a report of its findings.

Section 7. Resolution of Claims - Within fifteen (15) days from the completion of the inspection and verification process, the PSTFAD shall favorably act upon any claim that is deemed to be sufficiently proved.

However, when the proof submitted is deemed insufficient, the PSTFAD shall require the submission of additional evidence.

The PSTFAD shall reject any claim that is deemed patently false or fraudulent after inspection and verification. Provided, that in case of rejection, the PSTFAD shall give the applicant notice thereof, copy furnished all concerned, containing the grounds therefor.

In cases where there are conflicting claims among indigenous communities on the boundaries of ancestral domain claims, the PSTFAD shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict in order to pave the way for the survey, without prejudice to the full adjudication of the conflict in accordance with Paragraph 2, Section 3, Article IX hereof.

Section 8. Preparation of Provincial Survey Plans - Within fifteen (15) days from completion of the resolution of ancestral domain claims, the PSTFAD shall prepare a consolidated perimeter survey plan of claims within the entire province. In the preparation of such plan, the requirements for an aerial survey and mapping operation shall be considered.

Section 9. Transmittal of Documents and Preparation of Regional Survey Plans - Within 15 days from the resolution of all ancestral domain claims in the province, the PSTFAD shall make a report of the same and shall submit copies of the resolutions and the provincial survey plan to the Office of the Regional Executive Director concerned for evaluation and approval.

The Regional Executive Director shall, within fifteen (5) days from receipt of the above mentioned documents, cause the preparation of a regional ancestral domain survey plan by integrating the provincial survey plans.

Section 10. Aerial Survey and Mapping - Each Regional Executive Director shall, within ninety (90) working days from completion of the Regional Survey Plan, effect a perimeter survey of all ancestral domain claims within his area of jurisdiction through the use of aerial survey and mapping technology using the Global Positioning System (GPS) device or in case this is not possible, by traditional ground survey method. Representatives of indigenous cultural community claimants shall

participate in the survey process by being on hand to identify specific landmarks indicating the exact boundaries of their ancestral domain claims.

Section 11. All such surveys will be marked in the control map of each DENR Regional Office concerned copy furnished the Special Concerns Office.

ARTICLE IV CERTIFICATION OF ANCESTRAL DOMAIN CLAIMS

Section 1. Certification of Ancestral Domain Claims - Upon recommendation of the Regional Executive Director concerned through the Special Concerns Office (SCO), a Certificate of Ancestral Domain Claim (CADC) declaring and certifying the claim of each indigenous cultural community over a corresponding territory earlier identified and delineated as ancestral domain shall be issued in the name of the indigenous community claimant and placed under the custody of its recognized indigenous socio-political leadership or people's organization, copy furnished the CENRO under which jurisdiction, the domain concerned is located.

The issuance of a Certificate of Ancestral Domain Claim will not prejudice all rights vested in the indigenous community by a Presidential or Legislative Proclamation of a civil or patrimonial reserve or by existing laws, rules and regulations.

Section 2. Contracts, Leases and Permits Within Ancestral Domains - Contracts entered into as well as licenses and permits issued by the DENR for the exploitation and utilization of natural resources inside ancestral domains shall remain in force and effect until the term of the agreement, as therein stipulated, shall have expired unless earlier revoked or canceled for non-compliance or violation of any of its terms and conditions. Thereafter, except for those issued to members of indigenous cultural communities, no further renewal of such contract, leases or permits shall be effected. Provided, that contracts, leases or permits issued to members of the indigenous cultural communities shall be renewed only upon written consent of the ICC concerned.

Section 3. Implementation of Government Programs Within the Ancestral Domain - All government programs under the control of the Department shall not be implemented within any ancestral domain without the written consent of the indigenous cultural community concerned signed in its behalf by a majority of its recognized leaders. Should the community give its consent, it shall be given ample participation in the planning, implementation and maintenance of the program.

Section 4. Safeguards Against Encroachment - The ancestral domain over which an indigenous cultural community claim has been certified shall be placed under the exclusive management of such community. Accordingly, no person who is not a bona fide resident of the area or who does not belong to the claimant community shall be given any permit, license or other legal instruments to enter the area for the purpose of exploiting the resources therein, without the collective consent in writing of the community expressed through public hearings and consultations with them.

**ARTICLE V
IDENTIFICATION, DELINEATION AND CERTIFICATION
OF ANCESTRAL LAND CLAIMS**

Section 1. Allocation of Lands Within Ancestral Domain Claims - The allocation of lands within any ancestral domain claim to individual or indigenous corporate (family or clan) claimants shall be left to the indigenous cultural community concerned to decide in accordance with its customs and traditions.

Section 2. Identification of Ancestral Land Claims - Individual and indigenous corporate claimants of ancestral land which are not within recognized ancestral domains, may have their claims officially established by filing applications in prescribed forms for the identification and delineation of their claims with the Community Special Task Force on Ancestral Lands where the land is located.

An individual or recognized head of a family or clan, may file such application in his behalf or in behalf of his family or clan, respectively.

Section 3. Proofs of Ancestral Land Claims - The Community Special Task Force on Ancestral Lands shall accept applications of ancestral land claims; provided, that proofs of such claims shall accompany the application form which shall include the testimony under oath of elders or community and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by the individual or indigenous corporate claimants in the concept of owners, which shall be any of the following:

- a. Write-ups on customs and traditions;
- b. Pictures of old improvements such as trees, stone walling rice fields, orchards, farms, monuments, houses and other old structures;
- c. Pictures of burial grounds;
- d. Genealogical surveys;
- e. Historical accounts;
- f. Ancient documents;
- g. Survey plans and/or sketch maps;

h. Tax declarations and proofs of payment of taxes

Section 4. Submission of Additional Proofs - The Community Special Task Force concerned may require from each ancestral land claimant, the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim.

Section 5. Presentation of Original Documents - In the filing of applications, an ancestral land claimant shall present the original documents in support of his application. The Community Special Task Force concerned shall properly acknowledge receipt thereof and shall compare the same with photocopies of such documents and if found to be faithful reproductions, shall authenticate them; thereafter, the authenticated copies shall be accepted and the originals will be returned to the claimant.

Section 6. Applications Under Oath - All applications and statements made in connection with the ancestral land claims shall be under oath. The application shall state therein that any false statement made may result in criminal liability.

Section 7. Publication of Ancestral Land Claims - Upon receipt of applications for delineation and recognition of ancestral land claims, the CSTFAL shall cause the publication of a list thereof once on a monthly basis in at least two newspapers of provincial circulation and posting of the same in at least two public places nearest the location of the claims in order to allow other claimants to file their opposition thereto within 15 days from date of publication. Provided, that in areas where no such newspaper exists, the latter shall be deemed sufficient.

Section 8. Resolution of Claims and Parcellary Surveys - Fifteen (15) days after such publication, the Community Special Task Force on Ancestral Lands shall investigate and inspect each application, and if found to be meritorious, shall issue a resolution to that effect and accordingly cause the parcellary survey of the area being claimed. However, to facilitate survey work, the claimant may opt to hire at his own expense a private surveyor who should be duly accredited by the CSTFAL. In such cases, the CSTFAL concerned shall monitor the survey being conducted by the private surveyor.

In case of conflicting claims among individual or indigenous corporate claims, the CSTFAL shall cause the settlement of the conflict in accordance with Paragraph 1, Section 2, Article IX, hereof.

Provided that, when the proof submitted is deemed insufficient, the CSTFAL shall require the submission of additional evidence. Provided further, that the CSTFAL shall reject any claim that is deemed patently false or fraudulent after inspection and verification.

Provided finally, that in case of rejection, the CSTFAL shall give the applicant notice thereof, copy furnished all concerned, containing the grounds therefor.

Section 9. Issuance of Certificates of Ancestral Land Claims

- The Community Special Task Force on Ancestral Lands shall prepare and submit to the Provincial Special Task Force on Ancestral Domains a report on each and every application surveyed and delineated. Thereafter, the PSTFAD, after evaluating the reports shall endorse valid ancestral land claims to the Office of the Regional Executive Director for further review and evaluation. Should the Office of the Regional Executive Director find such claims meritorious, it shall endorse the same through the Special Concerns Office to the Secretary for the issuance of Certificates of Ancestral Land Claims (CALC), declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

**ARTICLE VI
MANAGEMENT OF ANCESTRAL DOMAINS**

Section 1. Management by Indigenous Community Claimants

- In order to give the indigenous cultural communities the opportunity to implement ecologically sound indigenous land use and environmental protection systems, such communities shall exercise general supervision and control over the management of their respective ancestral domain claims including the resources therein.

Section 2. Availment of Indigenous Socio-Political Structures - Unless otherwise specified by the indigenous cultural community concerned, the indigenous organizational and leadership systems such as, but not limited to, Council of Elders or bodies of similar nature existing in the community shall be recognized as the decision-making and managing body within the domain.

Section 3. Preparation of Ancestral Domains Management Plans - within sixty (60) days from receipt of its Certificate of Ancestral Domain Claim, the Indigenous Community concerned with assistance from the Provincial Special Task Force on Ancestral Domains, local Cultural Community Offices and other Government Agencies, Local Government Units and Non-Government Institutions shall prepare a comprehensive Management Plan for the domain, considering indigenous land use and tenurial systems as well as customary laws, beliefs and traditional practices of the community.

The Management Plan shall, among others, take into consideration the following issues:

- a. indigenous community participation in the protection, conservation, development and exploitation of natural resources in the area;
- b. protection and maintenance of the indigenous community rights over livelihood sources;
- c. provision of supplemental sources of livelihood;
- d. encroachment of the domain by outsiders;
- e. treatment and participation of non-ICC members inside the ancestral domain;
- f. prevention of degradation of the domain and maintenance of ecological balance therein;
- g. resolution of overlapping claims and boundary conflicts;
- h. maintenance of the community's indigenous socio-cultural and spiritual integrity;
- i. rehabilitation of denuded forest areas;
- j. provision of needed technical and financial assistance;
- k. inter-agency participation;
- l. census of ICC population inside the ancestral domain.

Section 4. Implementation of Management Plan - The Ancestral Domains Management Plan shall be implemented by the indigenous community claimants themselves with the assistance of the PSTFAD, locally based Non-Government Institutions or other agencies chosen by the indigenous community. In case of cooperative efforts, the parties shall endeavor to enter, together with the indigenous community concerned, into a memorandum of agreement specifying the type of assistance each party undertakes to contribute and the manner in which these assistance is to be given. Such memorandum of agreement shall form part of the Development Plan.

ARTICLE VII RIGHTS AND RESPONSIBILITIES OF CLAIMANTS

Section 1. Rights and Responsibilities of Ancestral Domain Claimants -

A. Rights

1. The right to occupy, cultivate and utilize the land and all natural resources found therein, as well as to reside peacefully within the domain, subject to existing laws, rules and regulations applicable thereto;

2. The right to benefit and to share the profits from the allocation and utilization of natural resources within the domain;
3. The right to regulate in coordination with the Local Government Units concerned, the entry of migrant settlers, non-government organizations and other similar entities into the domain;
4. The right to negotiate the terms and conditions for the exploitation of natural resources in the area for the purpose of ensuring the observance of ecological and environmental protection and conservation measures pursuant to national and customary laws, rules and regulations;
5. The right to actively and collectively participate in the formulation and implementation of government projects within the domain;
6. The right to lay claim on adjacent areas which may, after a more careful and thorough investigation, be proven to be in fact part of the ancestral domain;
7. The right to access and availment of technical, financial and other form of assistance provided for by the Department of Environment and Natural Resources and other government agencies;
8. The right to claim ownership of all improvements made by them at any time within the ancestral domain.

