

DENR – Local Government Partnerships Handbook

Land Management Offices and LGU-Assisted Public Land Titling

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First Edition
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Acknowledgements

This Handbook is the product of the consolidated efforts of the Department of Environment and Natural Resources (DENR) field offices (Regional Office, PENRO and CENRO), Land Management Bureau - Center for Land Administration and Management - Philippines (LMB-CLAMP) and the Foundation for Economic Freedom (FEF).

The DENR Regional Offices with technical assistance from FEF has been conducting a series of trainings on public land titling for local government units (LGUs) in accordance with the Department Administrative Order (DAO) No. 2011-06, as a requirement for the deputation of LGU officials/employees as Public Land Inspectors.

The development of this Handbook for LGUs on Public Land Titling and the Creation of Land Offices took off from these trainings conducted in selected regions. The draft Handbook was reviewed by LMB officials and discussed by LMB with FEF for further improvement and refinement.

This Handbook shall be distributed to the LGUs for more information and easy reference on public land titling activities.

The following were significant contributors to the development of this Handbook: Atty. Erwin Tiamson, Atty. Reynante Orceo, Atty. George Katigbak, Rene Sanapo, Nicanor Roxas and Engr. Rhea Lyn Dealca.



**Department of Environment and Natural Resources
Land Management Bureau**

Message

On behalf of the Department of Environment and Natural Resources, we wish to extend our gratitude to our stakeholders, particularly the Foundation for Economic Freedom, with support from USAID and The Asia Foundation, who willingly support and provide assistance to us in our mandate to dispose land of the public domain to achieve tenure security for poverty alleviation and economic development.

With the strategy to bring down public land titling to the local level through Department Administrative Order (DAO) 2011-06, supported by the DILG Memorandum Circular 2011-07, we are hopeful that more parcels will be covered and more titles will be issued. The willingness of the LGUs to partner with the DENR in public land titling and the provision of additional resources is important as this would facilitate titling in their jurisdictions.

This is not just about achieving targets for the DENR but going beyond that and realizing the benefits of having titles on the part of the title holder and the LGU itself. We are also pleased to be working with the LGUs to support them in any way we can to improve their delivery of services to the public.

Meanwhile, this Manual will greatly aid the LGUs and also the DENR, to be guided in doing titling activities, uniformly, as much as possible. The Center for Land Administration and Management - Philippines (CLAMP) under the Land Management Bureau shall serve as the training center for both DENR and LGUs to undertake public land titling in partnership with each other.



EnP/ENGR. RALPH PABLO, DPA
OIC Director, LMB



Foundation for Economic Freedom

Message

We, the Fellows of the Foundation for Economic Freedom, are very pleased with the development of this Handbook on Public Land Titling for the Local Government Units. It is our privilege to be a partner of the LMB-CLAMP in the development of instruments that would reach more LGUs and more stakeholders who will support the national government's program of providing secure property rights for everyone.

Land is a very valuable resource, and obtaining absolute ownership of such through acquisition of title comes with both benefits and responsibilities. The title holder must be informed of these to realize the full fruits of land ownership. The LGUs will also benefit if more of their constituents obtain title to their respective properties because their tax bases will be enlarged and they will have happier citizens more secure in their land ownership.

We are looking forward to working with LMB-CLAMP in other Information, Education and Communication drives that would provide information and awareness about public land titling, particularly in the implementation of RA 10023.



CALIXTO V. CHIKIAMCO
President

**USAID**
FROM THE AMERICAN PEOPLE**United States Agency for International Development**

Message

On behalf of the United States Agency for International Development (USAID), I would like to acknowledge the important work of our local partners in promoting public land titling programs through partnerships between local government units (LGUs) and the Department of Environment and Natural Resources (DENR). Tenure security is essential in unlocking the country's economic growth, encouraging entrepreneurship, reducing poverty, and expanding opportunities for people to live productive lives.

The support of the Land Management Bureau's training wing, the Center for Land Administration and Management - Philippines (CLAMP), will meaningfully advance and accelerate national land titling programs through building the capacity of LGUs and DENR. Joint trainings and learning activities will also continue to foster cooperation between local governments and DENR as they work together to achieve their mutual goals.

We look forward to continuing our partnership with The Asia Foundation, the Foundation for Economic Freedom, and local agencies like DENR and CLAMP, in the advancement of public residential land titling to secure the property rights of all Filipinos.



GLORIA D. STEELE
Mission Director



The Asia Foundation

Message

The Asia Foundation is pleased to support local partners in promoting residential land titling through strategic partnerships between the Department of Environment and Natural Resources (DENR) and local governments. The DENR's capability to undertake residential public land titling programs receives a significant boost from the additional manpower and resources of local governments. At the same time, local communities benefit from increased real property tax revenues and secure parcels for their constituents.

The creation of this handbook is an important step in helping institutionalize these cooperative DENR - LGU partnerships. The Center for Land Administration and Management - Philippines (CLAMP), under the Land Management Bureau, serves a crucial role in ensuring consistent and systematic training of DENR and local government personnel on the implementation of public land titling. Additionally, through CLAMP's national scope, more localities are able to receive support in pushing for their own titling programs in order to provide their constituents with clean titles.

Through united efforts, we hope to see continued adoption of titling programs across the country to improve the security of property rights and promote inclusive growth that will keep the Philippines on a path toward prosperity.



STEVEN ROOD, Ph.D
Country Representative
TAF Philippines

Abbreviations

A and D	Alienable and Disposable
ADR	Alternative Dispute Resolution
CA	Commonwealth Act
CCM	Consolidated Cadastral Map
CM	Cadastral Map
CENRO	Community Environment and Natural Resources Office
DAO	Department Administrative Order
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
DILG	Department of Interior and Local Government
DOF	Department of Finance
DPLI	Deputized Public Land Investigator
EO	Executive Order
FEF	Foundation for Economic Freedom
FMS	Forest Management Services
JF	Judicial Form
LAM	Land Administration and Management
LAMS	Land Administration and Management System
LCE	Local Chief Executive
LGUs	Local Government Units
LMB	Land Management Bureau
LMC	Land Management Council
LMO	Land Management Office/Officer
LRA	Land Registration Authority
MOPA	Memorandum of Partnership Agreement
NAMRIA	National Mapping and Resource Information Authority
NCIP	National Commission on Indigenous Peoples
NGA	National Government Agency
PD	Presidential Decree
PENRO	Provincial Environment and Natural Resources Office
PLA	Public Land Application
PREP	Property Rights for Economic Progress
RA	Republic Act
RD	Register of Deeds

RED	Regional Executive Director
RLTA	Rapid Land Tenure Appraisal
RTC	Regional Trial Court
RTD	Regional Technical Director for Lands
SAT	Systematic Adjudication Team
SSA	Simultaneous Survey and Adjudication
TAF	The Asia Foundation
TD	Technical Description
UNECE	United Nations Economic Commission for Europe
USAID	United States Agency for International Development

About The Partners

Center for Land Administration and Management - Philippines (CLAMP)

The Center for Land Administration and Management - Philippines (CLAMP) is an institutional arrangement within DENR that integrates all new LAM innovations and technologies, propel the use of these LAM technologies and innovations in DENR and other agencies with land-related functions and sustain the continued and further development of these LAM technologies and innovations.

The core functions of CLAMP is on: 1) Technology Transfer - inform and educate implementers on the new technologies and innovations; 2) Technical Trainings - conduct of actual training on the use of the new technologies and innovations; and 3) Technical Advisory - provide advice or coach implementers for actual implementation.

CLAMP is under the direct supervision of the Director of the Land Management Bureau.

Foundation for Economic Freedom (FEF)

Economists, policy-makers, business leaders and advocates of reform in the Philippine economy established the Foundation for Economic Freedom. The institution is intended both as a think-tank for pro-market policy solutions as well as a highly visible network engaged in advocacy and public education.

The Foundation aims to: 1) improve the economic literacy and knowledge of Filipinos to enable them to critically decide on development issues affecting the country; 2) expose economic inefficiencies to government, business and industry, and the general public to guide decision-makers in pursuing appropriate corrections; 3) present alternative economic policies to government decision-makers; and 4) influence policy-makers in government, business, and industry to aim for sustainable economic development.

United States Agency for International Development (USAID)

The United States Agency for International Development (USAID) is the principal agency responsible for managing U.S. Government assistance programs in more than 100 developing countries around the world. USAID was officially established in the Philippines on November 3, 1961.

USAID Philippines' current programs focus on strengthening peace in conflict-affected Mindanao, promoting good governance, increasing economic opportunities, protecting the environment, strengthening health services, and improving basic education.

The Asia Foundation (TAF)

The Asia Foundation is a non-profit, non-governmental organization (NGO) committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region. The Foundation supports Asian initiatives to improve governance, law, and civil society; women's empowerment; economic reform and development; sustainable development and the environment; and international relations. Drawing on nearly 60 years of experience in Asia, the Foundation collaborates with private and public partners to support leadership and institutional development, exchanges, and policy research.

The Foundation's Philippine office continues to provide path-breaking leadership in utilizing its political economy framework to achieve reforms, helping to improve community relations with security forces in conflict-affected areas, driving economic reform with concrete, measurable successes, and sustaining justice reforms, and upholding human rights. TAF also contributes to peace monitoring and navigating the intersection between gender and conflict in Mindanao.

Property Rights for Economic Progress Project (PREP)

Through the support of The Asia Foundation and USAID, FEF has embarked on a project to promote secure property rights. This project is aimed at increasing tenure security through the titling of public alienable and disposable lands.

With Republic Act No. 10023, "An Act Authorizing the Issuance of Free Patents to Residential Lands" as anchor for its developmental work, the PREP

project aims to increase the number of residential lands titled. It has been determined that increasing tenure security over residential parcels will also increase land market activity. This increase in land market activity will translate to the promotion of economic activities and opportunities to improve the lives of the people.

To realize the objectives of RA 10023, PREP advocated for the issuance by the Department of Environment and Natural Resources of an Administrative Order (DAO 2011-06), "Prescribing the Guidelines for the Implementation of Public Land Titling in Partnership with Local Government Units". This guideline is intended to facilitate the creation of partnership arrangements between DENR field offices and LGUs to promote titling activities, particularly, the titling of residential lands. The DAO also envisions the establishment of Land Management Offices (LMOs) and Land Management Councils (LMCs) in the Local Government Units (LGUs) to strengthen and promote their participation in land management and administration.

Realizing the invaluable contribution of the LGUs in the administration and management of the country's land resources, the PREP project is now aiding LGUs in the creation of LMCs and LMOs. PREP provides technical assistance in the initial establishment of partnership arrangements between the DENR and the LGUs. It also provides assistance in the initial set up of LMCs and LMOs. Trainings on land administration, land management and land adjudication is also being provided by the project.

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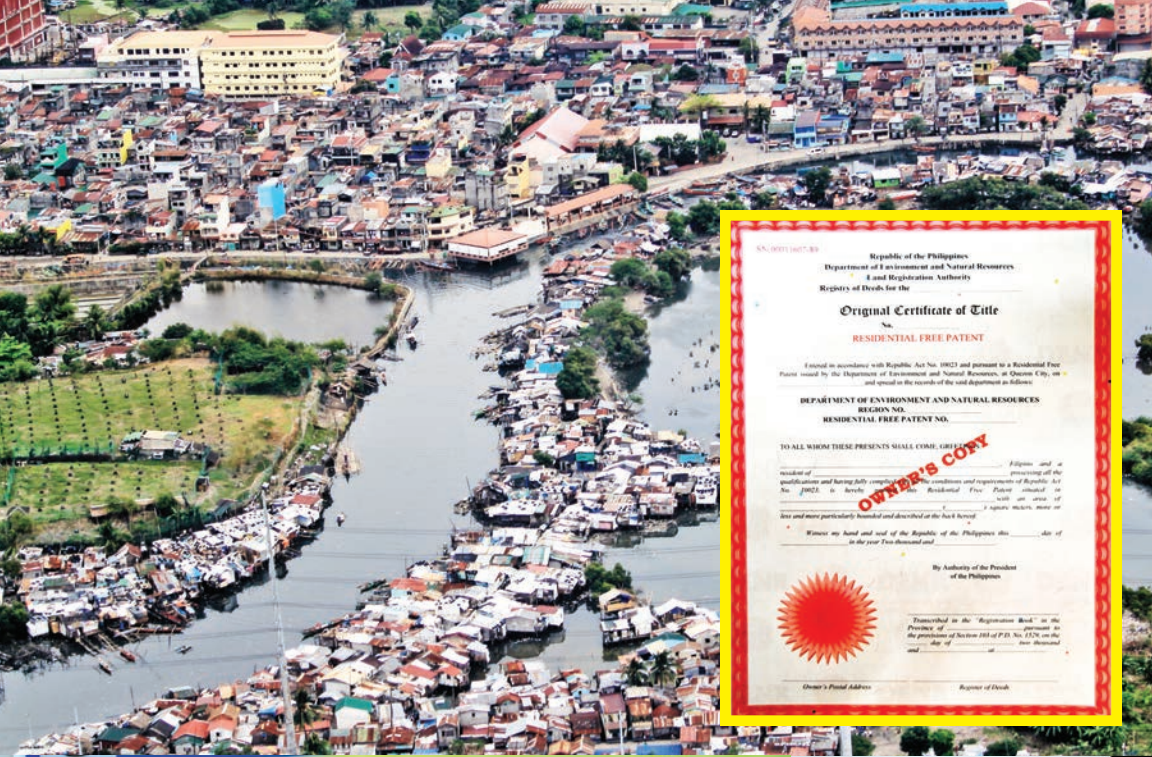
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PRIMER

INTRODUCTION

DENR's Administrative Order No. 2011-06 prescribes the guidelines for the implementation of public land titling in partnership with LGUs. This has been supported by DILG's issuance of Memorandum Circular No. 2011-117 which enjoins local authorities to support the intention of DENR's AO in integrating land titling programs in the LGUs, creation of a Land Information Office and Cadastral Council and the deputation of LGU official or employee as Deputized Public Land Inspector by the concerned DENR Regional Executive Director.