B. Responsibilities - The community claimants shall have the responsibility to:

1. Prepare a Management Plan for the domain inconsonantly with the provisions of Article VI hereof;
2. Establish and activate indigenous practices or culturally-founded strategies to protect, conserve and develop the natural resources and wildlife sanctuaries in the domain;
3. Restore, preserve and maintain a balanced ecology in the ancestral domain by protecting flora, fauna, watershed areas, and other forest and mineral reserves;

4. Protect and conserve forest trees and other vegetation naturally growing on the land specially along rivers, streams and channels;
5. Preservation of natural features of the domain.

Section 2. Rights and Responsibilities of Ancestral Land Claimants -

A. Rights

1. The right to peacefully occupy and cultivate the land, and utilize the natural resources therein, subject to existing laws, rules and regulations applicable thereto;
2. The right of the heirs to succeed to the claims subject to existing rules and regulations;
3. The right to exclude from the claim any other person who does not belong to the family or clan;
4. The right to utilize trees and other forest products inside the ancestral land subject to these rules as well as customary laws.

B. Responsibility

1. The responsibility to manage and work on the land in accordance with indigenous and other appropriate land uses methods and practices;
2. Effect the parcellary survey of the area being claimed;
3. Protect and conserve the forest growth within the area and cooperate in the protection and conservation of the forest areas adjacent thereto;
4. Preserve monuments and other landmarks indicating corners and outline of boundaries within the area;
5. Prevent and suppress destructive fires within and in the vicinity of the ancestral land claim;
6. Refrain from cutting or harvesting naturally growing trees along rivers, streams and channels.

**ARTICLE VIII
PROJECT IMPLEMENTATION AND MANAGEMENT**

Section 1. Major Responsibility Areas - The program shall be managed and coordinated through the Special Concerns Office (SCO), thereof with technical and staff assistance from corresponding Divisions of the Land Management Bureau (LMB), the Forest Management Bureau (FMB) and the National Mapping and Resource Information Authority (NAMRIA).

The proper and expedient implementation of the project shall be carried out through the Office of the Regional Executive Directors who shall exercise direct supervision and control over all Provincial and Community Special Task Forces.

Section 2. Level of Priority - The project shall be accorded top priority status among areas or subjects identified as needing special and immediate attention pursuant to Section 12 of Executive Order No. 192.

As such, the delineation of ancestral domain and land claims and the recognition of such claims through the issuance of Certificates of Ancestral Domain Claims or Certificates of Ancestral Land Claims, as the case may be, shall be regarded as Key Result Areas (KRA) for purposes of evaluating the corresponding performance of all concerned.

Section 3. Sources of Funds - The initial implementation of the project shall be funded from available sources within the DENR and from other agencies or entities, public or private, who may be willing to contribute to this endeavor through the coordination of the Special Concerns Office.

Provided that, from FY 1994 onwards, funds for the project shall be included in the Agency's regular budget.

**ARTICLE IX
GENERAL PROVISIONS**

Section 1. National Interest - Ancestral domain and land claims or portions thereof, which are found to be necessary for critical watersheds, particularly for domestic water use, wildlife sanctuaries, wilderness, forest cover, or reforestation, as determined by appropriate agencies with the full participation of the indigenous cultural communities (ICC) concerned shall be maintained, managed, protected from encroachment and developed for such purposes. The ICC within recognized ancestral domain and land claims shall be given the responsibility to maintain, develop, protect and conserve said areas with the assistance of concerned government agencies. Should the ICC decide to transfer the responsibility over these areas, said decision must be made in writing to be

signed by a majority of their acknowledged leaders. The consent of the ICC should be arrived at in accordance with its customary laws, without prejudice to the basic requirements of existing laws on free and informed consent. Provide, that the transfer shall be temporary and will ultimately revert to the ICC in accordance with a program for technology transfer, provided further, that no ICC shall be displaced or relocated for the purposes enumerated under this section without their consent. Provided finally, that claimants whose claims or portions thereof fall within the above-mentioned environmentally critical areas shall under no circumstances be allowed to expand beyond what they actually occupy.

Section 2. Regulation of the Cutting of Timber and Harvesting of Minor Forest Products - The DENR reserves the right to regulate the cutting or harvesting of timber crops by the claimant should it discover, upon careful and coordinated investigation, that the manner by which the timber and other minor products are cut or harvested may lead to the destruction of the forest cover.

Section 3. Resolution of Conflicts - Conflicts arising from ancestral land claims shall be resolved in accordance with the customary laws of the contending parties. In default of such customary laws, the CSTFAL shall indorse the case to the Barangay Lupon concerned for amicable settlement and if this is not possible, the CSTFAL shall receive evidence from both sides of the conflict, prepare a report thereof including its recommendations and refer the same to the appropriate DENR units for adjudication.

Conflicts arising from Ancestral Domain Claims shall likewise be resolved in accordance with customary laws of contending parties. In default of such customary laws, the Special Provincial Task Force shall likewise endeavor to bring the contending parties into an amicable settlement. If this is not possible, the Task Forces shall receive evidence, prepare a report thereof including its recommendations and likewise refer the same to the appropriate DENR units.

Section 4. Alienation of Claims - Domain or land claims and thereon, shall not be alienated, transferred or incumbered except to legal heirs and other members of the indigenous community concerned in accordance with the customs and traditions.

Section 5. Previous CALCS Issued - Certificated of Ancestral Land Claims issued before the effectivity of this Order shall remain in force and effect.

Section 6. Appeal - All orders, decisions and issuances of appropriate DENR Units to which the PSTFAD or CSTFAL make referrals or endorsements relative hereto shall be directly appealable within 30 days from receipt of notice thereof to the Secretary of the DENR in accordance with existing rules and regulations.

Section 7. Separability Clause - If any clause, sentence, provision, or section of these Rules shall be held invalid or unconstitutional, the remaining parts of these Rules shall not be affected thereby.

Section 8. Repealing Clause - All orders, rules and regulations inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

Section 9. Effectivity - These Rules shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 03
January 18, 1993

SUBJECT : Supplementary guidelines in the disposition of Pindangan Estate, Alcala, Pangasinan

For a more effective and orderly implementation of the Resolution of the Supreme Court, dated May 15, 1980, in G.R. No. L-21062, entitled "Cabonitalia, et. al., versus Santiago, et. al., the dispositive portion of which is hereunder quoted:

"ACTING on the Report submitted by Judge Rosalio C. Segundo of the Court of First Instance of Pangasinan, Branch V, dated August 20, 1979, (agendaed on April 30, 1980) recommending one of the two alternatives, namely, that the matter be entirely placed on the lap of the Bureau of Lands to avoid a protracted proceedings in Court or that the land in controversy be placed xx under land reform pursuant to P.D. No. 27; and CONSIDERING that there are 302 petitioners herein; that a Special Committee of the Bureau of Lands, constituted on April 18, 1973 to determine the actual occupants of the land, has submitted a comprehensive Report dated December 8, 1973, with recommendations for the equitable adjudication and distribution of the land in question to legitimate occupants and claimants."

"The Court RESOLVED, 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 Secretary of the Department of Environment and Natural Resources] shall determine the adjudication and distribution of the land in question to legitimate occupants and claimants." (Underscoring and bracketing supplied)

and to expedite the termination of the controversy over the 491 hectares of land known as the "Pindangan Estate" in Alcala, Pangasinan, which is covered by TCT No. 151 issued in the name of Cristina Gonzales but which was foreclosed in favor of the Government on November 22, 1922, the following supplementary guidelines in the disposition of the subdivision lots comprising the Estate are hereby issued for the information and guidance of all concerned.

1. The equitable distribution to legitimate occupants and claimants shall be the primary consideration in the disposition of the Pindangan Estate.

2. The Community Environment and Natural Resources Office (CENRO) concerned shall make an inventory of the status of the subdivision lots, and shall submit to the Director of the Lands Management Bureau (LMB) the corresponding lists indicating therein the following information:
 - 2.1. Land use - lot classification as to whether it is agricultural, residential, commercial/industrial, etc.;
 - 2.2. If application has already been filed;
 - 2.3. Name of the applicant(s);
 - 2.3.1 Claimants/occupants included in the list of 178 named occupants submitted by former District Land Officer Pedro A. Asensi shall be properly annotated.
 - 2.3.2 Lots occupied by two or more persons both claiming preferential rights may be divided among them or may be properly annotated for investigation as a case of claim and conflict.

3. The subdivision lots, if agricultural, shall be disposed of in the manner and subject to the limitations prescribed in Chapters V and VI of the Public Land Act (Commonwealth Act No. 141), and if non-agricultural, in conformity with the provisions of Chapter IX of the same Act entitled "Classification and Concession of Public Lands Suitable for Residence, Commerce and Industry" as prescribed in Section 2 of Act No. 3038.
 - 3.1. Non-disposable areas such as street, schoolsite, public plaza, etc., reflected in the subdivision plan of the Estate shall not be disposed of.

4. Processing of application - Applications for uncontested lots already filed with the CENRO concerned shall be immediately given due course in accordance with existing rules and regulations governing the sale of public lands. In the exercise of this function, the CENRO shall give preference to bonafide residents of Barangay Pindangan, Alcala, Pangasinan, particularly those 178 occupants previously named in the list of former District Land Officer (DLO) Pedro Asensi and who must establish the following qualification:
 - 4.1. He must be a Filipino citizen, of legal age and/or head of the family;

- 4.2. He must have filed his sales application for the subdivision lot(s) in the Bureau of Lands as of 1950;
 - 4.3. He must have been issued a provisional permit to occupy the same;
 - 4.4. He must not be a professional squatter. A professional squatter, for the purpose of his guidelines, is one who engages in selling lots in the area of speculation.
5. Considering the intent of the Supreme Court Resolution, approval of the appraised value of the land, the authority to conduct bidding, and the issuance of the final deed of conveyance shall be done by the Land Management Bureau.
- 5.1. The Director of the Land Management Bureau (LMB) shall have authority to cancel or reject any or all applications which do not conform to the foregoing requirements. When the land applied for has been abandoned for a period of one (1) year or more, it shall be declared vacant. Forwith, the land shall be declared available for disposition by sale thru oral bidding following existing rules and regulations.
 - 5.1.1 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 thereof.
6. All cases involving conflict of applications or protest against public land applications shall be investigated by the CENRO in accordance with Presidential Decree No. 1508, Letter of Instruction No. 1314 and LOC No. 68, and the corresponding report to be submitted to the Director of LMB for resolution following existing rules and regulations.
- 6.1. Since possession cannot be recognized at the same time in two different personalities except in the case of co-ownership, a question in bound to arise regarding the fact of possession. Accordingly, this issue should be resolved based on the following criteria:
 - 6.1.1 The present and undisputed possessor shall be preferred;
 - 6.1.2 If there are two or more possessors, the provision of Par. 2.3.2 shall apply;

- 6.1.3 An applicant shall be only entitled to own one residential lot not to exceed one thousand (1,000) square meters and one farmlot not to exceed five (5) hectares.
- 6.1.4 Areas in excess of the limits provided herein shall be segregated by land survey and disposed of by sale thru oral bidding under the sales application to be filed by claimants included in the list of 178 occupants ordered to be restored pursuant to the 1962 Supreme Court decision, in G.R. No. L-14591, if there are any, or by any other qualified applicant.
- 6.2 It shall be the responsibility of the CENRO to enforce and adopt adequate measures to prevent the entry of squatters in the area. In the performance of its duty, the CENRO may avail of the assistance of law enforcement agencies.
7. Any applicant for a lot within the Estate who may be able to link his possession to anyone of the 178 occupants named in the list of former District Land Officer Pedro Y, Asensi, either as heir or transferee in good faith, may continue the sales application thus filed subject to the area limitations prescribed in these guidelines.
8. All orders and other issuances inconsistent herewith are hereby revoked or modified accordingly.
9. This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 12
March 09, 1993

SUBJECT : Revised Guidelines Regulating the Implementation and Management of DENR-CARP Activities

In the interest of the service and in order to effectively implement the Comprehensive Agrarian Reform Program (CARP) activities, the following regulations are hereby promulgated.