Different local governments get involved with different forms of titling, depending on what is relevant to, or demanded by, their constituents. LGUs undertake titling activities to title their own properties; to resolve boundary conflicts (individual lots or political boundaries); for shelter and housing; for economic participation and to increase real property tax collection.

To facilitate titling, LGUs bring and use data or information. These come in two forms: informal local knowledge, and formal, structured data. Local knowledge has been gained only through long association with the place and its people – histories of friendship ties or animosities, persons of influence and the source of their influence, land conditions in certain seasons – information that help to establish boundaries and settle ownership and boundary disputes, which are not normally accessible to other forms of government. LGUs also hold parcellary land information which is necessary for titling.

The LGUs may also readily provide for the allocation of personnel and resources (supplies, funds for surveying, equipment, office space, vehicles or transportation allowance, etc.) for titling.

Local leaders manifest the political will and drive to initiate, pursue, and sustain titling activities through their official declarations, oral and written. Through speeches, Executive Orders, and Executive-initiated legislation, mayors and governors set the direction, explain the objectives, set the targets, and elicit cooperation for titling.

The LGUs will greatly benefit with partnership arrangements for a titling program. The facilitation of titling activities within LGU jurisdictions will assist in the LGUs tax mapping and demographic mapping activities, not to mention in the LGUs development of their geographic information systems (GIS). With the improvement in LGUs' titling, comes improvement in their tax collection by expanding their tax base. Titled properties can be taxed properly. The increase in LGU revenues opens up a variety of improvements in the LGUs including the LGUs delivery of services.

The titling of public alienable and disposable lands will increase land market activities within the LGU that will translate to more economic opportunities not only for the LGUs but also for their constituents.



CHAPTER I

Overview of Land Administration in the Philippines

This chapter is intended to give LGU personnel basic knowledge of the key concepts of land administration in the Philippines. Discussion will focus on land classification, land survey, land disposition and land registration in the Philippines to equip LGU personnel with sufficient understanding of the principles behind the titling activities of the national government.

I. Land Administration

Land administration is referred to as “the processes of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies” (*Land Administration Guidelines, UN-ECE 1996*). It is considered to include land registration, cadastral surveying and mapping, fiscal, legal and multi-purpose cadastres and land information systems. Land administration pertains to government activities that have to do with the accounting and inventory of land including its resources, size, relative position, value and tenurial interest therein. Land management on the other hand pertains to policy decisions and implementation on land use and utilization including access and distribution.

There are at least nine (9) national agencies with major land administration and management functions in the Philippines. These agencies are involved directly in LAM functions including the surveying and mapping, titling, real property tax assessment, zoning and land use planning.

Agency	Functions
1. Department of Environment and Natural Resources (DENR)	Created under EO 192, Series of 1987 main agency involved in surveying and titling of public land under Commonwealth Act No. 141, RA No. 730 and RA No. 10023
2. Land Management Bureau (LMB)	Public Land Disposition and issuance of policies on land management
3. National Mapping and Resource Information Authority (NAMRIA)	Mapping, land classification and establishment of refence system

<p>4. Land Registration Authority (LRA)</p>	<p>Created under PD No. 1529 with a mandate to issue decrees of registration and the Registers of Deeds to cause the issuance of the corresponding certificates of title; the LRA exercises supervision and control over all Registers of Deeds; assists court in land registration proceeding, decides questions regarding registration of instruments, approves simple subdivisions of registered lands</p>
<p>5. Register of Deeds</p>	<p>Registers Patents, CLOAS, CADT/C and Decrees issued by the DENR, DAR, NCIP and the LRA, respectively and responsible for the registration of subsequent voluntary and involuntary transactions on registered lands</p>
<p>6. Department of Agrarian Reform (DAR)</p>	<p>Responsible for agrarian reform concerns of the government including the implementation of the Comprehensive Agrarian Reform Program (CARP)</p>
<p>7. National Commission of Indigenous Peoples (NCIP)</p>	<p>Resolve issues on ancestral lands including issuance of Certificate of Ancestral Domain Titles/Claims</p>
<p>8. The Courts (Judiciary)</p>	<p>Hears and decides land registration cases (voluntary and cadastral proceedings)</p>
<p>9. Local Government Units (LGUs)</p>	<p>Issues Tax Declarations, prepares tax maps, maintains tax assessment roll, zoning ordinances, conversions of lands and other land management functions.</p>

Presently, the primary land administration functions of land surveys and mapping, land titling and land registration functions are scattered in different agencies with the organizational structures provided by their own charter, i.e., LRA/RoD under PD 1529 and DENR under CA 141 and EO 192. These laws prescribes the specific procedure that has to be followed in titling and registration, in particular the multiple titling procedures, administrative and judicial. However, these laws do not provide for an integrated cadastral system or framework that would underpin the different land administration functions exercise by these agencies. Thus, the different land agencies have their own set of maps and records resulting to inconsistent and sometimes unreliable records and data.

II. Land Classification

Regalian Doctrine

All lands of public dominion and all other natural resources are owned by the state and all lands not otherwise clearly appearing to be privately owned are presumed to belong to the State which is the source of any asserted rights to ownership of land. Under this concept, private title to lands must be traced to some grant, express or implied, from the state (*Cruz vs. Secretary*, GR. No. 135385, December 6, 2000). This is also known as the regalian doctrine that was introduced by the Spanish colonizers and presently finds expression in Section 2, Article XII of the 1987 Constitution (National Economy and Patrimony) and likewise incorporated under Book 2, Title 1, Chapter 3 of the New Civil Code.

Present System of Land Classification

Only lands that have been declared alienable and disposable are subject to private acquisition. Forest lands, mineral lands and national parks cannot be acquired by private hands. The rest of the country's natural resources are inalienable and cannot be subject to disposition. Classifying lands as a natural resource is thus necessary before public lands can be disposed or acquired (Section 8 of CA 141). Alienable and disposable lands refers to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes. Permanent forest or forest reserves and mineral lands are those that has been classified and determined as needed for forest/mining purposes. Lands of the public domain that has not been classified are considered as public forest. National parks are those forest land reservations essentially of primitive or wilderness character which has been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants to provide enjoyment of these features in such as manner as will leave them unimpaired for future generations (Section 3 of the PD 705). Protected areas or identified portions of land and water that are set aside by reason of their unique physical and biological significance and protected against destructive human exploitation are classified and administered under the National Integrated Protected Area System (NIPAS) established under RA 7586.

Classification is primarily an exclusive prerogative of the executive department of the government and is exercised by the Chief Executive and the Secretary of the Natural Resources Department as a delegated power (*Bureau of Forestry vs. Court of Appeals*, 153 SCRA 351). The classification is descriptive of the legal nature of the land and not of what it looks like. Hence, the fact

that a forest land has been denuded and its utilization is already agricultural does not by that fact mean that it has ceased to be forest land (Amunategui vs. Director of Forestry, G.R. No. L-27873, November 29, 1983). Classification is descriptive of the legal state of the land and not its natural state. Moreover, classifications must be categorical: that is, land is either completely agricultural or completely forest or park.

The mandate of the Department of Environment and Natural Resources is now limited to those lands of the public domain, denominated as “public forest” under the Revised Forestry Code, which have not been previously determined, or classified, as needed for forest purposes in accordance with the provisions of the Revised Forestry Code (DOJ Opinion No. 023, Series of 1995, March 17, 1995). Reclassification of lands that has already been subject to original classification is now with Congress pursuant to Section 4(a) of R.A. No. 6657 (Comprehensive Agrarian Reform Law). NAMRIA is the primary agency involved in actual land classification activities that involves demarcating, segregating, delimiting, and establishing the best category, kind, and use of a public land. Its objective is to determine through inter-bureau action which portion of the public domain is suitable as a forestland and which could be released as agricultural (alienable and disposable) land. Lands which are found suitable for agricultural purposes and declared as such are then slated for distribution to qualified beneficiaries.

The 1987 Constitution provides that Congress will now determine the final forest line. Forest lands and national parks/protected areas are delimited on the ground from the alienable and disposable lands by the DENR Regional Composite Survey Team. This activity is pursuant to Sections 3 and 4, Article XII of the 1987 Constitution, PD 705 or the Revised Forestry Code and RA 7586 or the National Integrated Protected Area System Act of 1992.

III. Land Survey and Mapping

Land survey is the process of measurement and delineation of the natural and artificial features of the earth. The surveyor’s observations and measurements and computations and the maps drawn from these are the record of knowledge acquired through survey. The maps are descriptions of the features measured and delineated in the very precise and practical form. The measurements and delineations, when recorded in the form of maps either on paper or within a computer, are at once the best basis of accurate inventories of natural resources. A well drawn map is an accurate scale model of the surface of the land which when presented in two dimensions at a sufficiently large scale, can be used to indicate any point on the land with accuracy.

The identification of the land by defining the boundaries of the parcel through surveying is necessary before alienable and disposable land could be disposed or alienated by government. The conduct and approval of original survey is within the exclusive jurisdiction of the DENR. The Land Registration Authority (LRA) is authorized to approve subsequent simple subdivision or consolidation surveys. Lands that are not surveyed cannot be disposed or alienated, neither can it be registered for the simple reason that said land cannot be identified with certainty. Survey standards is currently governed by the Manual on Land Surveys DAO 07-29 (Revised Regulations on Land Surveys of the DENR) and Department Memorandum Circular 2010-13.

NAMRIA is the principal mapping agency of the government and is responsible for the production of thematic maps at various scales in support of the government's development planning, environmental management, and multi-hazard mapping, among other programs. Digital and cartographically enhanced large- scale topographic maps (1:10,000 scale) provide more detailed information on administrative boundaries, drainage systems, existing infrastructure, major establishments, road networks, topography, vegetation, and other economic indicators showing the present development in the area at barangay level. Similarly, medium- and small-scale maps (1:50,000 and 1:250,000 scale) are support tools for applications at municipal and provincial levels. Administrative maps indicate political boundaries of provinces and regions of the country.

Reference System

Through the years of cadastral surveys, the then Bureau of Lands and now the DENR had used several coordinate systems to use as reference in cadastral parcellary land surveys. The DENR however was not able to completely survey the entire country using one homogenous system. As a result, there are always overlaps and gaps between survey projects especially adjacent projects executed using different reference systems. In order to address this, conversion surveys have to be conducted for the purpose of converting the parcels covered by previously approved surveys with computation and plotting under one system.

Executive Order (EO) No. 45, s. 1993 (as amended by EO 280, s. 2000 and EO 321, s. 2004) mandates the use of the Philippine Reference System of 1992 (PRS92) as the standard reference system for all surveying and mapping activities in the country by CY 2010. NAMRIA is spearheading the implementation of PRS92 Project in coordination with other DENR offices, particularly the Lands Management Bureau, the Forest Management Services, and the Lands Management Services. The project aims to transform old maps and surveys into PRS92. It also aims to upgrade the horizontal and vertical control networks of

the country and ensure the reliability, completeness, and accuracy of PRS92 as the national geodetic network. The other key activities of the project are the upgrading and densification of geodetic control points, the conduct of leveling and gravity surveys, and the installation and upgrading of tide monitoring stations.

Importance of Surveys and Maps

1. Inventory and full and accurate knowledge of natural resources of the land;
2. Maps are the best means of obtaining, recording and analyzing such knowledge resulting to better land classification and land use planning;
3. Necessary for planned development of natural resources, town planning schemes, orderly development of industries and systems of communication;
4. With the complexity of human relationship with the land is such that it is essential to record in detail the relationships as represented by public, communal and individual rights in land;
5. The fact that the land is properly mapped and that rights are clearly registered is of the greatest benefit to the private landholder.
 - a. Provides security of tenure;
 - b. Minimizes disputes and litigation;
 - c. Provides better access to credit; and
 - d. Enables land transaction to be effected safely, quickly and cheaply.
6. The record of rights greatly assists in many forms of economic enquiry and sociological study and in the development of welfare programs;
7. The cadastral maps and corresponding index maps can be conveniently used as a BASE MAP for the recording of any information which requires maps of these scales and greatly assisting and rendering more efficient every branch of the public service connected with land, i.e. taxation, irrigation, drainage, flood control, etc.; and
8. Besides the economic, fiscal, agrarian, scientific and administrative uses, there is a growing demand for maps and plans of all kinds for recreational purposes, for air travel, for the use of tourists in connection with historical, archeological or artistic studies for commercial and industrial purposes and in education and work at all levels.

IV. Survey, Mapping, Land Titling and Land Registration

An accurate and large-scale map is the only sound basis for a record of rights, privileges, duties and responsibilities that are attached to land. No system of registration of rights can be effective and no system of land taxation can be just and efficient without a description which enables the land affected to be identified with certainty on the ground, and no such identification can be regarded as certain without a suitable map to which the description can be referred to.

Under the Public Land Act, no titles shall be issued unless an accurate plat of the land is approved by the DENR (Section 108, Public Land Act). The DENR exercises direct control and supervision over surveys of land and shall issue such rules and regulations relative thereto (Sections 4-5, Public Land Act). The Land Registration Authority has concurrent jurisdiction in approving surveys of registered land but all original surveys and complex subdivisions of registered lands are under the DENR. Approval of survey returns are delegated to the Regional Technical Directors for Lands of the DENR Regional Offices.

For purposes of property registration, surveys can be generally divided into two (2) types – Cadastral and Isolated.

Cadastral surveys are conducted to determine the metes and bounds of all parcels within an entire municipality or city for land registration and other purposes (Section 5, DAO 07-29). Cadastral survey involves the survey of a whole municipality (or an extensive portion of the same or those covering an area of more than 1,500 hectares under Public Land Subdivision Survey) for identifying and delineating the individual parcels of all land owners and claimants which will be the basis of the issuance of titles or patents. It also includes the delineation of the boundaries of the various political units (barangay, municipality, and province) as well as the boundaries between the forest land and the alienable and disposable lands. Cadastral surveys are conducted by the government for purposes of political boundary delineation, land adjudication, real property tax mapping, land development, etc. All the other types of surveys are considered isolated.

Once a cadastral survey project is conducted on a municipality or city, all subsequent isolated surveys of parcels conducted within the area should be integrated and reflected in the cadastral records either as accepted, amended

or rejected. Once a previous survey is accepted, the parcel covered by it will have a corresponding lot number within the cadastre assigned to it. The previous survey number, however, is still indicated in the cadastral survey map for reference purposes.

Survey Order and Survey Authority

Geodetic Engineers conducting survey of lands of the public domain is required to secure a survey order or survey authority before conducting surveys. A Survey Order is an instruction issued by the authorized DENR Official to a government geodetic engineer to conduct survey over a parcel of land of the public domain for a specific purpose. When issued to a private GE, the same is referred to as Survey Authority. Survey orders and authority for isolated survey less than 12 hectares are issued by the DENR CENRO. Surveys authority is valid for a period of six months following its issuance. *(Section 19 of Revised Regulation on Land Surveys, DAO 2007-29)*

Survey Authority is granted under the following conditions:

- a. The parcel of land is within the A and D area
- b. Has no existing claims or conflicts
- c. Outside of any existing civil, military or any other reservations
- d. Not subject of a pending land registration case or pending litigation in court
- e. Not in any ongoing cadastral or public land subdivision project

V. Land Disposition

There are a number of ways by which title to public land may be acquired or granted to a qualified individual and thereafter confirmed and/or registered. The principal methods are those provided by Commonwealth Act 141 (Public Land Act), but another means is provided in RA 6657 (Comprehensive Agrarian Reform Law) where, in addition to registered private lands, lands with unregistered titles may be transferred to farmer beneficiaries. Other laws related to land disposition are Act 496 (Land Registration Act), Act 2259 (Cadastral Act) and Property Registration Decree (PD1529), which provide for the registration of lands claimed as private property through confirmation of imperfect or incomplete title.

Under the Public Land Act, lands that are classified as alienable or open to disposition are further sub-classified as:

- a. Agricultural;
- b. Residential, commercial, industrial, or for similar productive purposes;

- c. Educational, charitable, or other similar purposes;
- d. Reservations for town sites
- e. Lands for public and quasi-public uses.

The following Alienable and Disposable lands cannot be subjected to private ownership:

- a. Public or Semi-public Use
- b. Public Service
- c. Military Reservations
- d. Civil Reservations
- e. Foreshore and reclaimed lands
- f. Lakes, Navigable Rivers and Creeks

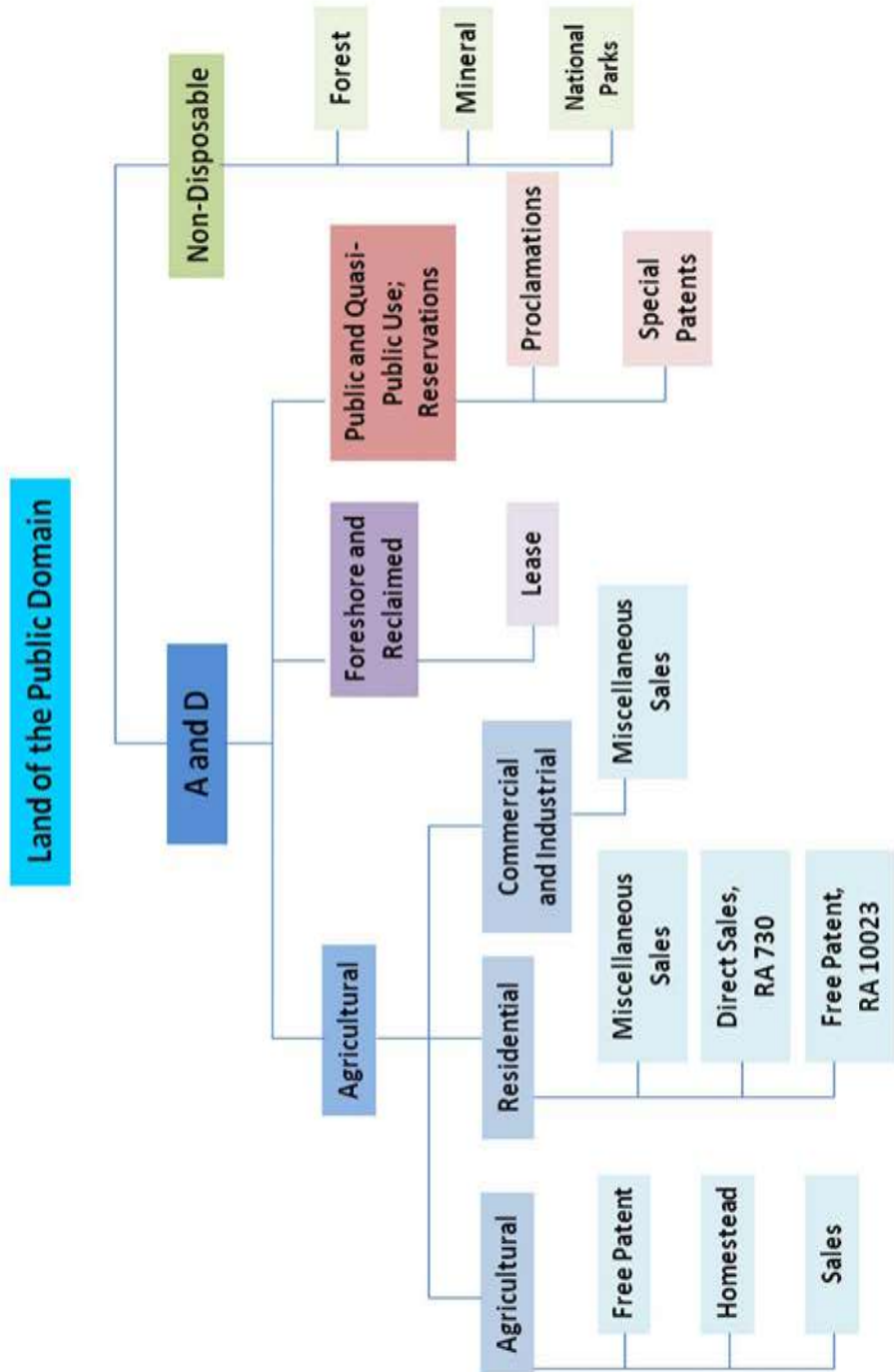
Before an alienable and disposable land is disposed to private individuals, said land should have been:

- a. Officially delimited and classified;
- b. Surveyed;
- c. Not reserved for public or quasi-public uses;
- d. Not been appropriated by the government; and
- e. For Homestead, Sales or Lease, the property must not have been subject of ownership or rights recognized by law.

Under the Public Land Act, a qualified individual can acquire ownership of alienable and disposable land through:

- a. Homestead Settlement (Chapter IV)
- b. Sale of Agricultural Land (Chapter V)
- c. Free Patent – Administrative Legalization of Imperfect Titles (Chapter VII)*
- d. Judicial Confirmation of an Imperfect Title (Chapter VIII)*
- e. Sale or Lease of Residential, Commercial and Industrial Land (Chapter IX)
- f. Townsite Reservation (Chapter XI)
- g. Direct Sale on Residential lands under RA730
- h. Residential Free Patent under RA 10023

Mode of Disposition of the Land of the Public Domain



Kinds of Titles and Issuing Authority

Decrees and Patents are the two kinds of titles issued by the government on alienable and disposable lands. Decrees or judicial titles are issued by the Land Registration Authority in a land registration before the courts while patents are administratively issued by the DENR in administrative adjudication (free patent), homestead, sales and reserved/proclaimed/occupied government lands.

Titles by Prescription

By prescription, a person in possession of an alienable and disposable land and who is qualified to own public land, acquires title to the property after a lapse of a number of years. However, said title is imperfect and has to be confirmed by the state prior to registration. Said right is acquired *ipso jure* upon completion of the period and satisfaction of the condition provided by the law. The right acquired thereat is equivalent to a grant by the State. However, the title acquired thereat is not yet complete and can be lost unless the same is perfected through judicial or administrative processes. In order to constitute such title by prescription or adverse possession, the possession by the claimant or by the person under or through whom he claims must have been actual, open, public, continuous, under a claim of title exclusive of any other right and adverse to all other claimants. The very definition of prescription as a mode of acquiring ownership as set forth in Art. 1106 of the Civil Code provides that “By prescription one acquires ownership and other real rights through lapse of time in the manner and under the conditions laid down by law.” The application for confirmation is a mere formality, the lack of which does not affect the legal sufficiency of the title as would be evidenced by the Torrens title to be issued to it upon perfection. Judicially issued prescriptive titles are called Decrees while administratively issued prescriptive titles are called free patents.

Decree is a land grant issued through voluntary registration proceedings or through the compulsory cadastral proceedings as provided under PD 1529. Decrees cover all types of alienable and disposable lands, i.e. agricultural, residential commercial and industrial lands. Possession since June 12, 1945 and/or possession of 30 years is required. Decrees are issued by the LRA after a favorable judgment by the court in a land registration proceeding.

Free Patent is a land grant given to occupants of alienable and disposable agricultural and residential lands through administrative adjudication as provided under CA 141 as amended and RA 10023. Possession of 30 years is required in agricultural lands and 10 years to residential lands. Free Patents are issued by the DENR.

Title by Homestead

Homestead Patent is a land grant given by the state to qualified individuals to encourage agricultural production in alienable and disposable lands that has been released for settlement. This type of title is issued in unoccupied or newly released agricultural lands where no private rights exist. The grant of the patent is conditioned upon the cultivation of the land and settlement in the town by the applicant. Homestead patents are issued by the DENR.

Title by Sales

Sales Patent is a land grant given by the state to qualified individuals in agricultural, residential, commercial and industrial lands. The grant is conditioned upon payment of the purchase price after appraisal and bidding. Cultivation is also required in the patenting of agricultural lands. Townsites are disposed by way of sale through bidding. Sale of residential lands not more than 1,000 square meters does not require bidding and can be sold directly to actual occupants under RA 730. Sales patents are issued by the DENR.

Special Patents

Special Patent is a land grant issued for lands that are proclaimed, reserved or actually used and occupied by government agencies and instrumentalities for some public use or purpose. Special patents are issued by the DENR.

Tabulated on the next page is a summary of the requirements for the different administrative titles that can be awarded or issued to qualified applicants by the DENR:

	Free Patent Agricultural	Free Patent Residential (RA 10023)	Homestead Patent	Sales Patent	Sales Patent RA 730
Citizenship	Natural Born Filipino	Filipino citizen, Naturalized, Dual Citizen	Citizen of the Philippines	Any Filipino Citizen	Filipino Citizen
Age	No age limit	No age limit	18 or head of the family	Legal age or head of the family	Legal age
Type of Land	Agricultural	Residential	Agricultural	Agricultural, Residential, Commercial, Industrial	Residential
Conditions	Continuous occupation for at least 30 years prior and payment of taxes	Actually resided on and continuously possessed and occupied for at least 10 years	Entry and cultivation of 1/5 of the land within 1-5 years; final inspection	Appraisal/Bidding and Entry, in agricultural lands, cultivation	Not more than 1,000 square meters
Area Limit	12 hectares Constitutional limit; 5 hectares CARP	<ul style="list-style-type: none"> - 200 sqm in Highly Urbanized Cities - 500 sqm in all cities - 750 sqm 1st and 2nd Class Municipalities - 1,000 sqm in all other Municipalities 	12 hectares Constitutional limit; 5 hectares CARP	12 hectares	Not more than 1,000 sqm

VI. Land Registration

Once a title, either through a decree or a patent, has been issued to a public land grantee, it shall become the duty of the issuing agency to forward the same to the Register of Deeds of the City or Province where the land is situated for registration and thereafter an owner's duplicate shall be issued to the grantee (*Section 103 of PD 1529*). Once registered, the land covered by the title is no longer subject to acquisitive prescription or adverse possession of third persons and said registered title cannot be altered, modified or cancelled except through a direct proceeding in accordance with law (*Sections 47 and 48 of PD 1529*).



DENR **DILG**
Guests and Participants to the
TRAINING/ORIENTATION WORKSHOP ON PUBLIC LAND TITLING

in Partnership with

Local Government Units

(Banate, Btac Viejo, San Rafael, Lemery, Ajuy, Concepcion, Sara, San Dionisio, Batad, Balasan, Estancia & Carles)

Beach Head Resort, Carles, Iloilo

June 28-30, 2012





CHAPTER II

INTEGRATION OF NATIONAL PROGRAMS TO LOCAL GOVERNMENT UNITS

This chapter aims to give LGU and DENR personnel an overview of the mandates and functions of local government units relative to land administration in the context of the state policy on devolution. It is intended to provide a working knowledge on the extent and limits of LGUs power to mobilize its resources and participate in the land titling programs of the national government.

The integration of national programs and projects to the local government units is a natural consequence of state policies on devolution. While the 1987 Constitution ensures the autonomy of the local governments, the integration must not be seen as an intrusion into the affairs of the local governments, but, as a means of improved delivery of public services and for effective local governance. After all, the creation of the local governments is not intended to have an “*imperium in imperio*” or it does not make local governments sovereign within the state.