1. General Policies

A. Basic Policy and Objectives

The Comprehensive Agrarian Reform Program (CARP), instituted to improve the land tenure system of the country and to improve the socio-economic status of the program beneficiaries, is one of the major thrusts of the Department of Environment and Natural Resources (DENR). The DENR aims to contribute to the CARP implementation through the distribution of alienable and disposable (A & D) lands to qualified beneficiaries, provision of basic support services, and provision of security of tenure to upland dwellers.

B. Coverage

The DENR is responsible for the distribution of 63% of the 10.3 million hectares covered under the Comprehensive Agrarian Reform Program. This comprise the Alienable and Disposable (A & D) lands and Integrated Social Forestry (ISF) areas.

C. DENR Involvement in CARP

The DENR is involved in the following specific CARP activities.

1. Survey of Public A & D lands. This activity involves the cadastral survey of lands of the public domain.
2. Verification and Approval of land surveys. This activity involves the verification and approval of the survey of private

and government owned lands conducted by the DAR. This shall also include the verification and approval of cadastral surveys.

3. Distribution of public A & D lands suitable for agriculture. Included in this activity is the processing of public land applications including research of survey data and the subsequent issuances of patents for approved applications.
4. Allocation of Non-Alienable lands suitable for agroforestry. This includes:
 - a. ISF Parcellary - Delineation of the boundaries of occupied area for purpose of giving land tenure to qualified forest occupants.
 - b. Certificate of Stewardship Processing and Issuance - The allocation of non-A and D lands suitable for agroforestry by issuing Certificates of Stewardship (CS) for individuals and Community Forest Stewardship (CFS) for communities/ groups. This also includes review of documents to determine compliance with existing regulation.
5. Provision of Technical Assistance
 - a. Provision of Technical Assistance - This activity includes the training of LGUs to enhance their technical expertise in implementation of the ISF program.
 - b. Research and Development - Formulation of integrated research system program relating to Philippine Ecosystems and National Resources.
6. Operational Support
 - a. Project Management and Supervision
 - b. Inventory of A & D lands - Conducted to accurately determine the extent of A & D lands still to be

subjected to Land Distribution. The completion of which is expected to hasten patent issuance.

- c. Public Information and Education - Relevant information is disseminated and discussed with program participants.
- d. Staff Development - Training of field personnel involved in CARP implementation with particular emphasis in upgrading the technical capabilities of those involved in Land Distribution activities.

II. DENR-CARP Organizational Structures

The DENR-CARP organizational structure is hereby reorganized to make it more responsive to the demands of the program

A. The Executive Committee

1. Composition

The Executive Committee shall be composed of the following:

Secretary of the DENR	-	Chairman
USEC for Field Operations	-	Vice-Chairman
USEC for Environment and Research	-	Member
ASEC for Mgt. Services	-	Member
ASEC for Planning & Policy	-	Member
Director, Special Concern Office	-	Member
Director, Lands Management Bureau	-	Member
Director, Ecosystem Research and Development Bureau	-	Member
Director, Forest Management Bureau	-	Member

2. Function

Formulates policies, guidelines, rules and regulations that shall govern the participation of the DENR under CARP and is responsible for its overall implementation.

B. National Executive Officer

1. The Vice-Chairman of DENR-CARP EXCOM shall ex-officio act as the National Executive Officer.
2. Duties and responsibilities
 - 2.1 Shall be responsible to the Executive Committee for the accomplishment of DENR-CARP Program objectives
 - 2.2 Approves the DENR integrated budget proposal for CARP
 - 2.3 Approves operational and financial plan
 - 2.4 Exercises overall control over Agrarian Reform fund.
 - 2.5 Establishes effective linkages with all participating agencies on CARP and shall represent the DENR Executive Committee
 - 2.6 Calls upon any unit and official of the Department to render support to the program

C. The National Action Officer

1. To assist the National Executive Officer in the general supervision of CARP implementation, the Director of Lands Management Bureau is designated as National Action Officer
2. Function
 - 2.1 Shall assist the National Executive Officer in the general supervision of CARP implementation
 - 2.2 Recommends operational plan and budgetary proposals
 - 2.3 Recommends policies, guidelines, rules and regulation necessary for CARP implementation
 - 2.4 Recommends project studies and training on CARP
 - 2.5 Exercises administrative control over ARF funds especially those released to the OSEC

- 2.6 Prepares and submit regular and other reports on CARP to the Executive Committee as represented by the National Executive Officer
- 2.7 Calls upon any unit and official of the Department to render support to the program

D. Sectoral Coordinators

- 1. There will be six (6) sectoral coordinators. The composition of which shall be as follows:
 - a. Coordinator for lands - Director, LMB
 - b. Coordinator for the ISF - Director, FMB
 - c. Coordinator for Research and Development – Director, ERDB
 - d. Coordinator for Public Information, Education and Communication - Director. PAO
 - e. Coordinator for HRDS - Director, HRDS
 - f. Coordinator for Special Concerns - Director, SCO
 - g. Coordinator for Finance - Director, Finance Service
- 2. Functions
 - 2.1 Recommends policies and guidelines, rules and regulations to effectively implement CARP in their respective sector.
 - 2.2 Responsible for the coordination of all activities under their sector
 - 2.3 Assist the National Action Officer on activities pertinent to their sector

E. The CARP Technical Working Group

- 4.1 The Sectoral Coordinators shall designate permanent representative to the CARP Technical Working Committee. This shall be chaired by the

Head, DENR-CARP National Secretariat. Shall include a representative from Planning and Policy Service.

4.2 Duties and Responsibilities

4.2.1 Formulates policies and guidelines governing CARP implementation and recommends these to the DENR-CARP EXCOM as represented by the National Executive Officer

4.2.2 Reviews Integrated Budgetary proposals and work and financial plans for CARP

4.2.3 Forum for inter-agency coordination.

F. National Secretariat

1. The DENR-CARP National Secretariat shall be composed of a Head appointed by the National Action Officer and approved by the National Executive Committee and shall be staffed accordingly.

2. Duties and Responsibilities

2.1 Undertakes policy studies and finalizes rules and regulations, guidelines and procedures that will facilitate project implementation.

2.2 In coordination with the Finance Service and Planning and Programming Division of the Planning Service, reviews and integrates Budgetary Proposals and Work and Financial Plans submitted by the concerned units/offices of the DENR.

2.3 Prepares CARP budget request in coordination with the Department Proper Budget Division and works out the timely releases of funds.

2.4 Liaises with DAR and coordinates with other government agencies and private groups.

2.5 Undertakes research and gathering of technical documents and other information needed for field operations, in coordination with the Research Sector and other offices.

- 2.6 Monitors the progress of project implementation including disbursement and other financial matters.
- 2.7 Reviews, evaluates and packages performance reports as consolidated by the Planning Service and the sectoral units concerned for an expedient assessment by the National Action Officer.
- 2.8 Provides technical and administrative support to the National Action Officer.
- 2.9 Establishes and maintains an information bank on physical and financial status of DENR-CARP projects.
- 2.10 Provides assistance to the field coordinator the discharge of their functions as requested and needed.
- 2.11 Establishes an effective line of communication with the DENR, Regional and technical offices as well as other agencies.
- 2.12 Performs other functions as may be assigned by the National Action Officer.

G. Regional Executive Officer

- 1. The Regional Executive Directors shall be designated as Regional Executive Officers.
- 2. Functions
 - 2.1 Shall be responsible for the accomplishment of DENR-CARP programs in their respective Regions.
 - 2.2 Reviews and approves regional budget proposal and operational plans for submission to the EXCOM through the National Action Officer.

H. Regional Action Officer

- 1. The Regional Technical Director (RTD) for lands shall be designated as Regional Action Officer.

2. Responsibilities

- 2.1 Shall assist the Regional Executive Officer in the over-all supervision of CARP implementation in their Regions.
- 2.2 Shall act as Chairman of the Regional CARP Technical Committee
- 2.3 Establishes effective linkages with all participating agencies on CARP and shall represent the DENR on all intra/inter agency committees and activities in the regions.

I. Regional Sectoral Coordinators

- 1. The Regional Technical Directors for Lands, Forestry and Research shall be designated as Coordinators by their respective sectors.

2. Functions

- 2.1 Shall exercise supervision of CARP implementation in their respective sectors.
- 2.2 Shall prepare budget proposals, operational plans relative to their sectors.
- 2.3 Shall administer CARP funds released to their sectors
- 2.4 Shall assist the Regional Action Officer in the overall supervision of CARP implementation in the Region.

J. Regional Technical Committee

- 1. Shall compose of the Regional Sectoral Coordinators

2. Functions

- 2.1 Shall recommend policies, guidelines, rules and regulations for CARP implementation
- 2.2 Reviews Regional budgetary proposals and operational plans.

K. Regional Secretariat

1. Composition

The Regional Secretariat shall have a Head to be designated by the Regional Action Officer. It shall also have a permanent staff to be drawn from the Personnel Services of the regions composed of at least two (2) who will serve solely for the Regional CARP Secretariat.

2. Functions

2.1 Shall assist the Regional Action Officer in the monitoring and evaluation of CARP implementation in the Region.

2.2 Shall perform functions similar to the National Secretariat as it pertains to the DENR-CARP activities in the Regional level.

L. Provincial Executive Officer

1. The Provincial Environment and Natural Resources Officer shall be designated as Provincial Executive Officer.

2. Functions

2.1 Shall exercise overall supervision of CARP implementation in the Province

2.2 Administers funds allocated to the Province.

M. Provincial Action Officer

1. Composition

The Provincial Environment and Natural Resources Officer (PENRO) shall designate a permanent Provincial Action Officer Preferably the Supervising Land Management Officer (SLMO).

2. Duties and responsibilities

2.1 Shall assist the Provincial Executive Officer in the effective implementation of all CARP activities in the provincial level.