The constitutional guarantee of local autonomy in the Constitution [Article X, Section 2] refers to the administrative autonomy of local government units or the decentralization of government authority (Cordillera Broad Coalition vs. Commission on Audit, G.R. No. 79956 & G.R. No. 82217, January 29, 1990). There is decentralization of administration when the central government delegates administrative powers to political subdivisions in order to broaden the base of government power and in the process to make local governments “more responsive and accountable,” and “ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress (Limbona vs. Mangelin, G.R. No. 80391, February 28, 1989).”

Governing Principles on Integration

The Local Government Code specifically mandates the national agencies and offices with project implementation functions to coordinate with one another and also with the local government units (*Sec. 25, RA 7160 or The Local Government Code*). They shall ensure the participation of local government units both in the planning and implementation of the national projects. In some areas, this coordination activity even extends to the supervision of the national agency over the local government, as for instance, the Department of Finance through the Bureau of Local Government Finance that has supervision over the

revenue operations and has administrative and technical supervision over the treasury and assessment operations of local governments.

The Local Government Code mandates the Registrar of Deeds to yearly prepare and submit to the LGU an abstract of registry, which shall include brief but sufficient description of the real properties entered therein, their present owners, and the dates of their most recent transfer or alienation accompanied by copies of corresponding deeds of sale, donation, or partition or other forms of alienation.

DENR Integration of Titling Program to the LGU

The Department of Environment and Natural Resources realizing the potential of the LGU to implement a public land titling program and in adherence to the mandates of the Local Government Code issued Department Administrative Order No. 2011 – 06 on 23 May 2011 entitled, “Prescribing the Guidelines for the Implementation of Public Land Titling in Partnership with Local Government Units.”

The issuance of the administrative order is a step to further strengthen the local governments’ mandates in the administration and management of their land resources. Currently, local governments have the authority to classify lands based on actual use for taxation purposes while their planning officers have been given the mandate to adopt a comprehensive land use plan. These are parcel-based data akin to the cadastral map being used by the DENR. Allowing the LGU to participate in public land titling process would not only secure their constituents property rights but will have a direct effect in the improvement of their real property tax collection and land use planning – not to mention the invaluable help to the national agencies and to the LGU on the land information generated. *(See Chapter V of this Primer)*

Structural Framework of DAO No. 2011-06

DAO No. 2011 – 06 allows the local governments to facilitate public land title applications including the conduct of land investigation, ocular inspection, preparation of inspection report, assist in the amicable resolution of land disputes, assist in land surveys and carry out field verification of field surveys. These activities lead to the issuance of land titles to qualified beneficiaries once approved by the DENR.

The operational mechanism is for the LGU to create and integrate a land titling activity into the LGU program through the issuance of the local chief executive’s (LCE) executive order or the issuance of the ordinance by the Sanggunian. The LCE will then nominate at least one regular employee from

the roster of the LGU employees to the DENR Regional Executive Director (RED) through the DENR Community Environment and Natural Resources Officer (CENRO). Thereafter, the Regional Technical Director will conduct the deputation training for the LGU nominee. The completion of the training will enable the RED to issue the deputation order to the LGU nominee and there they may start accepting applications for public land title within the LGU's jurisdiction.

The LGU deputized public land investigator (LGU-DPLI) may come from the Assessor's Office, Planning and Development Office or Environment and Natural Resources Office (in case the LGU has one). LGUs that have enough resources may opt to create land office as a sub-unit of the mentioned local offices or another, yet separate, land office alongside and within the same level as the existing local department offices. It is necessary that the local land titling program should provide provisions for manpower and other resources.

The local titling program may be complemented by putting together different department heads i.e. Assessor, Planning, Environment and the ABC President to form part of the land council that may have supervision over the local titling activity. Agrarian Reform Officer, Executive Clerk of Court and the Register of Deeds may be invited to be a member of the land council. DENR-DAO No. 2011-06 authorizes the local CENRO to be a member of the land council. The land council may be used to integrate various land information that may be generated out of the titling program and may likewise provide policy direction. The LCE is the logical head of the land council being vested by law with local executive supervision and control over all the employees of the local governments. In addition, the LCE has been authorized by the Local Government Code to call upon any national official or employee stationed in or assigned to the LGU for advise on matters affecting the LGU and to make recommendations, or to coordinate in the formulation and implementation of plans, programs and projects, and when appropriate, initiate an administrative or judicial action against a national government official or employee who may have committed an offense in the performance of his official duties while stationed in or assigned to the local government unit concerned.

Local Service Fees and Charges

The local governments may impose and collect such reasonable fees and charges for services rendered (*Sec. 153, RA 7160*). In the exercise of this authority, it is necessary to identify the dual functions of the local governments.

Local governments exist in a dual capacity and their powers are two-fold in character — (i) public, governmental or political, and (ii) corporate private, or proprietary. Governmental powers are those exercised by the corporation

in administering the powers of the state and promoting the public welfare and they include the legislative, judicial, public, and political. Municipal powers on the other hand are exercised for the special benefit and advantage of the community and include those which are ministerial, private and corporate.

For the case of public land titling where concerned national government agencies have mandates, separate fees such as application fee, maybe collected.

Rule in Determining Nature of Function Performed

A municipal corporation proper has a public character as regards the state at large insofar as it is its agent in government, and private insofar as it is to promote local necessities and conveniences for its own community (*McQuillin on Municipal Corporations*). Stated differently, “Municipal corporations exist in a dual capacity and their functions are twofold. In one way they exercise the right springing from sovereignty, and while in the performance of the duties pertaining thereto, their acts are political and governmental. Their officers and agents in such capacity, though elected or appointed by them, are nevertheless public functionaries performing a public service, and as such they are officers, agents, and servants of the state. In the other capacity the municipalities exercise a private, proprietary or corporate right, arising from their existence as legal persons and not as public agencies. Their officers and agents, in the performance of such functions, act in behalf of the municipalities in their corporate or individual capacity, and not for the state or sovereign power.” (Laudencio Torio vs. Rosalina Fontanilla, G.R. No. L-29993, October 23, 1978)

Examples of Public or Governmental Functions

1. Administration of Public Park – Province of Camarines Sur vs. CA, G.R. No. 175064, September 18, 2009.
2. Educational facilities, libraries, museums, tertiary health centers and lying-in (delivery) centers, public cemeteries, fish landing, sports facilities, livestock trading/fattening centers.

Examples of Proprietary Functions

1. Holding of a town fiesta though not for profit is a proprietary function– Laudencio Torio vs. Rosalina Fontanilla, G.R. No. L-29993, October 23, 1978.
2. Operation of a public market is not a governmental function but an activity undertaken in private proprietary capacity – Figueroa vs. People of the Philippines, G.R. No. 159813, August 9, 2006.

3. Bus terminals, slaughterhouse, water supply, post-harvest facilities, electric distribution and the like

The reasonableness of the amount of fees must be related to cover the cost of regulation and/or supervision (Republic of The Philippines vs. International Communications Corporation, G.R. No. 141667, July 17, 2006). However, if the local government exercises its proprietary function, and, like any private owner, it is, in the absence of any constitutional or statutory limitation, free to charge such sums as it may deem best, regardless of the reasonableness of the amount fixed (Ceferino Esteban vs. City of Cabanatuan, G.R. No. L-13662, May 30, 1960).

The issuance of land titles is a governmental function springing as it does from the exercise of acts of sovereignty. Thus, any imposition and collection of service fees and charges to facilitate the local governments' issuance of land titles must comply with the criteria of reasonableness to cover the cost of regulation and/or supervision that may include provisions for office supplies, maintenance and operating expenses of the local titling program and additional manpower.



CHAPTER III

REPUBLIC ACT NO. 10023

(THE RESIDENTIAL FREE PATENT ACT)

This chapter aims to orient LGU personnel on the salient provisions of Republic Act No. 10023 or the Residential Free Patent Act. The simplified processes of titling of residential lands through administrative procedure under this law will enable local governments to participate in the implementation of this titling program.

The Residential Free Patent Act is the latest law on public land disposition approved on 09 March 2010 authorizing the issuance of free patents on lands zoned as residential lands. It is entitled “An Act Authorizing the Issuance of Free Patents to Residential Lands”. This law gives the DENR the mandate to adjudicate untitled public alienable and disposable lands through the more efficient and less costly free patent process.

Prior to RA 10023, administrative titling over residential lands can only be done through sales, either through direct sales under RA 730 or through bidding under CA 141. This process proved to be difficult and cumbersome due to the strict documentary requirements and prohibitive price of the parcel to be paid to the government assessed at the current prices.

Through RA 10023, residential landowners now have another alternative mode of administrative titling. It does not replace any of the already existing modes but is an addition to the modes available.

RA 10023 also provides for the titling of parcels of public land actually being occupied by local government units and national agencies for public purpose or public use through the issuance of special patents.

Attached as *Appendix A* is a copy of RA 10023. *Appendix B* is a copy of DAO 2010-11 which prescribes the forms for the processing of Residential Free Patent Applications. Also attached as *Appendix C* is DAO 2010-12 which prescribes the Implementing Rules and Regulations of RA 10023. *Appendix D* shows an amendment on the qualifications of applicants of residential free patent, which is DAO 2010-25.

Free Patent

Free patent is the administrative process of adjudicating public alienable and disposable lands to qualified individuals. It is intended to legalize the land

rights of Filipinos who are in possession of public lands for a certain period of time required by law.

Agricultural Free Patent

Free Patent, before RA 10023 was passed, only referred to the instrument issued to any natural born citizen of the Philippines who is the owner of not more than 12 hectares of agricultural public lands and who, for at least 30 years has continuously occupied and cultivated, either by himself or through his predecessors-in interest said tract of land.

Confirmation of imperfect or incomplete titles through administrative legalisation (issuance of Free Patent) covered by CA 141 only applied to agricultural public lands outside civil or military reservation.

Residential Free Patent

Residential free patent is the application of the free patent mode of disposition to untitled public alienable and disposable lands that has been zoned by the LGU as residential lands.

Issuance of free patent to residential lands is made possible by RA 10023. In the past, residential lands can only be titled through judicial means, through direct sale and miscellaneous sales patent applications.

Modes of Disposition through RA 10023

1. The **free patent** mode used for untitled public alienable and disposable lands zoned as **residential lands**.
2. As provided for in Section 4 of the law, the **special patent** mode of disposition is used for untitled public alienable and disposable lands possessed by local government units and national government agencies. Special patents may be issued for public schools, national government properties, municipal/ city halls, public parks and plazas, markets and other LGU owned untitled public lands actually or proposed to be used for public service and /or public use without going through the tedious process of securing a presidential proclamation.

Coverage

RA 10023 covers untitled public alienable and disposable lands, zoned as residential by the LGU. It also covers townsite areas; delisted and abandoned military camps or reservations within zoned residential areas and public schools,

municipal halls, public plazas or parks, and other government institutions for public purpose or public use.

Requirements

Any Filipino citizen who has continuously possessed and occupied, either by himself or through his predecessor in interest, a residential untitled public alienable and disposable land for at least 10 years may apply subject to qualifications and requirements set out in the law and in the implementing rules and regulations. A Filipino citizen may be natural born or naturalized. Even dual citizens are allowed to apply for a residential free patent. A minor can apply for a free patent, provided a guardian duly represents him.

In order to qualify for a residential free patent, the applicant must not be a holder of more than twelve (12) hectares of land and he must have the following:

- 1. Application Form** - An application form may be obtained from any CENRO of the DENR or from DENR's website www.denr.gov.ph. The form is free of charge and may be reproduced electronically.
- 2. An approved survey** -All applications for residential free patent must be accompanied by an approved survey. If the land being applied for has been the subject of a previous cadastral survey, then a copy of the approved survey may be requested from the CENRO or the Regional Office of the DENR. If the land applied for has an approved isolated survey, then such survey must be attached to the application form.
- 3. Technical description of the land applied for** - The technical description of the land applied for should be attached as a part of the application as required by law. This technical description is available with the survey data accompanying the survey of the land.
- 4. Affidavit of two disinterested persons from the locality where the land is situated** - Affidavits of two disinterested persons from the area where the land applied for is situated are required. This affidavit should state among others that the person executing the affidavit swears under oath by himself, that he knows the applicant to be the person in the possession of the land being applied for and that the applicant is in possession thereof for the last ten years or that the applicant's predecessors in interest has been possessing the land for ten years or more.

A disinterested person is a person who does not stand to gain from the application and the titling process if approved.

- 5. Certification that the land applied for is not needed for public use -** A certification that the land applied for is not needed for public use can be obtained from the LGU planning and development office where the land is situated. This replaces the old practice of obtaining certifications from national government agencies on the status of the land whether or not the government is planning or has planned something on the parcel being applied for.

The LGU may provide for an individual certification or a mass certification over an entire area or zone.

- 6. Certification that the land applied for is within a zoned residential area -** The LGU planning and development office also issues the certification that the land applied for is within an area zoned as residential. This is an essential requirement that provides the DENR with jurisdiction over the lot being applied for. The law itself requires that the land should be zoned by the LGU as residential.

The LGU may provide for individual or isolated certification or a mass certification over an area. It may also provide the CENRO a certified true copy of the LGU Zoning Ordinance of the entire locality for reference and as attachment to the application.

- 7. Regional Trial Court certification that there is no pending case involving the land applied for -** For isolated applications, it is required that a certification from the Regional Trial Court be obtained to prove that the land applied for is not involved in any controversy or action in court on titling or ownership. However, if the land being applied for is part of a mass titling project or is in a systematic adjudication area, then this certification can be dispensed with.

Area limits

Applications for residential free patent are only limited to one application per applicant.

Highly Urbanized Cities	-	Two hundred (200) square meters
Other Cities	-	Five hundred (500) square meters
1st and 2nd Class Municipalities	-	Seven hundred (700) square meters
All Other Municipalities	-	One thousand (1000) square meters

Applying for a residential free patent is simple and easy. Interested qualified individuals may apply in the Community Environment and Natural Resources Office (CENRO) where the land is located. Application forms and checklist of requirements are available at the CENRO. In certain LGUs with titling projects or with land management offices established, application can be done through them and assistance will be made available at the LGU level.

Processing Time

It will only take one hundred and twenty days (120) days for the CENRO to process a completely accomplished application form with all the required attached documents plus another five (5) days for the Provincial Environment and Natural Resources Officer (PENRO) for the final approval of an application.

Benefits of Titling

Qualified applicants that will be awarded patents will have the full benefits of ownership of a registered or titled land. He/she may immediately alienate the property at the proper valuation and may also lease mortgage or assign such property without restrictions. Titled properties are excellent collateral for capitalization for any endeavour the grantee may wish to embark on.



CHAPTER IV REPUBLIC ACT 730 AND DENR ADMINISTRATIVE ORDER 2009 – 05

This chapter aims to orient LGUs with high number of untitled parcels that are not within the allowable area limit under RA 10023 DAO 2009-05. This DENR Administrative Order is a viable alternative for mass-titling program for residential lands that was designed to facilitate a systematic adjudication of residential land using Miscellaneous Sales Patent under RA 10023. This procedure has been adopted by several LGUs as its primary titling instrument due to area constraints under RA10023.

DAO 2009-05 is entitled *“Prescribing Guidelines for the Systematic Adjudication of Alienable and Disposable Residential Lands Through Miscellaneous Sales Application under Republic Act No. 730”*. It aims to provide simplified guidelines for the affordable and reasonable appraisal of residential parcels for all applicants covered by RA 730.

This is an option for LGUs where applicants are not qualified under RA 10023.

Miscellaneous Sales refer to sale of alienable and disposable residential, commercial and industrial lands under Chapter IX of the Public Land Act (Commonwealth Act 141). Disposition under miscellaneous sales is subject to bidding.

Miscellaneous Sales Under Republic Act 730 refer to sale of alienable and disposable residential lands not more than 1,000 square meters to qualified occupants as defined in Section 6 of the Administrative Order.

Main Features of the Administrative Order

1. A declaration and public notice for a period of thirty (30) days to inform the community of the area that will undergo the systematic adjudication shall be made by the DENR and the LGU during project preparation and before actual processing of miscellaneous sales applications.
2. Land of the public domain suitable for residential purposes and are not needed for public service, the area of which shall not exceed one thousand (1,000) square meters may be acquired through private sale.
3. Persons who have the following qualifications may purchase public lands for residential purposes through private or direct sale under Republic Act 730:

- a) Filipino citizens;
 - b) Must be of legal age;
 - c) Do not own a home lot in the city or municipality where the land is located; and
 - d) Must occupy in good faith the land
4. Certification from the Local Government Unit Planning Officer that the residential lands within the systematic adjudication area are not needed for any public improvements and that the actual use of the land is residential shall be secured.
 5. An Appraisal Committee to appraise public residential lands within an LGU area shall be created by the concerned DENR Regional Executive Director, and shall be composed of the following:

Chairman: Community Environment and Natural Resources Officer (CENRO); or, the Land Management Officer as duly authorized by the CENRO;

Members:

- a) Local Assessor or her/his duly authorized representative; and
 - b) Local Planning Officer or her/his duly authorized representative
6. Guidelines in Appraisal – In conducting the appraisal under RA 730, the following factors should be considered:
 - a) Assessed value of the land from the local assessor’s office;
 - b) Cadastral/Survey Costs incurred by the government;
 - c) Estimated administrative and/or budget cost of titling; and
 - d) Socio-economic data of the target area as may be provided by the LGU.

The capacity to pay of the prospective applicants should be given important consideration in the final determination of the cost of the land in order to make the sale affordable. The appraisal should not be lower than the cost that will be incurred or may be incurred by the government in connection with the application.

7. An Appraisal Report shall be prepared by the Committee after the conduct of the appraisal. The Report shall include recommendations and reasons and/or justification in support thereof to the DENR RED which should also include the following:

- a) Estimated cost that the government will incur in processing the MSA;
- b) Minimum price per parcel; and
- c) The costs/price of the land per square meter.

The Report shall likewise contain a request for authority to sell all residential lands in the area under consideration that qualifies for disposition under RA 730.

8. The DENR RED shall approve the area appraisal and the issuance of the Authority to Sell.
9. Lot Cost – Individual lots shall be appraised by a simple computation of the land area applied for and the appraised price per square meter provided that the cost shall not be lower than the minimum price per parcel. The CENRO shall approve the computation.
10. Filing and processing of Miscellaneous Sales Application in areas covered by systematic adjudication shall be at the CENRO/PENRO, LGU and/ or other designated office.
11. A notice of private sale shall be posted for a period of thirty (30) days in a conspicuous place in the land itself, on the bulletin board of the Barangay Hall, the Municipality/City Hall and the CENRO. A certification of posting shall be prepared by the concerned LGU and the CENRO Land Investigator at the end of said period attesting to the fact of compliance with the posting requirement.
12. A down payment of ten per centum (10%) of the appraised value of the lot shall be collected before the order of Award may be made in favour of the purchaser. The balance of the purchase price may be paid in full at the time of the award or in not more than ten (10) equal annual instalments from the date of the award. All overdue instalments shall bear interest of four (4%) percent per annum. The applicant shall be entitled to the issuance of patent upon completion of the payment.
13. The PENRO is authorized to sign all patents issued pursuant to disposition of residential lands under RA 730.

Please refer to Appendix E for a copy of DAO 2009-05



CHAPTER V LOCAL LAND TITLING PROGRAM AND DENR ADMINISTRATIVE ORDER NO. 2011-06

This chapter aims to orient LGUs personnel to the salient features of DENR Administrative Order No. 2011-06. The DAO is DENR's first national policy issuance that involves LGU in land titling programs and has been considered as a milestone in the devolution of land titling program to the local level.

DAO 2011-06 is entitled "Prescribing the Guidelines for the Implementation of Public Land Titling in Partnership with Local Government Units". In the pursuit for reforms in policies and processes in the land sector, it has been determined that to be able to facilitate public land titling in DENR field offices, it is important to create partnership arrangements with Local Government Units (LGUs). To be able to fast track the adjudication of public lands and the issuance of titling, the LGUs will be able to provide invaluable assistance to DENR field offices in terms of resources, logistics and general knowledge of the existing conditions on the ground.

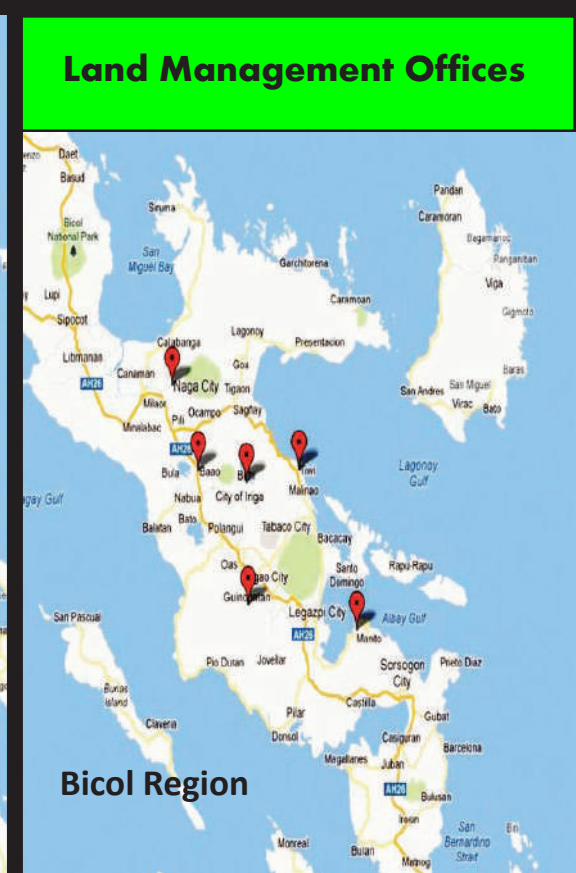
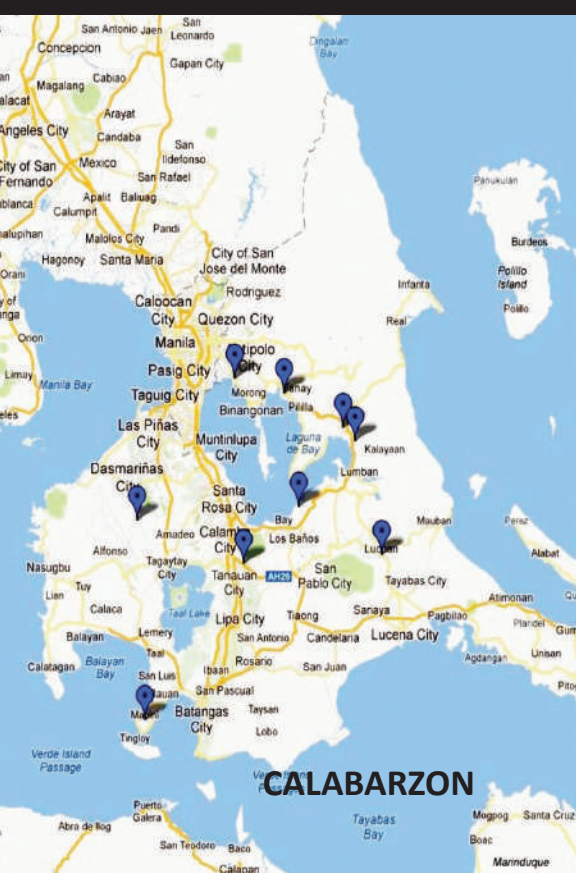
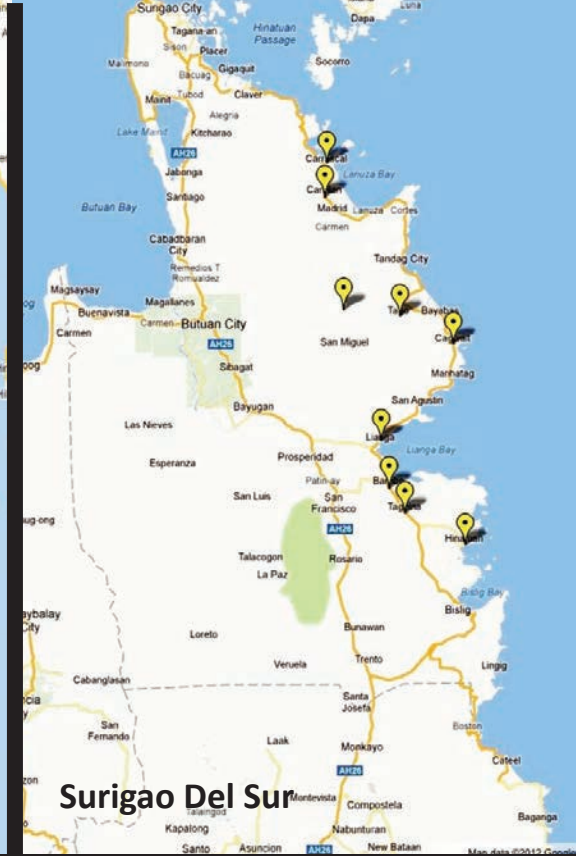
Main Features of the Administrative Order

1. LGU participation in land adjudication and titling through direct participation or provision of resources and logistics;
2. Creation of LGU ordinances for the titling program, titling office or land information office and adjudication teams;
3. Exchange of information between the DENR and the LGUs;
4. Deputation of qualified LGU officials to act as deputy public land inspectors to augment DENR field personnel;
5. Authorization of the REDs to enter into partnership arrangements with LGUs; and
6. Provide mechanisms for facilitation of titling and adjudication within LGU jurisdiction

With the current backlog of the DENR LMS in terms of number of titles, partnership arrangements with the LGU's will provide the much-needed assistance of the department's field offices to narrow the gap between the number of untitled and titled parcels in the entire country.

Please refer to Appendix F for a copy of DAO 2011-06

MODULES



Land Management Offices

Module 1

Creation of a Land Office in the LGU

Module 1

Creation of a Land Office in the LGU

- Description:** The DENR Administrative Order on public land titling encourages the LGUs to integrate local titling activity in their jurisdictions by creating a titling program, a titling office and adjudication teams, to strengthen its land administration and management mandates and facilitate LGU titling of public lands.
- Goal:** To provide the legal and operational framework for the creation of a titling program for the LGU.
- Objectives:**
- 1) To provide the procedures for the LGUs on how to start the creation of a land office in their jurisdiction, which also includes the creation of a land council and an adjudication team
 - 2) To provide a template of an Executive Order or Ordinance to guide the LGUs in the creation of a titling program, titling office and adjudication teams
- Output:** Approved Resolution or Ordinance and Approved Implementation Plan

Activities:

1. Orientation on land administration in the Philippines, public land titling and disposition and recent policies on public land titling which includes RA 10023 and DAO 2011-06. The LGU can request for an orientation from the DENR to provide the basic understanding for public land titling.

This activity also explains the importance of engagement and partnership-building with the concerned city/municipal and barangay in the implementation of a land titling project.

2. Preparation for an initial meeting with key LGU officers and representatives from DENR to discuss a titling program for the LGU and the procedures to be followed to create a land office. A notice of meeting shall be sent to identified

key LGU members/officials and key DENR officers/personnel.