- 2.2 Establishes effective linkages with the DAR-EXCOM and other agencies
- 2.3 Supervises, monitors and evaluates the execution of DENR-CARP activities in the Province.
- 2.4 Prepares and submits periodic and other reports to the Regional Offices.

N. Community Executive Officer

1. The Community Environment and Natural Resources Officer shall be designated as Community Executive Officer.
2. Functions
 - 2.1 Shall exercise overall supervision of CARP implementation in the community.
 - 2.2 Administers funds allocated to the community.

O. Community Action Officer

1. Composition

The Community Environment and Natural Resources Officer (CENRO) shall designate a permanent CARP Action Officer in the community preferably Senior Land Management Officer .
2. Duties and responsibilities
 - 2.1 Shall assist the Community Executive Officer in the implementation of CARP activities in their community
 - 2.2 Formulates and implements plans for DENR-CARP activities in the locality/community.

III. Coordinating Structures

1. Policy Coordination

To formulate effective policies on the implementation of the Comprehensive Agrarian Reform Program (CARP) as well as exercises general supervision overall CARP-related activities by the DENR, the following coordinating structures are being implemented.

A. Chairman, DENR-CARP EXCOM

1. Represent the department in all policy-making meetings of the Presidential Agrarian Reform Council (PARC).
2. Determines all requirements and agreements made in the PARC and delegates this to responsible officer.
3. Exercises general supervision overall DENR-CARP activities.
4. Informs the PARC of DENR's official policy on CARP related matters.

B. Vice-Chairman, DENR-CARP EXCOM

1. Represents the Secretary of the DENR in all meetings of the PARC EXCOM.
2. Responsible for informing the Chairman of all agreements made in the PARC EXCOM meetings.
3. Determine the requirements of EXCOM and shall issue the corresponding instructions to meet them.
4. Informs the PARC EXCOM of DENR's position in CARP activities.
5. Exercises general supervision on all CARP activities.

C. National Action Officer

1. Shall serve as the alternate of the Executive Officer in the meetings of the PARC EXCOM.

2. Represents the department in all technical working meetings of the PARC technical committee.
3. Determines all requirements of the PARC Technical Committee and institute measures to meet them.
4. Informs the EXCOM as represented by Executive Officer and the National Action Officer of the developments in all activities.
5. Informs the PARC Technical Committee of DENR's position in CARP activities.
6. Assist the National Action Officer in exercising general supervision overall CARP activities.

E. Head, DENR-CARP National Secretariat

1. Represent the National Action Officer in PARC Technical Committee meeting.
2. Responsible for the coordination with the PARC Secretariat and the Department of Budget and Management.
3. Determine the requirements of the PARC Secretariat and DBM and address them accordingly.
4. Establishes linkages with DAR and other implementing agencies of CARP.
5. Informs the PARC Secretariat and DBM of DENR-CARP requirements and follow-up on these request.
6. Assist the National Action Officer and Head, DENR-CARP National Secretariat in exercising general supervision overall DENR-CARP activities.

2. Operational Coordination

A. The National Action Officer

1. Represents the Department in the meeting of the National Inter-agency CARP Implementing Team.
 2. Reports to NIACIT all accomplishments of DENR under CARP.
 3. Suggests measures to improve the operations of the CARP.
 4. Formulates operational guidelines to improve implementation of CARP.
- B. The Regional Action Officer**
1. Represents the Department in all meetings of the Regional CARP Implementing Teams (RCIT).
- C. The Provincial Action Officer**
1. Represents the Department in all meetings of the Provincial CARP Implementing Teams (PCIT).
 2. Represents the Department in the meetings with the DAR-PARCOM.
- D. The Community Action Officer**
1. Represents the Department in all meetings of the BARC.

IV. PLANNING, BUDGETING AND MONITORING PROCEDURES

The management and coordination of all CARP activities also includes the proper planning, budgeting and monitoring procedures.

A. Planning and Budgeting Cycle

1. The National Executive Officer shall issue specific planning guidelines to the CARP Technical Working Group based on the national guidelines in the programming of the Agrarian Reform Fund (ARF) issued by the Presidential Agrarian Reform Council (PARC)

2. Based on the specific guidelines issued, the various operating units shall prepare their annual plans and budget proposals and submits these to the National Secretariat which will forward them to the different sectors, namely: Land Management Bureau (LMB), Integrated Social forestry (ISF), Inventory of Forest Occupants (IFO), National Mapping and Resources Information Authority (NAMRIA), Ecosystem Research and Development Bureau (ERDB) Public Affairs Office (PAO) and Human Resource Development Service (HRDS) for their evaluation.
3. Upon the final approval of this plans and budget proposals by the CARP Technical Working Group, they will be resubmitted to the National Secretariat for the national integration in the ARF proposal of the Department of Environment and Natural Resources.
4. The DENR EXCOM as represented by the Executive Officer shall approve the ARF proposal and indorse it to the PARC.
5. The National Executive Officer shall transmit the approved proposal to the PARC for their evaluation and subsequent endorsement to the Department of Budget and Management (DBM).
6. The Department proper shall sub-allot the release ARF to the operating units.
7. In case of ERDB, its budget will be released through the Department of Agrarian Reform (DAR) although it shall be part of the Department budget ceiling.
8. Preparation and packaging of projects for purposes of foreign funding assistance shall be the responsibility of the various CARP coordinating units concerned.

B. Monitoring Procedures

1. Performance Monitoring

- a. The Community Action Officer shall monitor all CARP related activities in their respective communities. A monthly report on physical accomplishment shall be submitted, the cut off date for the monthly reports shall be the 25th day of the month. Submission of monthly report to the Provincial Executive Officer should be within five (5) days after the cut-off date.
- b. The Provincial Action Officer shall monitor all CARP activities in their respective provinces and shall submit physical accomplishment reports on a monthly basis and financial monitoring reports on a quarterly basis. The monthly physical reports should be submitted to the Region not later than the 5th day of the succeeding month.
- c. The Regional Sectoral Coordinator shall monitor all CARP related activities pertaining to their sectors in the regions concerned. They should submit corresponding reports to the regional Executive Officer on physical accomplishment and fund utilization under ARF. Monitoring of activities will be by project.
- d. The Regional Action Officer shall monitor all CARP related activities in the Region. The Regional Secretariat shall assist the Regional Action Officer by insuring that the Regional Planning and Management Division (RPMD) submits monthly physical accomplishment reports not later than the 10th day of the succeeding month to the Planning Service using prescribed reporting forms. The RPMD shall also submit quarterly financial reports to the planning service.

- e. Planning Service shall monitor physical and financial accomplishment of CARP activities of all Regions. It shall consolidate the reports from the Regions and submit corresponding reports to the DENR CARP National Secretariat and sectoral coordinating units concerned.
- f. The Sectoral Action Officers shall monitor all physical and financial accomplishment in their respective sectors and shall submit necessary reports to the National action Officer which shall be coursed through the National Secretariat. They shall also analyze and consolidate reports submitted by Planning Service and submit corresponding reports to the National Secretariat.
- g. The DENR-CARP National Secretariat is responsible for the overall monitoring of DENR-CARP related activities nationwide. It shall consolidate reports as submitted by Planning Service and the sectoral coordinating units and prepare a monthly physical accomplishment reports as well as quarterly financial report and submit them to the National Action Officer.
- h. The National Action Officer exercises overall responsibility for the monitoring of DENR-CARP activities nationwide. He shall regularly submit all reports to the EXCOM and shall endorse these to the PARC Secretariat.

2. Project Monitoring

- a. A data base for all projects related to CARP implementation shall be monitored at the National, Regional, PENRO and CENRO level.
- b. The Community Action Officer shall be responsible for the monitoring of all projects undertaken in their respective communities. All pertinent data on this project shall be gathered and incorporated to the data base that they are required to establish. These

primary data shall be placed in specified form and will be submitted monthly to the Regional Coordinators namely, Coordinator for lands for Lands Sector, and Coordinator for Research and ISF for ISF Sector. Likewise, these data shall be submitted at the Provincial level.

- c. The Provincial Action Officer shall be responsible for the monitoring of all projects in their respective provinces. He shall likewise be responsible for the establishment and maintenance of a data base on all the projects in the province. Data for these shall be furnished by the CENRO and shall be placed in specified forms. The Provincial Executive Officer shall submit these data to the Regional CARP Secretariat on a monthly basis.
- d. The Regional Coordinators shall be responsible for the monitoring of all projects in their respective sectors. Lands sector project shall be submitted to the Coordinator for Lands and ISF project to the Coordinator for Research and ISF. The Regional Coordinators shall submit on specified forms all data required to the Lands Management Bureau (LMB) for Lands Sector and ISF NCO for ISF. They are likewise required to establish their own data base on all project in their respective sectors. Data shall be derived from the monthly status report to be submitted by the Regional coordinators. The Ecosystem Research and Development Bureau (ERDB), National Mapping and Resource Information Authority (NAMRIA), Human Resource Development Service (HRDS) and Public Affairs Office (PAO) shall maintain their own project level data base systems. The Regional CARP Secretariat shall submit a consolidated report to the National Secretariat based on the data submitted by the PENROs.
- e. The National level project monitoring shall be the responsibility of the following: LMB for Lands Sector project, Forest Management Bureau, for ISF

project, ERDB for Research, NAMRIA for Land Classification, HRDS for Staff Development and PAO for Information and Education campaign (IEC). These sectors shall establish their respective data base system from data derived from the Regional Coordinators. These data shall be placed in specified forms and integrated by the various sectors and submitted to the National Secretariat. NAMRIA, ERDB, HRDS and PAO shall only monitor CARP project at the national level.

- f. The National Secretariat shall establish and maintain a data base system on all projects related to CARP. These secondary data shall be derived from LMB and ISF NCO. It should be emphasized that only integrated reports shall be submitted to the National Secretariat.
- g. The National Secretariat shall be responsible for providing integrated data on CARP projects to the management and other data end-users. However, if the data end-users so desires, the National Secretariat and the sectoral offices can provide them primary data.
- h. The data structure and forms to be used shall be defined in a separate order to be issued later by the National Action Officer.

V. FINANCIAL MANAGEMENT

A. General Guidelines

- 1. The ARF shall be exclusively used for CARP related activities.
- 2. CARP related activities which are foreign funded or supplemented by other fund sources shall be governed by existing rules and regulations on foreign funding assistance in coordination with Foreign Assisted Special Projects Office (FASPO).

3. Existing accounting and auditing rules on government financial management shall apply in the disbursement/utilization of ARF except in cases where the DBM or COA issues special instruction covering utilization of said fund.
4. No project shall be executed unless it is fully covered by advanced allotment.
5. The field and central office operating units shall submit the quarterly financial reports within ten (10) days after the end of each quarter using the prescribed forms to the DENR Accounting Division duly audited by the Commission on Audit (COA). The field offices shall also submit on a monthly basis financial utilization reports using forms to be specified by the National Secretariat.