3. Conduct of meeting to discuss the integration of the titling activity in the LGU operations. The meeting shall discuss the types of legislative instrument to be issued for the creation of a titling program or a titling office. The following are the types of legislative instrument that may be used by the LGU to support local titling activity:
 - a) **Resolution** – of temporary character, or expresses sentiment i.e. expressing opposition for the operation of mining
 - b) **Ordinance** – prescribes a permanent rule of conduct i.e. creating a local office, providing penalties for traffic violations

For permanency and for the LGUs to be able to allot its resources to the operations of the land office, it is suggested that the creation of land management offices be done through Ordinances.

For this case, a sample template for an Executive Order and Ordinance can be found on Appendices G and H, respectively.

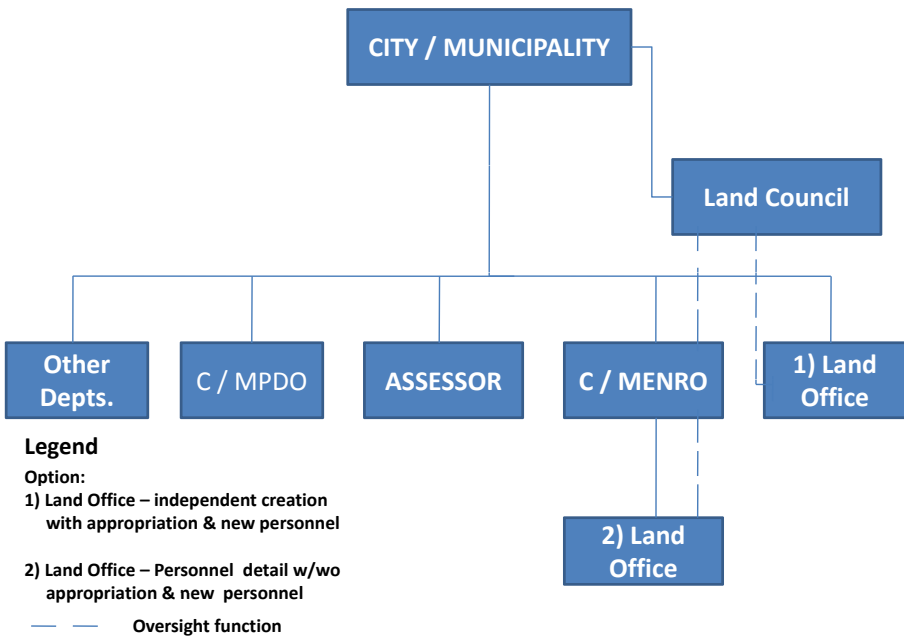
4. The LGU shall oversee the approval of the resolution or ordinance.
5. Upon the approval of the resolution or ordinance, the Mayor shall call for a meeting with concerned LGU officials to create the Land Management Office (LMO) and the Land Management Council (LMC). A resource person from the DENR may be invited for this purpose.

The DAO on public land titling in cooperation with the LGUs encourages the LGUs to create Land Management Offices. This office will facilitate the titling process being done by the DENR field offices and will bring titling services to the level of the LGU. Once created, the LGU can provide titling services to its constituents. It may also serve as the repository of land related data that are very useful for the LGU's management of its real property assets as well as serve as management tool for basic services and tax administration.

A land council is also encouraged to be established. This land management council shall serve as the advisory committee on policy and operational guidelines for the land management office. It may be composed of representatives from national government agencies, LGU departments, NGO's, business sector and other stakeholders that may possibly contribute to the land-titling program of the LGU or to the land management functions of the land management office.

The land management offices (LMOs) that may be created will have a configuration based on the needs of the particular LGU. It is a demand driven office that will cater to the specific needs of the LGU. It may be a stand-alone office or it may be lodged in existing offices as a smaller unit such as in the Planning and Development Office, in the Assessor’s Office, in the Environment and Natural Resources Office, in the Housing and Urban Settlements Office or even under the Office of the Mayor. Some LGU’s may opt not to create a new office but instead strengthen existing specialized offices by adding new mandates for land titling and land management.

The figure below shows where LMOs may be attached in the present LGU structure:



The LMO may be composed of the following regular staff positions in the following areas:

- a) Land Investigation and Adjudication
- b) Land Surveying and Mapping
- c) Information Technology
- d) Policy, Plan and Program
- e) Records Administration

Duties and Responsibilities of the LMO and LMC

- 1) The Land Management Council and Office shall maintain records and information regarding land properties in the LGU, accounting for all parcels. These should include lands that were covered by cadastral survey, by Special Work Order, reclaimed land, etc. The Council and Office shall maintain information about Titles, Presidential Proclamations regarding properties, and other tenurial instruments;
 - 2) The Land Management Council and Office shall secure appropriate documents pertaining to land properties owned by the LGU;
 - 3) The Land Management Council and Office shall provide information, guidance, and assistance to constituents seeking assistance on the issuance of Titles and related documents pertaining to Republic Act 10023 and other laws relevant to land ownership and administration;
 - 4) The Land Management Council and Office shall recommend to the Mayor appropriate policies and mechanisms to establish an organic Unit to carry out its functions on a regular basis; and
 - 5) The Land Management Council and Office shall be responsible in carrying out a program for land administration and management within the City/ Municipality.
6. After the LMO and LMC have been created, meetings shall be conducted to prepare the Implementation Plan to enumerate the activities that needs to be undertaken to facilitate titling in the LGU. The LMC shall give the guidance to the LMO on its priorities where the Implementation Plan shall be based. The Implementation may contain activities such as the following:
- Signing of a Memorandum of Partnership with the DENR for the titling activity;
 - Training on systematic adjudication;
 - Deputation of LGU personnel as Deputy Public Land inspectors;
 - Selection of adjudication area for residential free patent titling;
 - Preliminary titling activities;
 - Inventory of untitled LGU properties; and
 - Application for Special Patents.

A sample template for an Implementation Plan is attached as Appendix I.

7. The Implementation Plan shall be presented in the Land Management Council for approval. The said plan shall guide the activities of the Land Management Office and shall identify the needed requirements for undertaking the activities, including persons who will be involved in specific activities. The plan shall also determine targets and shall set a timeframe for the identified activities.

DILG Memorandum Circular 2011-117 enjoins local authorities to support the intention of DAO 2011-06 as shown in Appendix J.





Module 2

**Deputation of LGU Officials as Deputy
Public Land Inspectors**

Module 2

Deputation of LGU Officials as Deputy Public Land Inspectors

Description: Another important feature of DAO 2011-06 is the provision for the deputation of LGU officials as Deputy Public Land inspectors (DPLIs). The DENR has recognized the inherent capacity of the LGUs to facilitate titling and land management activities within their respective jurisdiction. As such, the LGU's are encouraged to nominate LGU officers for training and eventual deputation by the DENR. A Deputy Public Land inspector has the power to investigate and process public land applications.

Goal: To provide the mechanism for the deputation of LGU officials/employees as Deputized Public Land Inspectors (DPLIs).

Objectives: 1) To enter into an agreement with the DENR through a Memorandum of Partnership Agreement (MOPA) for the provision of technical assistance and support for the titling activity (option)

2) To request the DENR to issue Deputation for trained LGU personnel as DPLIs.

Output: Signed MOPA and Deputation Order from DENR

Activities:

1. Prepare MOPA between the LGU and concerned DENR Regional Office on providing efficient land related services to the people, i.e. titling of properties.

DAO 2011-06 also mandates the DENR field offices to create partnership arrangements with LGUs. This will pave the way for the sharing of resources, manpower, expertise, technical knowledge, funds and information to facilitate land titling, land transactions as well as land management within the jurisdiction of the LGU. *Appendix K* is a sample MOPA between the DENR and the LGU concerned on public land titling.

The responsibilities of the LGU and DENR are as follows:

A. Roles and Responsibilities of LGU

1. Provide access to the LGU Land Management Office.
2. Assign officials and personnel required under the partnership for the implementation of agreed activities.
3. Appoint a permanent focal person that shall act as liaison between the City/Municipality government and the DENR.
4. Create and activate necessary committees and teams for the implementation of this agreement.
5. Provide information, education and communications (IEC) strategies and dissemination.
6. Spearhead implementation of agreed activities.
7. Support the institutionalization and mainstreaming of land administration and management policies, processes and procedures.
8. Provide administrative, and logistical support in the implementation of agreed activities.
9. Spearhead community mobilization, preparation and organization for purposes of titling activities.
10. Provide after-titling support to beneficiaries.

B. Roles and Responsibilities of the DENR

1. Conduct land-titling activities within the territorial jurisdiction of the LGU.
 2. Provide technical assistance to LGU personnel.
 3. Provide materials, equipment and personnel for agreed activities.
 4. Provide the pertinent electronic and paper based records and data including maps and survey records to the City/Municipality.
 5. Conduct and facilitate the necessary trainings and capacity building for City/Municipal personnel.
 6. Authorize City/ Municipal personnel to perform DENR mandated duties subject to existing rules and regulations.
 7. Provide monitoring and quick-response-assistance to the City/ Municipality in all phases of titling activities.
2. The LGU shall review the MOPA and subject it to the approval of the City/ Municipal Council to authorize the Local Chief Executive (LCE) to sign the MOPA in behalf of the LGU.

3. After the resolution has been approved by the City/Municipal Council, date for the formal signing of the MOPA may be set depending on the availability of the LCE and the concerned Regional Executive Director.

The signing of the MOPA shall formally commence the titling activities to be undertaken by the LGU in partnership with the DENR. Technical assistance shall be provided by the DENR to the LGU to capacitate the LGU personnel and to provide technical assistance in the land titling activities.

4. Before the conduct of the training, the LCE shall send a nomination letter of selected LGU personnel to be deputized as DPLIs to the concerned CENRO. They shall also be the participant to the systematic adjudication training to be provided by DENR.
5. The LMO shall set the date for the training based on an agreed schedule with the DENR. Training design shall be prepared by the DENR, including the selection of resource speakers for the training. Funding for the training shall be borne by the LGU. Assistance from donors and other interested entities may be sought to augment training funds.

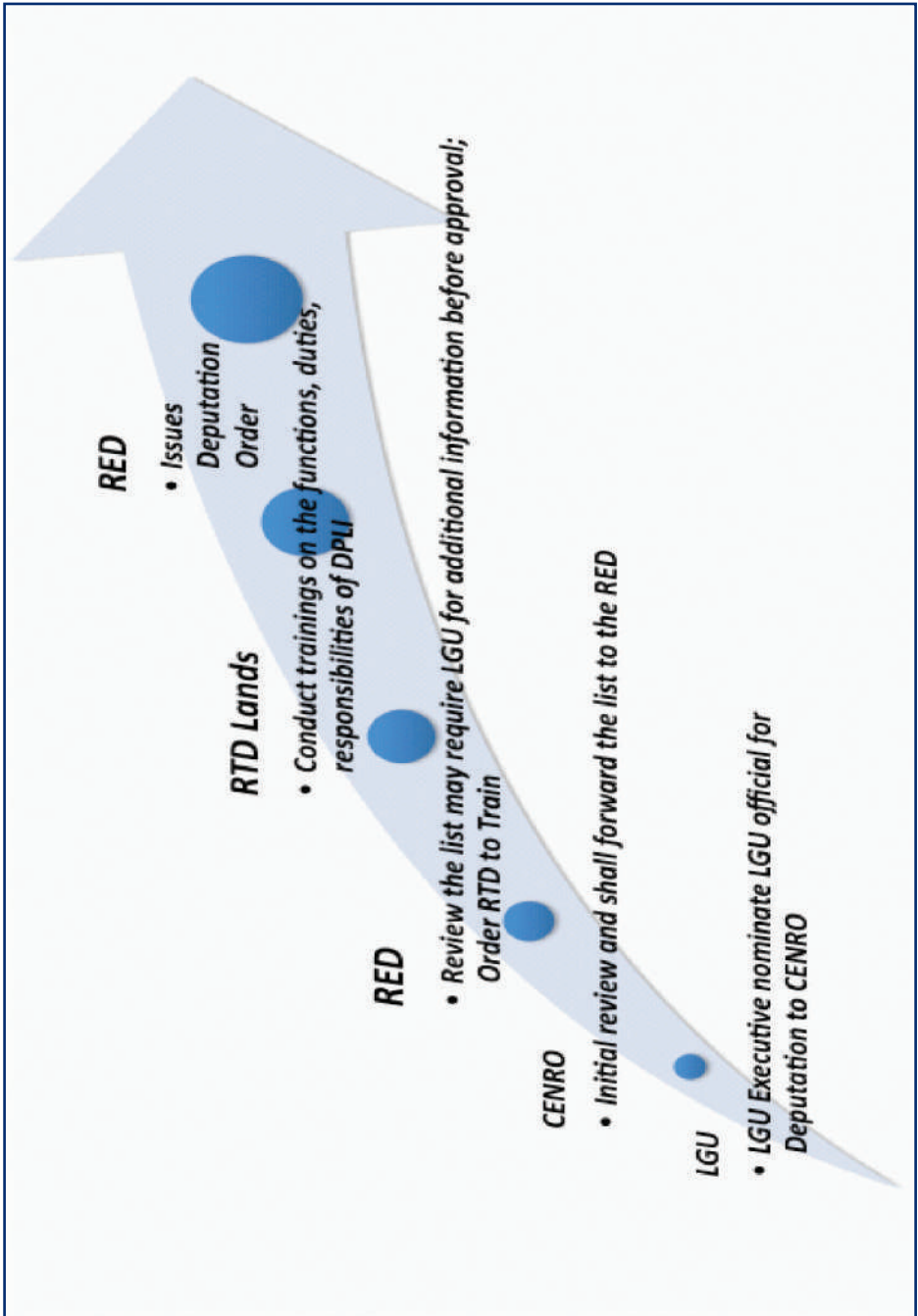
The training shall include modules on community preparation and mobilization, systematic adjudication activities and roles, functions and duties of DPLIs.