B. National

1. The National Action Officer shall exercise administrative control over the Agrarian Reform Fund.
2. The management of ARF released directly to the various staff Bureaus and central office units of the DENR shall be the responsibility of the Sectoral Action Officer concerned. On the other hand, funds released to the Department proper shall be controlled by the National Action Officer through the National Secretariat. Funds to the ERDB shall be released through the DAR.
3. The National Secretariat shall be responsible for closely monitoring the utilization of ARF.
4. Reporting of financial status of PARC and its instrumentalities shall be responsibility of the National Secretariat. Reporting to DBM and COA shall be the responsibility of the DENR Finance Service Director.

C. Regional

1. The Regional Executive Officer shall exercise overall control on the ARF in the Regional level. However, the Regional

Action Officer shall have administrative control ARF funds released to the Region., No disbursement would be made without prior clearance from the Regional Action officer. Disbursement shall strictly be based on the approved CARP Work and Financial Plans of the Regions concerned.

2. The Regional Technical Directors (RTDs) concerned shall exercise control over the funds intended for their respective sectors, as well as the monitoring of ARF utilization.
3. The financial status reporting shall be the joint responsibility of the Regional Executive Officer and Finance Division Chief.

D. Provincial

1. The Provincial Executive Officer shall exercise overall control on the ARF in the Provincial level. The disbursement and utilization shall be done in accordance with DENR Administrative Order No. 38 and 267.
2. Financial status reporting shall be the joint responsibility of the Provincial Executive Officer and Financial Division Chief.

VI. REPEALING CLAUSE

This Order supersedes DENR Administrative Order No. 58 and amends all existing guidelines and regulations which are inconsistent herewith.

VII. EFFECTIVITY

This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order

No. 20

April 26, 1993

SUBJECT : Standard Costs and Fees for Various Services of the Lands Sector.

A. Pursuant to Memorandum Circular No. 1221, dated 2 November 1990, directing all departments, bureaus, commissions, agencies and instrumentalities of the National Government, including government-owned or controlled corporations to revise their fees and charges brought about by the effect of worldwide inflation, it is appropriate therefore to update the standard costs and fees to meet the right cost of materials and manpower involved in the performance of the service. Further, pursuant to the provision of Sec. 43 of the Administrative Code of 1987, the following updated cost and fees covering major areas of agency responsibilities are hereby prescribed.

1. On Land Surveys

1.1 For actual field survey work, the amount to be charged for each lot of original isolated and advance surveys shall be computed using the following formula:

$$C = 11 \text{ times } N + 5 \text{ times square root of } A$$

where:

C = the amount to be charged expressed in pesos and centavos, Philippine Currency

N = number of corners of the lot

A = the area of the lot in square meters

The square root should be determined to the nearest square meter only provided, however, that in no case shall the amount to be charged for the original survey of each lot in rural/agricultural areas be less than FIVE HUNDRED FIFTY (P/550.00) Pesos, and in urban/residential areas be less than EIGHT HUNDRED EIGHTY (P/880.00) Pesos.

1.2 The amount to be charged for relocation surveys, field verification surveys or resurveys shall be computed on the basis of the formula in Paragraph 1.1 but in no case shall the charge for each lot be less than SIX HUNDRED SIXTY (P/660.00) Pesos. In case the Geodetic Engineer is required to testify in Court on the results of survey, the party/parties in interest shall defray the travelling and other official expenses of the Geodetic Engineer by depositing with the DENR-LMS the necessary amount to cover actual expenses.

1.3 The amount to be charged for development surveys such as topographic surveys and others, when the elevation is reckoned from an assumed datum or when a bench mark is near the site, and the contour interval is less than one (1) meter, shall be in accordance with the following rates:

For the first hectare
or fraction thereof:P/1,650.00

For the 2nd to 10th hectares
an additional P/ 450.00/ha

For the 11th to 20th hectares
an additional P/ 400.00/ha

For the 21st to 30th hectares
an additional P/ 350.00/ha

For the 31st to 50th hectares
an additional P/ 300.00/ha

In excess of 50 hectares
an additional P/ 250.00/ha

If true elevation is required, additional cost shall be charged for the connecting level circuit from an established bench mark. for contour interval of less than one (1) meter, charges shall be based on actual cost.

1.5 The charges for all other surveys and special surveys not included in the foregoing paragraphs shall be computed based on actual cost.

The charges shall cover actual cost which shall depend on the project specification, methods of work, location, local conditions, and other work parameters.

1.6 In the foregoing paragraphs and in all cases in this Order where it becomes applicable, (a) any common corner shall be counted as many times as there are lots to which it pertains, and (b) a fraction of a hectare shall be considered one hectare.

2. Computation/Processing of Data

Processing/Computation of Survey Data of Project Surveys direct from the field notes or thru data preparation based on the field notes using the Bureau's computer system may be accepted. The outputs will be (a) Traverse Computation, (b) Lot Data Computation, (c) Lot Descriptions, (d) Alphabetical List of Claimants, (e) Numerical List of claimants. The number of copies for each of the documents will be as per term of the survey contract or as specified by the contractor.

3. Field Inspection

3.1 For the ocular field inspection of the public land subject of a request for survey authority; or of land covered by public land survey, or of other isolated survey whose field inspection is deemed necessary, the charge in lieu of cash deposit required in Section 10-12, Lands Administrative Order No.4 dated 03 July 1980 shall be

Field inspection deposit = P/11.00 H + 1.00 K + P/110 but in no case shall the charge be less than P/200.00

where:

H = area in hectares per survey plan; a fraction of a hectare is considered one hectare

K = the distance in kilometers of the survey site from provincial district office or the official station of inspector.

3.2 For projects under contract, the minimum deposit for field inspection required for each project shall be computed in accordance with the following formula:

Inspection Deposit = 6.25T + 0.5P + P/1, 000.00

where:

T = Contract period, in days

P = Estimated number of parcels in the project subject to adjustment after final survey on the basis of increase of the number of lots

Additional inspection costs shall proportionately be charged against the contractor in case of extension of the contract period.

3.3 The amount to be charged for the field inspection on the setting of corner monuments of subdivision projects within the purview of PD 957 (Subdivision and Condominium Buyer's Protective Decree) for purpose of office verification and/or approval shall be:

a) For each project or project phase with an aggregate area of 1,00 sq. me. or less - P/165.00

b) For each project phase with an aggregate area of more than 1,000 square meters

1) For the first 1,000 sq. m. - P/165.00

2) For every succeeding 1,000 sq. m. of fraction thereof - P/22.00

These field inspection charges do not include the fees for surveys verification and approval covered by pertinent rules in this Order.

4. Office Verification and Approval

The verification of computations, maps, plans and technical descriptions of isolated land surveys and advance plans submitted by private practitioners shall be subject to the payment in advance of a fee as prescribed hereunder:

4.1 Verification of Isolated Surveys

Verification of survey returns submitted by private practitioners for land registration proceedings, patent issuance and for other purposes:

4.1.1 Original Surveys

- a) For each parcel/lot - P/6.00
- b) Plus for each lot corner - P/0.50
- c) Plus for each traverse station - P/0.20
- d) Plus for each solar/stellar observation - P/2.00 but in no case shall the charge per survey be less than TWENTY (P/20.00) Pesos.

4.1.2 Subdivision Surveys

In the case of complete subdivision of previously approved surveys the verification fees shall be at the rate of sixty percent (60%) of what should be charged if the subdivision survey were an original survey.

In the case of segregation surveys, the fees shall be the same as for original surveys in Paragraph 4.1.1.

In every case, each lot and its corresponding number of corners shall be considered independently in the computation of the fees.

4.1.3 The rates of fees prescribed in Paragraph 4.1.1 shall also apply to the examination, verification, approval of consolidation, consolidation-subdivision, resubdivision and reconsolidation plans.

4.1.4 In the computation of fees relative to lots subject of consolidation and consolidation-subdivision plans, a fee of Three (P/3.00) Pesos shall be collected per lot

as appearing in the original survey in addition to the fee collectible in Paragraph 4.1.1. for the new lots.

4.1.5 For the verification and approval of a tracing cloth plan as part of the survey returns a fee of Six (P/6.00) Pesos shall be charged.

4.2 Verification, examination of plans and technical descriptions and certification as to the same:

4.2.1 For copies of plans of previously approved surveys prepared and submitted by licensed Geodetic Engineers in the private practice for verification and certification, the charges are:

For the first 20 corners - P/8.00

For each additional corner over 20 corners - P/0.20

However, in no case shall the charge be less than P/8.00

4.2.2 For typewritten technical descriptions of previously approved surveys submitted for verification and certification, the charges are:

For the first page - P/6.00

For each additional page - P/1.00

4.2.3 For verification and certification of lot descriptions prepared on tracing cloth form (in tabulated format), the charge is:

For each sheet - P/6.00

In all of the above and in support of the required certification as to correctness, and one documentary stamp to be affixed thereto.

5. For verification of Aggregate Survey Projects:

Per lot P/3.00

6. Preparation, verification and certification of survey data and plan of previously approved surveys:

6.1 Survey data

6.1.1 For the preparation and certification of technical descriptions of surveys for land registration proceedings, other than by mere copying from an existing copy, typewritten in triplicate, double spaced:

- a) For each page - P/12.00
- b) For each extra carbon copy - P/3.00

In the case of a cadastral lot, the proportionate cadastral cost shall also be collected.

6.1.2 For lot data prepared on the prescribed LMB Form (Lot Description Form), the charges per sheet are:

- a) Tracing cloth or drafting film material - P/30.00
- b) Tracing paper material - P/18.00

6.1.3 For lot data prepared on the prescribed LMB Form, the charge is

- a) For each page - P/10.00

6.2 Survey Plan and Maps

6.2.1 For the preparation of advance plan of lots of project surveys in tracing cloth to be certified by the Director of Lands or his duly authorized representative, or by the Regional Director concerned, including all technical documents needed for registration proceedings, the charges shall be as follows:

- a) Per plan containing 1-10 corners - P/330.00
- b) Per plan containing more than 10 corners - P/385.00

Add to these costs the proportionate cadastral survey cost.

6.2.2 For the preparation and certification of a plan in tracing cloth, to be traced from an existing approved plan complete with bearing and distances of lot lines and tie-lines, the fee shall be:

Per plan containing 1-10 corners - 1 P/110.00

Per plan containing more than 10 corners - P/138.00

6.2.3 For the preparation of a plan in tracing cloth, to be copied from an existing approved plan, complete with bearings and distances of sides and tie-lines, but made on a reduced or enlarged scale, the fee shall be one hundred thirty two percent (132%) of the fee computed in paragraph 6.2.1.

6.2.4 When the preparation of the plan needs research, recomputation and/or reconstruction of the data from available survey records, the fee shall be one hundred fifty five per cent (155%) of the fees prescribed in Paragraph 6.2.1.

For all intent and purposes, the foregoing plans shall be certified by the Director of Lands or the Regional Director or their duly authorized representatives provided that the source is an originally approved plan or properly approved reconstructed plan.

6.3 Preparation of sketch (SK) and special (SP) plans for other purposes except for registration purposes.

6.3.1 For the preparation of special plans, location plans, sketch plans on tracing cloth of lots in cadastral public land subdivision, group settlement surveys, the data of which are available in the Lands Management Bureau, and when no field work is to be undertaken, the following rates per plan shall apply:

For lots of 10 corners or less - /110.00

For lots with more than 10 corners - P/165.00

In the case of location plan, additional charge of P/110.00 shall be collected to cover travel expenses if ground site verification for the vicinity plan is to be undertaken.