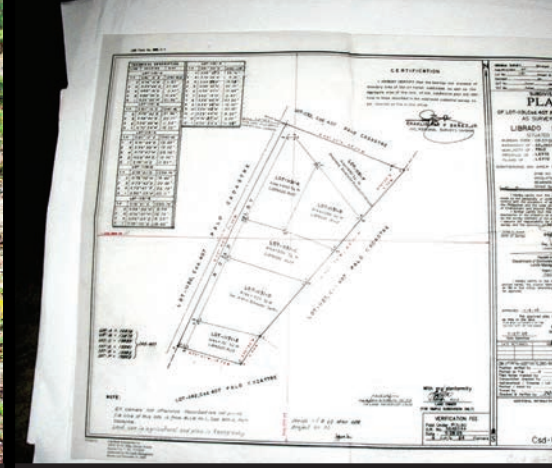
Training must be completed by LGU personnel in order to qualify to serve as DPLIs. The LGU personnel to be trained must preferably be permanent employees of the LGU. If there is a shortage of available and qualified permanent LGU personnel, casual employees may be accepted.

6. The CENRO shall make initial review and evaluation of the nomination and shall make recommendations to the RED.
7. Upon the recommendation of the CENRO, the RED shall sign the Deputation Order.

On the next page are the procedures to be undertaken for the deputation of LGU personnel as DPLIs:

Process Flow for the Deputation of LGU Personnel as Deputized Public Land Investigator





Module 3

Systematic Adjudication

Module 3

Systematic Adjudication

Description: Systematic adjudication is the process of defining the parcel subject of a titling application and examining of the validity of the claim for absolute ownership on a locality basis, progressing barangay by barangay and aiming to register all untitled land in the locality.

Goal: To familiarize with the concept of systematic adjudication, including the procedures and requirements in undertaking it.

Objectives: 1) To have a clear understanding of what systematic adjudication is, the activities and actors involved and the roles and responsibilities of a Deputized Public Land Investigator (DPLI)

2) To provide the procedures for systematic adjudication for untitled lands with approved survey and for untitled lands without survey/approved survey.

Output: DPLIs trained on systematic adjudication

Activities:

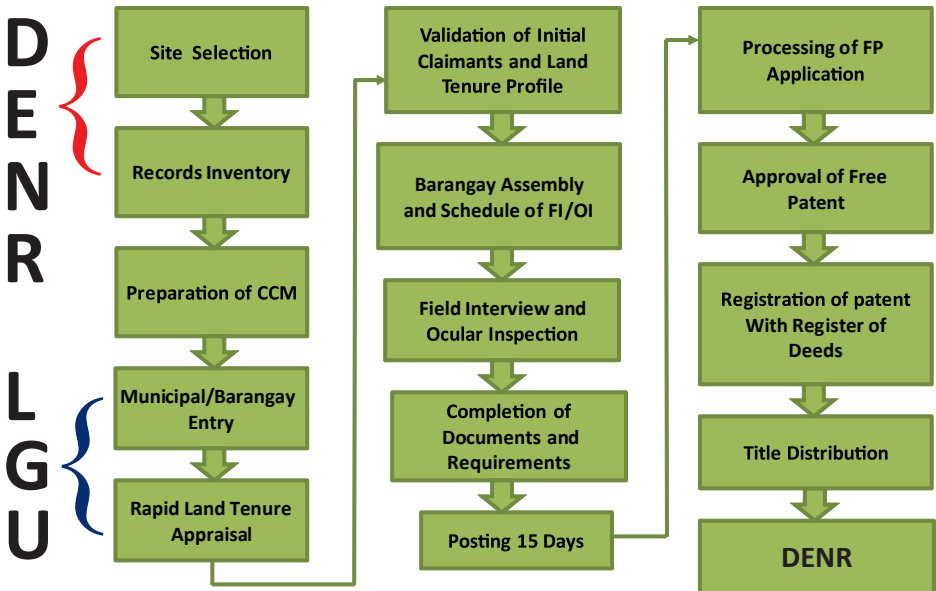
1. Conduct of training on systematic adjudication through the DENR. The training shall be composed of the following modules:
 - **Sub-Module 3.1** – Systematic Adjudication Process For Untitled Lands with Approved Surveys; and
 - **Sub-Module 3.2** - Systematic Adjudication Process For Untitled Lands without Approved Surveys

Sub-Module 3.1 - Systematic Adjudication Process For Untitled Lands with Approved Survey

Sub-Activities

- I. Site Selection
- II. Records Inventory and Integration
- III. Preparation of Consolidated Cadastral Map (CCM)
- IV. Municipal/Barangay Entry
- V. Rapid Land Tenure Appraisal
- VI. Validation of Initial Claimants and Land Tenure Profile
- VII. Barangay Assembly and Schedule of Field Interview and Ocular Inspection
- VIII. Field Interview and Ocular Inspection
- IX. Completion of Documents and Requirements
- X. Posting
- XI. Processing of Free Patent Application
- XII. Approval of Free Patent
- XIII. Registration of Patents with RD
- XIV. Title Distribution

Process Flow of Systematic Adjudication



Source: DENR

I. Site Selection

Description: Site selection is the process of determining which barangays within a city/municipality still has a number of untitled lands.

DENR Administrative Order No. 2007-09 prescribes the systematic adjudication process to simplify, streamline and fast track the disposition of public alienable and disposable lands through free and homestead patents. It also provides guidelines on the designation of the systematic adjudication areas by a DENR Regional Executive Director (RED).

Goal: To determine the criteria of selecting sites for systematic titling and to identify a pilot area where the LGU shall implement a titling program.

Objective: 1) To identify a site for titling taking into consideration a set of criteria to undertake a cost effective titling system within the LGU jurisdiction.

Output: LGU pilot area selected

Activities:

1. Based on a set of criteria, list the barangays in the city/municipality with high potential of untitled lands based on data gathered from the DENR CENRO or Regional Office, RD and the Assessor's Office.

Note: Lots qualified to be titled under free patent are original cadastral lots which have not undergone titling before. Those which are covered by mother titles, which were further subdivided are not covered by free patent, but by subsequent transfer of title, which is not under the jurisdiction of the DENR.

The following general criteria as contained in DENR Administrative Order No. 2007-09 may be considered in the selection and identification of the provinces, cities and municipalities to be designated as Systematic Adjudication Area, to wit:

- a. Significant number of titles that will be issued (i.e. minimum of 2000 lots in a municipality covering at least 50 percent of all municipalities in a province);

- b. Strong LGU cooperation and commitment;
- c. Others that may be identified to be relevant in the selection (e.g. peace and order, quality of land records).

The LGU may change the criteria accordingly based on actual data that they have, in coordination with the DENR CENRO and Regional Office, RD and the Assessor's Office.

2. The short list of barangays with high untitled lands shall be evaluated based on the adopted criteria. The barangay with the most number of untitled lands shall be selected as the pilot site for the LGU's titling program.

II. Records Inventory and Integration

Description: The core of systematic adjudication is the gathering and integration of land data and information from different agencies/offices to facilitate the titling process.

The following benefits answer the need for the integration of land records among the LGU offices and NGAs:

- Convenient and quick access to information by NGA, LGU and the public (including private sector, academe)
- Build-up dataset, update and maintain database based on NGA and LGU records
- Multiple use of land records (i.e. land use, valuation, taxation, titling, inventory of assets/properties, etc.)
- Wide dissemination of data among concerned local and national agencies/offices.

Goal: To integrate land records from different offices, both the national and local level to support titling and other activities of the LGU related to land concerns.

Objectives:

- 1) Identify agencies with related land records, particularly for titling purposes; and
- 2) Gather land data and information needed from the identified offices and collate/integrate to prepare preliminary data for titling in selected site.

Output: Land records collected from concerned offices

Activities:

1. Identify agencies with related land records, particularly for titling purposes. The following land records may be obtained from the following agencies/offices:

Office	Type of Record	Office	Type of Record
DENR Regional Office	Approved Survey Plans with technical description	RD	Original Certificate of Title Copies
	Approved cadastral maps		Transfer Certificate of Title Copies
	List of Claimants	ASSESSOR'S OFFICE	Tax Declaration
	Lot Data Computation		Tax Map Control Roll
DENR-CENRO	Lot Status (Allocation Book)		ARP Assessment Sheet
	Land Classification Map	DAR	Emancipation Patent (EP)
LRA	Judicial Decrees		Certificate of Land Ownership Award (CLOA)

The land council created in the LGU may include membership of the offices above for data sharing and integration of land records, for better data access, handling and dissemination, and to support and facilitate the titling process

2. Request permission for the access of records through a letter signed by the LGU Local Chief Executive or head of the Land Management Office.
3. Copy/ photocopy records needed for the project.

Once data has been gathered, a consolidated cadastral map (CCM) shall be prepared to guide the process of systematic adjudication in an area declared for such purpose.

III. Preparation of a Consolidated Cadastral Map (CCM)

Description: The preparation of a Consolidated Cadastral Map (CCM) is essential for the systematic adjudication approach. The CCM shall guide the DPLIs to plan in an organized way a certain area selected as the systematic adjudication area. It shall be an indicative map which shall show the actual number of lots in the selected site and shall show which lots are already titled and which lots are possible for titling.

Goal: To provide the basic understanding on the importance of the CCM in systematic adjudication and to enumerate the procedures in its preparation.

Objectives:

- 1) To enumerate the steps in creating the CCM using available land records, including maps, i.e cadastral map or tax map; and
- 2) To be familiar with the requirements (manpower resources, hardware and software) of creating the CCM.

Output: A Consolidated Cadastral Map of the systematic adjudication area

Activities:

1. Check from the concerned DENR Regional Office if the selected pilot site already has a digital cadastral map and request for a copy of the said map in digital form and also secure a hardcopy of the cadastral map of the area.
2. Request for a copy of the section map of subject area for titling at the Assessor's Office. The section map shall be used in case no cadastral map is available. If cadastral map is available, cross-check the number of subdivided lots in the section map (as the tax maps are more updated in terms of the subdivided lots) and note in the cadastral map copy.
3. Encode all relevant information into the database using Microsoft Word/ Excel/Access. The database shall initially contain the cadastral lot numbers, area of subject lot and list of claimants. Ensure that a parcel identifier is in order to be able to identify lots in the map.

4. The preparation of the CCM requires hardware and software, and a Computer Aided Design (CAD)/Geographic Information System (GIS) operator, who is knowledgeable in mapping. Technical assistance from DENR on the preparation of the CCM may also be sought.
5. An alternative mapping approach is the paper-based cadastral map which may be updated using the map data from the section maps gathered in the Assessor's Office. Get a copy of the cadastral map sheets from the DENR Regional Office. Consolidate the cadastral map sheets using an appropriate scale by plotting in a new blank map sheet.
6. To prepare a digital CCM, in case there is no available digital cadastral map from the DENR or the Assessor's Office, the following may be followed:
 - a) Scan cadastral map or section map using available software and hardware. Before scanning a map, the following are checks on its conditions:
 - Investigate if map is crumpled or if its edges are distorted;
 - Check if its features are fine, visible and clear;
 - Using blue/white print map, make sure that the background is white;
 - Check and look for at least 4 valid control points; and
 - Maintain common points on map edges to all adjoining cadastral map sheet.

It is best to take into consideration that before anyone can start map scanning valid map control points must be indicated based on obtained valid control points from the geographic position of the cadastral maps subject for scanning.

After scanning examine if the map image are in good quality resolution. If the texture is not clear and unreadable, rescan the map to a better resolution using software available.
 - b) Digitize scanned map using available software and hardware.
7. The CCM shall be used in planning out for the Rapid Land Tenure Appraisal of the selected area for systematic adjudication.

IV. Municipal/Barangay Entry

Description: This activity explains the importance of engagement and partnership-building with the concerned city/municipal and barangay in the implementation of a land titling project.

Goal: To create awareness-building and explain about the titling program of the LGU in partnership with DENR.

Objectives:

- 1) To provide information and create awareness-building to the concerned officers of the city/municipality and barangay on the titling project which shall be undertaken in their jurisdiction; and
- 2) To agree on a schedule of subsequent activities which will be undertaken in aid of the titling process.

Output: LGU and barangay officers and employees oriented on the titling project to be implemented in their jurisdiction.

Activities:

1. Communication with key officials/members of the Municipality and Barangay is made to explain the land titling project and the purpose for systematic adjudication. For this purpose, a letter may be written addressed to concerned key officials/members of the Municipality and Barangay informing them of the objectives of the project and requesting for support in the conduct of meetings with the selected area for systematic adjudication.
2. Follow-up through call or personal visit regarding the schedule of the orientation/meeting.
3. Formal partnership may be forged between the Municipality/City/Barangay to undertake the titling project, through a Memorandum of Partnership Agreement (MOPA).
4. During the briefing/meeting, the preparatory activities for Rapid Land Tenure Appraisal and the Survey Validation are explained. The venue and date for the Rapid Land Tenure Appraisal workshop is determined.

V. Rapid Land Tenure Appraisal

Description: The Rapid Land Tenure Appraisal (RLTA) is the process to obtain a clear picture of the land tenure situation on the ground before operations are entered into. It is intended to determine the approximate workable lots in a particular barangay and is being undertaken to generate the interest of the concerned barangay to support the implementation of a land titling project. It also provides the systematic adjudication team an opportunity to observe the distribution of residences and subdivisions in the area.