- 6.3.2 For the preparation of sketch plans with bearings, distances and tie lines on tracing paper for reference purposes, directly traced from existing cadastral and public land subdivision maps;

For lots of 1-10 corners - P/17.00

For lots with more than 10 corners - P/22.00

- 6.3.3 For office investigation, preparation and certification of sketch plan on tracing cloth showing the relative positions of surveys, the survey plans of which are available in the Lands Management Bureau, the charges are:

For plotting of 10 corners - P/110.00

For plotting of more than 10 corners - P/165.00

- 6.3.4 For the foregoing cases, any common corner shall be counted as many times as there are lots to which it pertains.

- 6.3.5 The foregoing sketch plans shall be certified only by the Chief, Central Surveys Division or by the Chief, Regional Survey Division in which case sufficient documentary stamps shall be affixed to the document.

6.4 Certification of Survey Records

- 6.4.1 Preparation, verification and certification of copies of the Geodetic Engineers certificate and the Survey Notification Letter.

For each certified copy of the above document - P/6.00

6.4.2 Certification in lieu of lost Geodetic Engineer's Certificate

For the first page - P/6.00

For every additional copy - P/1.00

In all of the above cases, add one documentary stamp to be affixed to each document.

6.4.3 Copying, verification and certification of field notes, lot data computations, traverse, solar computation sheets.

Per sheet - P/12.00

6.4.4 For document requiring research, recomputation and office verification:

For the first page - P/15.00

For every succeeding page - P/ 5.00

7. For furnishing plain reproduction copy of plans and maps (duly certified)

7.1 Diazo Paper/Print (White Print): per Copy

a) Isolated Plan (Prescribed LMB Form) - P/5.00

b) One-minute Cadastral Map - P/6.00

c) Other map size for every square decimeter - P/0.35

8. Other Survey Services

Whenever certification is requested, sufficient documentary stamps to be affixed to each document shall be required in addition to the charges prescribed below:

8.1 Certification of Position of Points of Reference:

- a) For research and certification of two (2) points or less
- P/20.00
 - b) For each reference point in excess of two (2) points
- P/ 2.50
- 8.2 Verification and recomputation of lot lines, per line
P/11.00
- 8.3 For changing the names of location appearing on the approved plan in order to conform to legal documents related to the land upon request of the survey claimant of his heirs, the fee per survey plan - P/11.00
- 8.4 For the cancellation of a previously approved survey plan upon the request of the survey claimant or his heirs or successor or assignee-in interest and favorably recommended by the Community Environment and Natural Resources Officer - P/25.00
- 8.5 For recomputation and verification of the area of lands covered by previously approved survey for purposes of amending the title:
 - a) 1-10 corners or less - P/22.00
 - b) For lot with more than 10 corners - P/28.00
- 8.6 For projection of mining surveys and certification of old surveys overlapped by the mining claim,, the fees shall be:
 - a) For each lot of 1-10 corners or less - P/22.00
 - b) For lot with more than 10 corners - P/28.00
- 8.7 For the tests of surveying materials and issuance of original authority to print LMB Survey Forms including proof reading of the dummy:
 - a) For each LMB Form - P/55.00

- b) For renewal of the Authority using the same surveying materials as heretofore tested charge per LMB Form shall be - P/28.00

8.8 For field test, examination, standardization, calibration and periodic field tests and recalibration, registration and certification of surveying instruments to be used in property surveys for land registration; general cleaning, repair and adjustments; and issuance of registration papers.

8.8.1 For field tests, examination, standardization, and original registration and certification of the surveying instruments:

- a) Electronic Distance Meter - P/150.00
- b) Theodolite - P/100.00
- c) Engineer's Transit - P/100.00
- d) Engineer's Level - P/ 80.00
- e) Surveying Steel Tape - P/60.00
- f) Surveying Invar or Lovar type - P/ 60.00
- g) Alidade - P/ 80.00

8.8.2 For periodic re-examination, field test of calibration, and renewal of certificate of registration:

- a) Electronic Distance Meter - P/100.00
- b) Theodolite - P/ 75.00
- c) Engineer's Transit - P/ 75.00
- d) Engineer's Level - P/ 50.00
- e) Surveying Steel Tape - P/45.00
- f) Surveying Invar or Lovar Tape - P/ 45.00
- g) Alidade - P/ 50.00
- h) Re-registration of the above instruments by change of ownership before expiry date of the certificate - P/ 30.00
- i) Issuance of certified true copy of the certificate of registration

- 1. For the first copy - P/ 10.00
- 2. For each additional copy - P/ 2.00

8.9 Photogrammetric Services, Sales, and Other Technical Services

8.9.1 For the sales of maps, technical publication, etc.

- a. Sale of photomosaic maps, original print, per copy - P/ 10.00

Provided that for each additional copy of the same map sheet purchased, the cost shall be - P/ 5.00

- b. Philippine Plane Coordinate System at cost
- c. Other Technical Bulletins as maybe published at cost

8.9.2 Reproduction of aerial photograph of areas covered by photogrammetric of projects of the Bureau of Lands.

Type of Reproduction

- A. Photomosaic map Diazo Print - P/ 6.00

B. Unrectified Photograph

1. Contact print, 25.4 cm x 25.4 cm, single weight, each - P/27.00
2. Contact print, 25.4 cm x 25.4 cm double weight, each - P/32.00
3. Enlargement, 50.8 cm x 101.6 cm, double weight each - P/200.00

- C. Rectified (Excluding the cost of the provision of photo control points)

1. Contact print, 25.4 cm x 25.4 cm, single weight each - P/40.00

2. Contact print, 25.4 cm x 25.4 cm, double weight each - P/55.00
3. Film diapositive, 24.4 cm x 25.4 cm, each - P/70.00
4. Add to the above rates the costs of providing photo control points - P/50.00/ha establishment of control

8.9.3 Photogrammetric machine Time and or Services

- a) For the use of the reactifier-enlarger, per hour - P/35.00
- b) For the use of Photo-Laboratory facilities of processing tanks, washer, dryer, etc., per hour - P/25.00
- c) For the use of photo-contact printer, per hour - P/25.00
- d) For the use of the Universal stereo-planigraph instrument including space facilities, per hour - P/60.00

The use of the machine shall be the subject of a written contract with the Director of Lands

8.9.4 Verification of Photogrammetric projects using the photogrammetric instrument - At Cost

II. On Land Disposition and Management

1. Fees incident to the filing of applications for lands of the Public and Private domain of the Government.
 - 1.1. Application fee of FIFTY (50.00) Pesos shall be charged per public Land Application as implemented by Administrative Order No. 43.
 - 1.2. Affidavit or Oath Fee of TEN (10.00) Pesos shall be charged for each supporting document not on prescribed DENR Forms.
2. Transfer fee on public land applications, approval fee of service contract, assignment on the nature of mortgage, assignment of free patent rights, and approval fee on encumbrance, alienation or any transaction over patented lands.
 - 2.1. Transfer fee and fee for assignment in the nature of mortgage and fee for assignment of free patent rights and other rights.
 - 2.1.1. P10.00 per hectare (or assignment of rights to agricultural lands covered by Free Patent Application but in no case less than P100.00 per application, and P1000.00 for residential lands not exceeding 1, 000 square meters.
 - 2.1.2. P20.00 per hectare of lands applied for agricultural educational, religious or charitable purposes, but in no case less than P150.00 nor more than P2,500 per application.
 - 2.1.3. P20.00 for the first 1,000 square meters or fraction thereof of lands applied for residential, commercial industrial or similar purposes plus P20.00 per 100 square meters or fraction thereof in excess of 1,000 square meters but in no case more than P2,000 per application.

- 2.2 Approval Fee for Service Contract under P.D. 151 and Joint Venture Agreement
 - 2.2.1 P30.00 per hectare of lands applied for agricultural, educational, religious or charitable purposes, but in no case more than P300.00 per application of individual not more than P1,500 per application of corporation
 - 2.2.2 P200.00 per application for the first 1,000 square meters or fraction thereof of lands applied for residential, commercial, industrial or similar purposes, plus P10.00 per square meter or fraction thereof in excess of 1,000 square meters but in no case more than P2,000 per application.
- 2.3 Approval Fee for service contract under P.D. 151 and Joint Venture agreement involving patented lands - P50.00 per hectare but in no case less than P500.00 nor more than P2,000.00 per application (request).
- 2.4 Approval Fee for the conveyance, alienation or encumbrance of patented lands - P10.00 per hectare but in no case less than P100.00 nor more than P500.00.
- 2.5 Service Fee for clearance required by banking and other financial institutions - P5.00 per hectare but in no case less than P100.00 nor more than P200.00.
- 3. Other Service Fees:
 - 3.1 Reconstitution Fee
 - 3.1.1 P150.00 per pre-war patent and deed of conveyance
 - 3.1.2 P100.00 per post-war and deed of conveyance
- 4. Collection of fees incident to the filing and disposition of protest, appeals and other petitions in connection with the administrative settlement of claims and conflicts on public lands and of controversion on the private domain of the Republic of the Philippines as herein prescribed shall be:

Pursuant to the provisions of Section 79 (B) of the Revised Administrative Code, Act No. 3038, and Section 5 of Commonwealth Act No. 141, otherwise known as "The Public Land Act", and in order to regulate the filing and disposition of claims or protests against public land application, and the prosecution of appeals or other petitions against decisions or orders of Regional Land Directors and the Director of Lands, the following fees shall be collected in the manner prescribed hereunder:

- 4.1 Protest: For the filing of a protest required under paragraph number 4 of Lands Administrative Order No. 6, dated April 30, 1934, FIFTY (50.00) Pesos shall be paid by the claimant before the claim is collected.

This fee shall be collected and properly receipted for by the Director of Land or his duly authorized representative. In case the fee is paid in any provincial unit, the receipt thereof or a certification of its payment should be attached to the protest when said protest is forwarded to the Central Office.

- 4.2 Appeals: For filing an appeal from the decision or order of the Regional Land Director or the Director of Lands to the Minister of Natural Resources, under paragraph numbered 2 of Lands Administrative Order No. 6 SIXTY (P60.00) Pesos shall be paid by the appellant either to the Secretary of Environment and Natural Resources or to the Director of Lands or their respective duly authorized representative. Failure to pay the fee within the (10) days from the date of notice of appeal is filed may be sufficient ground for dismissal or dropping the appeal.
- 4.3 Orders of Execution: For the issuance of an order of execution, SIXTY P(60.00) Pesos to be paid by the party requesting the execution.
- 4.4 Petition for Relief: For filing a petition for relief from the effect of a decision or order as provided in paragraph numbered 14 of Lands Administrative Order No. 6, SIXTY (P60.00) Pesos to be paid by the Petitioner. The same amount of fees shall be collected in connection with cases involving lands of

the private domain of the government under the administration of the Director of Lands.

- 4.5 An amount equivalent to the actual traveling expenses but no less than P110.00 shall be deposited for the Bureau's witness services as requested by party in court cases where the Director of Lands is not a party in interest and in places beyond 50 km. radius from Manila.

NOTE: Unless otherwise stated, all fees/charges prescribed under Title II hereof shall be paid by the applicant, transferee, assignee, vendee, mortgagee or the party requesting the approval/service.

III. On Records Management

1. The rate of charges in the preparation and issuances of certification, copies of documents, plain or certified records available in the Bureau's custody, either for reconstitution purposes or for reference/personal file, shall be:

1.1 Certification Fees

- 1.1.1 P10.00 per certified copy of one page document. If document consists of more than one page the fee shall be P5.00 per additional pages. For certified Xerox copy of Area Computation Book, the fee shall be P10.00 per sheet and P5.00 per additional sheet.
- 1.1.2 For certification regarding status of a lot or public land application the fee shall be P20.00. If more than one lot or more than one application the fee shall be P10.00 per additional lot or application. A fee of P20.00 per certification as to survey claimant of one (1) lot or Isolated Plan. If more than one lot, P10.00 per additional lot.
- 1.1.3 P5.00 per page for plain photo copies only-without certification.
- 1.1.4 P25.00 per certified Xerox copy of approved Isolated Plans.

1.1.5 P20.00 per certified technical description in the L.M.B. Form No. V-37 per lot.

- B. With the exception of the Circular on the minimum appraisal of lands, all Land Administrative Orders, Memorandum Circulars and subsequent amendments thereof, including instructions governing costs and fees on land surveys, disposition and management and records keeping are hereby revoked.
- C. Conformably therefore and to effectively maintain the standard rate of Lands Management Bureau Costs and Fees consistent with the present rate of services, the Director of Lands is hereby authorized to amend and/or modify any provision hereof accordingly as the needs arise.
- D. Strict compliance herewith is enjoined.
- E. This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 35
May 17, 1993

SUBJECT : Prescribing Standard Operating Procedures to Strengthen the DENR Integrated Approach to Surveying and Mapping in the Country

A. Supplementary to DAO No. 72, Series of 1990, initially instituting the integrated approach to surveying and mapping in the Department of Environment and Natural Resources, the following Standard Operating Procedures are hereby prescribed.

1. All survey and mapping projects within the function of the DENR shall be undertaken in accordance with the Manual of Land Surveys in the Philippines (MLSP), Manual of Regulations of Mineral Land Surveys (MRMLS), DAO 72 and other pertinent existing rules and regulations which shall be in conformity with this order not contrary hereto.
 - 1.1 For parcellary surveys of ISF areas, Land use classification, A & D Inventory surveys and foreshores lands using the minimum allowable surveying/mapping equipments of transit and stadia, the survey precision shall be 1:000
2. All survey returns, plans and maps intended to be used as instrument of official transactions or pertinent supporting documents shall be forwarded for verification and approval to the Regional Technical Director for Lands Management Services.
 - 2.1 Plans of mineral land survey shall be plotted on the cadastral maps and on survey index maps. All indicated with dash lines on the mineral survey Plan.
 - 2.2 All other plans and Maps shall be verified to ascertain the precision of the boundary technical Projection Maps to establish their relative positions with their adjoining previously approved surveyed lots.
3. Pending the transfer of technology to the regions of the Least square, Hermer/Affine adjustment, the survey returns including the preliminary computations shall be prepared by the Regional Field Network Survey Parties (FNSPs) and submitted to the Land Management Bureau through the Regional Technical Director for Land Management Services for adjustment and/or

transformation pursuant to DENR Circular No. 1, S-1989 as amended by DENR Circular No. 6, S-1991 and DAO No. 72.

4. The Regional Technical Directors for Land Management Services shall be directly responsible for the technical supervision and control of Regional Survey Parties/Teams in the execution of the surveys and mappings under the functional responsibility of DENR excluding those involved in the following:
 - 4.1 The National Geodetic Network Surveys of NAMRIA
 - 4.2 Photogrammetric and Remote Sensing surveys and mapping of NAMRIA for the production of small and medium-scale topographic maps which follows the international standards of mapping.
 - 4.3 Hydrographic and gravimetry survey, soundings, global positioning survey of the Coast and Geodetic Surveys Department of NAMRIA; provided that the densification of GPS control point thru traversing, triangulation, or trilateration to service specifically the immediate need of the cadastral and other surveys covered by this order shall be placed under the operation of this Order.
 - 4.4 Geological or geomorphological as well as the underground mineral land surveys of the Mines and Geo-Sciences Management Services.
 - 4.5 Route surveys and similar construction surveys needed in special projects.
 - 4.6 Production of thematic maps prepared from previously approved maps by field units are also exempted provided that the established standards for maps are followed and that copies of the maps shall be sent to the LMS and LMB for reference in the preparation of regional and national maps, respectively.
 - 4.7 Surveys of foreign-assisted projects whose supervision and coordination shall be provided by their Project Management Office.
5. To ensure the effective management control of surveying and mapping under these integrated approach procedures, the Regional Technical Director for Land Management Services shall:
 - 5.1 Gather all field surveys/operation plans of Regional survey parties/mapping teams of the PENROs and CENROs;

- 5.2 Accordingly formulate the corresponding strategies of supervision, coordination and field inspection/monitoring of programmed survey/mapping projects; and
 - 5.3 Set-up an effective survey verification mechanism to facilitate the approval of the surveys/maps.
- B. This order amends and/or supersedes accordingly existing guidelines, instruction, rules and regulations contrary hereto.
 - C. For strict compliance, this order takes effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 36
May 17, 1993

SUBJECT : Adoption of the New DENR Land Records Management System

Pursuant to Memorandum Order No. 27 of the President dated August 14, 1992 providing for the streamlining of the operations of the government, and to provide the DENR Field Offices a Land Records Management System that will ensure an orderly and effective management and control of the agency's land records, the following rules, regulations and guidelines are hereby prescribed for the information and guidance of all concerned:

1. Policy Statement

As a matter of policy, the DENR is responsible in providing the field offices a modern, accurate and comprehensive system of land records management on all government land including surveys and disposition.

2. General Provisions

2.1 It shall be the responsibility of the Department of Environment and Natural Resources (DENR), to provide and distribute to the Regional Offices a copy/ies of the **NEW DENR LAND RECORDS MANAGEMENT SYSTEM OPERATIONS MANUAL**.

2.2 This Operations Manual shall be adopted strictly except the following:

2.1 The proposed structural chart on records management.

2.2 Integration of other sectoral records; and

2.3 To operationalize the Land Records Management System, Land Records Unit in all level of the land sector shall be organized and strengthen the existing one.

2.4 The Regional Executive Director upon the recommendation of the Regional Technical Director For Lands, shall designate the Land Records Officer to head these units.

- 2.5 All documents/records pertaining to land matters when received by the Records Section of the Administrative Division and when referred by the RED to the lands sector shall always pass through the Land Records Units.

3. Records Management and Control

- 3.1 The Records Officers in the Lands Sector shall coordinate with the Records Management Division of the Lands Management Bureau on land records activities and shall have the responsibility and control of all land records holdings of the office in his/her possession and custody.
- 3.2 The Records Officer of the Lands Sector shall have the sole access to the office files and shall be responsible for the security, maintenance and control of all land records at all times and in all cases.
- 3.3 The said Records Officers shall conduct a periodic inspection of the records holdings in his/her custody to ensure proper maintenance and to recommend the transfer, retention and/or disposal of obsolete or valueless land records and shall be responsible for the safekeeping of said records until its disposal is authorized.
- 3.4 No land records shall be taken out or issued to any person, without proper requisition and/or having no legitimate reason or purpose for using in accordance with the approved rules and regulations.
- 3.5 All land records in the possession and custody of the Records Officer shall be treated as accountable materials. Henceforth, they shall be held accountable in the issuance, maintenance, filing, control, loss, damage and/or unlawful or willfull destruction of said records.

4 Penal Provision

Any act or omission which violates these rules and the provisions of the New DENR Land Records Management System and the provisions of the Revised Penal Code pertinent thereto, shall be punishable under Article 226 to 230 of said code or any specific rules, without prejudice to the filing of administrative case against the offender.

5. Repealing Clause

All orders, circulars, memoranda, rules and regulations or part thereof, which are inconsistent to the provisions of this administrative order are thereby repealed, or amended accordingly.

6. Effectivity

This Administrative Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 37
May 17, 1993

**SUBJECT New Guidelines in the implementation of
the "Handog Titulo" Program**

Pursuant to Republic Act No. 6657 or the Comprehensive Agrarian Reform Law and Republic Act No. 6940 extending the Free Patent Law, for agricultural lands the following guidelines are hereby prescribed:

1. Policy Statement

The Comprehensive Agrarian Reform Program (CARP) mandates the Department of Environment and Natural Resources to distribute the 4.5 Million hectares of alienable and disposable lands of the public domain suitable for agriculture for a period of ten (10) years. In line with this commitment, the DENR through the Lands Management Services, aims to expedite the processing and issuance of public land patents to qualified beneficiaries.

2. Program Coverage

a. This program shall cover all codes of public land disposition involving agricultural lands only.

3. Implementing Approaches

In implementing the "Handog Titulo" Program, hereunder are the three (3) alternative approaches:

- a. The traditional system of individual investigation shall be applied on lands of the public domain wherein the remaining untitled A and D areas are not contiguous and are minimal.
- b. In areas where most of the A and D lands are cadastrally surveyed but not yet titled, the project approach which calls for mass acceptance of public land applications and carpet investigation shall be applied.
- c. Public land applications covering lots in areas where cadastral survey is on-going and survey returns have already been submitted for approval, shall be accepted for processing, as in item b. provided that no patent shall be issued until the survey has been approved.

4. Filing of Public Land Applications

- a. All Free Patent Applications filed after December 31, 1987 and before the effectivity of Republic Act No. 6940 on April 16, 1990 must be refiled and reinvestigated in the Community Environment and Natural Resources Offices (CENRO) concerned. Likewise, all other public land applications shall be filed therein.
- b. In approaches (1b) and (1c), the CENRO shall establish a public land application filing center where the CENRO representative can conduct mass acceptance of applications. The filing center shall be located in the most accessible place in the municipality or in the barangay where the land is located. The establishment of a filing center must always be done in coordination with local officials concerned.
- c. The new numbering system for public land applications shall apply for all applications filed under this program as provided for under DENR Administrative Order No. 55, Series of 1990.
- d. All existing rules and regulations governing the filing, acceptance and processing of public land applications consistent herewith shall apply to this program.

5. Issuance of Patents

- a. The new numbering system of patents shall apply, provided under DENR Administrative Order NO. 55, Series of 1990.
- b. To ensure the effective implementation of the "Handog Titulo" Program, DENR field offices in all levels are enjoined to seek the assistance of the Register of Deeds and the local government units to facilitate the registration and on-site distribution of patents particularly in approaches (1b) and (1c).

6. Payment of Fees

- a. Application and other Administrative fees shall be paid upon the filing of application. However, in some meritorious cases where an applicant cannot afford to pay the application and other administrative fees. In processing of the application can be done provided that the transmittal

of the patent to the Register of Deeds shall be suspended until such payment has been done.

- b. In cases where the patentee cannot afford to pay the cadastral cost, said cost shall be annotated at the back of the patent as lien. Pursuant to Memorandum Circular dated February 7, 1990 of the Land Registration Authority, the realty tax clearance need not be required in the initial registration of patent titles. However, tax clearance shall be required in the registration of subsequent transactions concerning the property.

7. Program Implementation

- a. The LMB whose Director will be the National Program Action Officer shall ensure the smooth and effective implementation of the program through proper planning and monitoring and who shall:
 - a.1 Conduct dialogues and consultations with concerned implementors as well as with top management primarily to identify and provide solutions to potential problems which may possibly delay implementation.
 - a.2 Assist in planning and target-setting based on existing resources and potentials.
 - a.3 Conduct periodic performance evaluation and assessment to detect immediately bottlenecks in the operations and provide remedial measures.
- b. In the course of implementation of this program, the LMB shall modify and or simplify acceptance and processing procedures as the need arises and issue necessary guidelines therein.
- c. In Regional Executive Director through the Regional Technical Director for Lands who shall act as the Regional Action Officer for this program, shall also conduct counterpart planning and monitoring activities to achieve program objectives.

8. Organizational Structure

- a. A Project Management Group at the LMB shall be created to closely supervise implementation of the said program. A Special Order to this effect shall be prepared.

- b. The Regional Offices in turn shall create their counterpart units with the RED as Executive Officer and the RTD for Lands as Action Officer.
- c. All Land Management Specialist at the PENRO and CENRO shall be designated as Provincial and Community Action Officers, respectively.

Information and Education Campaign (IEC)

- a. The LMB shall develop an IEC program and conduct a massive campaign through the tri-media approach giving emphasis on the grassroot level and shall be coordinated with the Department Level, IEC Coordinating Council.
 - b. DENR field units in all levels shall conduct same and enjoined to seek the assistance of local officials in consonance with the proposed program and shall be coordinated with the Regional Public Affairs Office (RPAO)
10. This Order repeals DENR Administrative Order No. 67 and amends all orders, circulars and other issuances inconsistent with these guidelines and shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order
No. 38
May 19, 1993

SUBJECT : Disposition of Cases of Claims and Conflicts.

In accordance with Executive Order No. 26 issued on October 7, 1992 prescribing the procedures and sanctions to ensure speedy disposition of administrative cases, the following implementing rules and regulations in the disposition of cases of claims and conflicts over public lands within the jurisdiction of the Regional Offices-DENR and the Central Office of the Lands Management Bureau are hereby issued for the guidance of all concerned:

1. The parties to the case of claims and conflicts involving public lands within the competence of the Regional Officer-DENR, to manage and dispose are required before resorting to the administrative proceedings to enter into amicable settlement, compromise and arbitration thru the Barangay conciliation proceedings in accordance with provisions of the Local Government code of 1992, Republic Act No. 7160 (Section 412, R.A. No. 7160 and P.D. 508);
 - 1.1 Only those cases that cannot be amicably settled, compromised or arbitrated thru the Barangay conciliation proceedings those that are excepted from the operation of the Barangay conciliation proceeding can be entertained by way of a formal protest to be filed with the Regional Officers-DENR;
 - 1.2 Protest thus filed shall be in the form and substance provided by Lands Administrative Order No. 6 and shall be accompanied by the required protest fee provided by Land Administrative No. 45, dated November 28, 1983;
2. In addition to the procedure for the conduct of investigation of cases of claims and conflicts provided by Lands Office Circular No. 68 dated 28 August 1978, the Hearing Officer assigned shall suggest to the parties to the case that they are allowed to the mandatory use of affidavits in lieu of direct testimonies and the preferred use of depositions whenever practicable and convenient;
3. The parties are required in addition to the memorandum, position paper, or last pleading, to submit a draft of the decision they seek stating clearly and distinctly the facts of the case and the law upon which it is based.

4. If in the opinion of the Hearing Officer, there are issues not resolved by the evidence of the parties and their respective memoranda, and in order that the whole controversy can be resolved, the hearing thereon in accordance with the existing rules shall be conducted. Such hearing shall be limited to the unresolved issue.
5. No postponement shall be allowed except on valid and justifiable grounds, such as illness which should be accompanied by a duly notarized medical certificate, inability of either party, witness or his counsel to be present in the investigation on account of urgent or pressing matters and/or force majeure. Not more than two postponements shall be allowed for each party. Each postponement shall not be longer than 20 days;
6. Any provisions of existing rules and regulations in conflict with any of the foregoing rules or inconsistent therewith are hereby repealed or amended accordingly; and
7. The provisions in the aforecited executive order regarding the timeframe within which to decide cases or pending incidents are reiterated and strict compliance is directed.

This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary

cc:

**All Regional Executive Director
The Chief, Legal Division
Lands Management Bureau, Manila**

Administrative Order
No. 44
July 09, 1993

SUBJECT : Guidelines and Procedures on the CARP Inventory of A & D Lands Project

The inventory of A & D Lands, as required in the effective implementation of R.A. 6657 otherwise known as the Comprehensive Agrarian Reform Law (CARL), shall be undertaken in accordance to the following guidelines and procedures:

Section 1. Mandate

The Land Management Services of the Department of Environment and Natural Resources shall be primarily responsible for the implementation of the Inventory of A & D Land project.

Section 2. Objectives

The project shall have the following objectives:

- 2.1 To obtain a comprehensive listing of parcels within the A & D lands.
- 2.2 To generate relevant information on survey status, land uses, names of claimants, and status of their claims.
- 2.3 To determine the area and specific location of agricultural lands that shall be disposed or developed under the CARP.
- 2.4 To establish a computerized information on A & D Lands.

Section 3. Definition of Terms

- 3.1 Alienable and Disposable (A & D) Lands refer to those lands of the public domain which have been subject of the present system of land classification and certified as not needed for forestry purposes.
- 3.2 Agricultural lands refers to land suitable or devoted for cultivation of food crops and for raising farm animals.

- 3.3 Inventory of A & D Lands - The process of collecting, compiling, evaluating, analyzing and documenting data pertaining to the survey structure, status of claims/ ownership, actual uses of lots/parcels of A & D lands within a municipality.

Section 4. Project Scope and Duration

- 4.1 The inventory shall cover all A & D parcels of land nationwide.
- 4.2 The inventory shall be undertaken within six (6) months from the date of release of funds for the project.

Section 5. Organization

- 5.1 The Lands Management Bureau shall be the lead agency who shall supervise the implementation of the project with the Land Management Services in the region as the main operating units.
- 5.2 The project shall be headed by a National Project Coordinator who shall be responsible for the project operations under the direction, supervision and control of the National Action Officer for CARP. A National Project Support Group shall be created at LMB which shall be responsible in the:
- a. Training
 - b. Monitoring & Evaluation
 - c. Processing Input Data
 - d. Administrative support services
 - e. Assisting the Project Coordinator in coordinating the project
- 5.3 A Regional Project Coordinator shall be designated by the Regional Action Officer for CARP. He shall be responsible for the project operations in the region. A Regional Project Support Group shall be created by the Regional Action Officer for CARP which shall perform functions similar to the National

Coordinator shall be designated by the Provincial Action Officer for CARP. He shall coordinate the activities in all CENRO's under the direction of the Provincial Action Officer for CARP.

- 5.5 A Community Action Team, headed by a designated Team Leader shall be created by the Community Action Officer for CARP, who shall be responsible for the execution of the inventory of A & D Lands within their area of jurisdiction.

This Team shall be composed of personnel from the Land Management Units, Survey Teams and other units in the CENRO Office.

Section 6. Operational Activities

6.1 Land Data Collection and Compilation

The CENRO Action Team immediately upon the start of the project shall compile all available land data record sheets and land information registers that have been previously generated in the inventory activities in pursuance to DAO No. 66 series of 1990 and submit the same to the National Project Coordinator.

6.2 Preparation and Distribution of Manual of Project Operations and Prescribed Forms.

The National Project Support Group shall prepare and provide the Manual of Operations on the inventory of A & D Land and samples of prescribed forms. Reproduction for additional copies shall be the responsibility of the Regional Project Support Group.

6.3 Orientation and Training

The National Project Support Group shall develop training program for the implementation of the project. This training program shall consist of Trainors training where selected regional staff shall be trained by the Management Support Group. Subsequent training for Technicians and Operators shall be conducted by the Regional Trainors at the CENROs.

6.4 Land Data Generation

For all surveyed and unsurveyed municipalities, a Land Data Record Sheet shall be prepared covering all A & D parcels. This includes research work of available records and field enumeration.

6.5 Sketching

For unsurveyed areas, actual field sketching shall be undertaken by contract with Private Geodetic Engineer Contractors or by Administration to determine the

approximate boundaries, area, location and number of land claims within the A & D lands.

6.6 Preparation of the Municipal Land Information Map

A Land Information Map shall be prepared using a stable base transparent material, cut size 54x54, at convenient scale but uniform for all the municipalities in each province.

The land survey status, land uses and disposition shall be shown in the map.

Section 7. Reports

Monthly Performance Report shall be submitted by the Community Action Team on or before the 25th of the reporting month, to the National Project Coordinator, copy furnished the Provincial Coordinator and Regional Project Coordinator.

Section 8. Budget

Funds shall be charged against the ARF allotment released for the purpose. The National Action Officer for DENR-CARP shall be responsible for the over-all management and allocation of such funds to all operating units in charge of implementing the project.

All orders, circulars, rules and regulations inconsistent with or contrary to the provisions of this Order are hereby modified or amended accordingly.

This order shall take effect immediately.

ANGEL C. ALCALA
Secretary

Administrative Order

No. 61

October 08, 1993

SUBJECT : Requiring the Submittal of the Location Monuments Recovery Report as Part of the Survey Returns

1. Presidential Executive Order No. 45 dated January 5, 1993 directs that all new surveys must now be in the Philippine Reference System of 1992 (PRS 92) and that all old surveys shall be integrated into this PRS 92 between now and the year 2000 after which all surveys shall be in PRS 92. To comply with this mandate and to enhance the quality of surveys thus facilitating the approval thereof, the Location Monument Recovery Report duly accomplished by the geodetic engineer shall be submitted as part of his survey returns.
2. For this purpose, LMB Form No. GSD-E-28 has been devised. The Geodetic Engineer shall fill in the necessary information which he shall be able to gather while executing his survey. Three (3) copies shall be submitted to the Regional Surveys Division of the Land Management Sector as part of his survey returns who shall in turn forward at the end of the month, the original copies of the reports to the Land Management Bureau, Geodetic Surveys Division, Manila.
3. The Location Monument Recovery Report shall describe the actual condition of the reference point used in the survey, either thru direct or indirect connection, whether it is still in its original state, partly damaged or disturbed, etc. Witness marks (bearing and approximate distance to prominent marks) shall be sketched on the report. Additional reports shall also be submitted for other location points that are recovered near the worksite or within the reasonable radius of two or three kilometers.
4. The Location Monument to be reported may be any of the acceptable "points of references" stated in Section 36 of the Manual for Land Surveys in the Philippines.
5. The professional diligence of the geodetic engineers in the accomplishment and submittal of this report will greatly contribute to the upgrading of the quality of surveys and to the attainment of the transformation process of all recovered points in the present Local or Philippine Plane Coordinate System to PRS 92.

6. This Order shall take effect immediately.

ANGEL C. ALCALA
Secretary