Goal: To determine the number of possible lots to be titled in a particular area declared as a systematic adjudication area.

Objectives:

- 1) To be familiar about the concept of RLTA;
- 2) To be able to properly fill up the RLTA form as a guide and basis in determining potential and workable lots to be titled and to identify needed requirements for titling of individual applicants; and

Output: Initial Land Tenure Profile filled-up.

Activities:

1. Meet with the key Municipal Officials to inform the LGU about the conduct of Rapid Land Tenure Appraisal and arrange schedule for the conduct of the RLTA Orientation in the subject barangay/s.
2. Confirm the schedule of the RLTA Orientation with the Municipal Mayor.
3. Prepare the Consolidated Cadastral Map for the selected barangays.
 - a) Access copies of the Consolidated Cadastral Maps (CCMs) from the DENR Regional Office and seek assistance for the production of the CCM.
 - b) The maps must show all the lots in the barangay and a color legend to indicate information gathered relative to potential and workable lots for titling.

4. Prepare presentation of materials for Rapid Land Tenure Appraisal Orientation. Provide each barangay a copy of the power point presentation providing an overview of LAM, an explanation of the map legends, an explanation of terms used on the top of the recording sheets, pen, highlighter and table of potential lots.
5. Orient Barangay officials on RLTA.
 - a) Present the rationale and objectives for undertaking the Rapid Land Tenure Appraisal and a definition of terminologies;
 - b) Discuss the map CCM and how to use the CCMs;
 - c) Train barangay representatives on how to accomplish RLTA Form.

The table below shows the initial Land Tenure Profile already prepared from available documents gathered from different agencies:

Column	Data	Description
1	Lot/Survey Number	Enter the lot number appearing in every parcel as provided from the DENR land records
2	Survey Claimant	Enter the name of the parcel claimants, that were identified during the cadastral survey and may not be the same as the current owner. Names are provided in order to guide in identifying the lot in the map
3	Occupant/Current Land Owner	Write down the current owner of the lot
4	Residence	Indicate whether the owner is residing within the barangay, municipality, or outside the municipality
5	Contact Details	Indicate "Y" if the owner has known contact details and "N" if contact details are unknown

Column	Data	Description
6	Lot Status	Ask respondents if there is any title. If none, put “N”, if yes, put “Y”;
7	Official Document	Put a check in the column, if there is an official document proving title.
8	Subdivision	Explain why lots were subdivided (portion of the lot has been sold, donated, traversed by road, divided among heirs)
9	No Approved Subdivision Plan	Put a check in the column if the lot has been informally subdivided (no approved subdivision survey),
10	Land Case	Put a check on the column if the lot has on-going case in court.
11	Titling Interest	Put a check if the respondents is interested to apply for title
12	Name and Signature	Name & signature of the informant

Source: DENR-LAMP

6. Seek feedback from the barangay representatives on the process and the difficulty/ies they anticipate in the field for the RLTA process.
7. Furnish the barangay representatives with the kit to include the 3 CCM, 3 tables, pens, coloring material, and other needed materials. Identify the lot owner using the Cadastral Consolidated Map (CCM).
8. Explain that colored lots are those lots that were already identified and the barangay representative/s need to focus on those lots without color.
9. Explain the map and the legend (use color coding).
 - a) Titled lots - are patents, CLOAs or decrees registered with the Register of Deeds (RD);
 - b) DAR coverage - parcels that were turned over to DAR for Certificate of Land Ownership\ Award (CLOA) or Emancipation Patent (EP) issuance;
 - c) Applied lots - parcels covered by applications with the DENR or filed with the court (in process);

- d) Patented lots - those lots with approved applications but still unregistered;
 - e) Lots with CSD - those lots with approved Cadastral Subdivision Survey
 - f) Lots with PSD - those titled lots with approved subdivision survey undertaken by the owner;
 - g) Lots with pending or on-going cases in court or at the CENRO; and
 - h) Residential lots - non-agricultural lots with a residential classification as defined by the Municipal Assessor
10. Agree with the local representative the schedule for the next meeting to collect LGU output, discuss experiences of data collection process and to validate the result;
 11. The DENR should monitor the conduct of Rapid Land Tenure Appraisal to respond to queries and concerns raised by the LGU personnel undertaking the process. Purpose of the monitoring is also to have an initial assessment of the progress of each barangay; and
 12. Collect RLTA output from the LGU and assess its reliability and accuracy. The quality and accuracy of output based on the percentage of lots validated to be untitled compared with the total number of lots of the barangay and the level of participation of the LGU;
 13. Prioritize the barangays based on the result of the RLTA vis-à-vis the level of interest shown by the LGU and the number of workable lots for titling.

Refer to Appendix L for a sample Land Tenure Profile that shall be used for the RLTA.

VI. Validation of Initial Claimants and Land Tenure Profile

Description: To validate the initial Land Tenure Profile prepared, data would be gathered on the claimants of untitled alienable and disposable (A&D) lands in the barangay and on non-claimants who have stake in the land (e.g. tenants, leaseholders, etc.). The validation may be done through a house-to-house approach of interviewing actual claimants or through a Barangay assembly with the Barangay officials and claimants.

Goal: To determine the number of possible lots to be titled in a particular area declared as a systematic adjudication area.

Objectives:

- 1) To gather data on the claimants of untitled alienable and disposable (A&D) lands in the barangay and on non-claimants who have stake in the land (e.g., tenants, leaseholders, etc.); and
- 2) To validate the initial Land Tenure Profile (LTP) and come up with an updated and validated claimants' profile.

Output: Updated and validated Land Tenure Profile

Activities:

1. The Barangay assembly shall be undertaken in coordination with Barangay officials at a scheduled time and venue. The objective of the assembly is to validate the initial land tenure profile with the community members to come up with an updated profile.
2. During the conduct of the assembly, explain the objective of said activity to the involved community members and request them to actively participate in the validation of the initial Land Tenure Profile.
3. Give the participants time to review the initial Land Tenure Profile and let them fill up an updated Land Tenure Profile. They may be grouped accordingly for ease of validation by an assigned Barangay official.
4. The DPLI shall conduct ground validation of selected lots to ensure accuracy of information and improve the quality of the Initial Land Tenure Profile.
5. The result of the RLTA shall be used to prioritize barangays based on the number of workable lots and the perceived interest and willingness of the barangay to participate in the titling process.

VII. Barangay Assembly and Schedule of Field Interview and Ocular Inspection

Description: This activity sets the schedules for the conduct of a barangay assembly, field interview, and ocular inspection.

Goal: To ensure that the titling activities are undertaken within a timeframe and to ensure that requirements and supporting documents are complete in order to proceed to the processing of the applications.

Objectives:

- 1) To conduct a barangay assembly to get the lot claimants to agree on a schedule for field inspection and ocular inspection; and
- 2) To appraise the applicants of the requirements and supporting documents which need to be prepared and submitted

Output: Agreed schedule of Field Interview and Ocular Inspection

Activities:

1. Another barangay assembly may be convened to agree on dates for the field interview and ocular inspection by the designated adjudicators in the area.
2. A letter may be prepared addressed to the Barangay Chairman to request for an assembly on the conduct of field interview and ocular inspection for the title applicants.
3. Once the barangay assembly meeting has been scheduled, the DPLIs with assistance from the DENR investigators and Land Management Officers, shall prepare the necessary presentation materials for the scheduled assembly.
4. The objectives of the barangay assembly should be presented clearly to the participants at the assembly. A schedule per territory/group shall be agreed on.
5. The meeting may also announce the preparation of the necessary documents and requirements for the application for the free patent.

VIII. Field Interview and Ocular Inspection

Description: This activity involves assistance on the filing of a Free Patent Application by a Lot Claimant and the subsequent conduct of Field Interview and Ocular Inspection of the lot being applied for.

It also includes gathering more information about the lot being claimed by interviewing the claimant. To validate the information gathered, claimants of adjacent lots shall also be interviewed. The activity also involves actual ground verification of the subject lot.

Goal: To ensure that the titling activities are undertaken within a timeframe and to ensure that requirements and supporting documents are complete in order to proceed to the processing of the applications.

Objectives:

- 1) To conduct interview of the applicant with regard to lots being claimed;
- 2) To conduct an ocular inspection of the lot subject of application; and
- 3) To prepare an Ocular Inspection Report.

Output: Ocular Inspection Report prepared by the DPLI

Activities:

1. The conduct of the interviews may be initially undertaken during the barangay assembly where the lot claimants are present. If unfinished, the DPLI may continue with the interviews on the set date, together with undertaking ocular inspection of the lot being claimed.
2. In the Interview, the DPLI gathers, among others, the lot history including the family tree if the lot was acquired through succession and the relationship between/among the tax declarant, survey claimant and the current claimant.
3. The DPLI shall assist the lot claimant on the filling-up of the Application Form (Appendix M).
4. During the Ocular Inspection, the DPLI collects or affirms, among others, the following information:
 - a) Form/shape of lot, including lot boundaries;
 - b) Whether land is agricultural or residential (if agricultural, what improvements exist including land use, crops planted, etc.); and

- c) It there is an existing dispute, whether on ownership or boundaries.
5. An Ocular Inspection Report shall be prepared by the DPLI after the conduct of field interview and site inspection (Appendix N).

IX. Completion of Documents and Requirements

Description: This activity ensures that all the necessary documents and requirements have been submitted by the applicant and collected by the DPLI for processing and approval.

Goal: To ensure that the titling activities are undertaken within a timeframe and to ensure that requirements and supporting documents are complete in order to proceed to the processing of the applications.

Objectives:

- 1) To guide the applicant on the completion of documents and requirements for submission to the CENRO;
- 2) To ensure that all requirements and supporting documents have been prepared by the applicants; and
- 3) To prepare for the transmission of the application to the CENRO for processing.

Output: Complete documents and requirements collected by the DPLI from the lot claimant.

Activities:

- 1. The DPLI shall guide the applicant on the completion of documents and requirements. Incomplete documents and requirements shall not be accepted for processing.
- 2. Ensure that the Public Land Application Form has been properly filled-up. Also check if the following documents are present, as applicable.
 - a) Certification that land is classified as alienable and disposable;
 - b) An approved survey;
 - c) Technical description of the land applied for;
 - d) Affidavit of two disinterested persons from the locality where the land is situated;

- e) Certification that the land applied for is within a zoned residential area; and
- f) Regional Trial Court certification that there is no pending case involving the land applied for.

Appendix O: Checklist of Requirements for the Application for Residential Free Patent

3. The following are some of the additional documents that may be required of the applicant to support claim over a particular parcel of land:

Requirement	Description
Deed of Conveyance, Confirmation of Share, Extra-judicial settlement and partition	Varies according to the details of the application/facts of the case.
Affidavit of Waiver	<ul style="list-style-type: none"> - No available extra-judicial settlement among heirs - If erroneously listed survey claimant/ tax declarant can still be located - If co-ownership/ partnership exist
Community Tax Certificate (photocopy only) for the current year	Required for all applications; shows evidence of residency and citizenship
Regional Trial Court (RTC) Certification	<p>Optional. Should be required if the cadastral survey was pre-war survey and/ or the municipality has undergone cadastral proceedings (judicial titling) in the past.</p> <p>Also required if the applied lot is subject for subdivision and correction survey.</p>
Barangay Certification	If the applied lot is subject for subdivision and correction survey
Tax Receipt/Tax Clearance	This requirement is not mandatory. If available, get photocopy. Any tax information is to be obtained from the municipality and not a burden placed on the applicant. This serves as additional proof of who is paying the real property taxes due on the land when the tax declaration is still in the name of the predecessor-in-interest.

Requirement	Description
Affidavit of Sole Heir/Self-adjudication	Required only if the applicant is the sole heir of a deceased original owner or immediate predecessor-in-interest, and the applicant wants the title to be in his/her name.
Duly filled-out Information Sheet	Required for all applications
Community Tax Certificate (photocopy only) for the current year	Required for all applications; shows evidence of residency and citizenship
Death Certificate for application in the name of heirs	Optional

- The DPLI shall prepare the carpeta, attach the File Cover Sheet and the Free Patent Application Processing Checklist, and review all documents and attachments supporting the Application. This includes the completed BL forms, signed documents (affidavits, conveyances, waivers, certifications, etc), payment of Application fee. All forms must be filled out with the relevant information.

Note: *The 120 days count on the processing of the application by the CENRO shall start upon the completion of documents and requirements and the submission of the application form (with attachments) to the CENRO for processing.*

X. Posting

Description: This activity involves the posting of a Notice of Application for Free Patent for a particular lot being claimed.

Goal: To ensure that the titling activities are undertaken within a timeframe and to ensure that requirements and supporting documents are complete in order to proceed to the processing of the applications.

Objective: To inform the community in general and interested people in particular especially those who may have adverse claims or may be affected by the application.

Output: Notices of Free Patent Application posted at Barangay Hall and Municipal Hall

Activities:

1. After the application has been filed with the CENRO, the applicant interviewed, and the lot inspected, the DPLI prepares the Notice of Free Patent Application (Notice). Copies of the Notice are posted at the Barangay Hall and Municipal Hall for a period of at least 15 consecutive days.
2. If no adverse claim is made or no complaint is received by the CENRO/LGU Land Office on the application, it may now undergo processing at the CENRO.
3. If there is an adverse claim or a complaint made, the application is put on hold pending the resolution of the protest made by the adverse party.
4. To handle and manage land disputes among parties, refer Module 5 – Dispute Resolution.

XI. Processing of Free Patent Application

Description: The completed application forms shall be processed in the concerned CENRO/PENRO/Regional office, as the case may be.

Goal: To issue the registered titles to the beneficiaries.

Objectives:

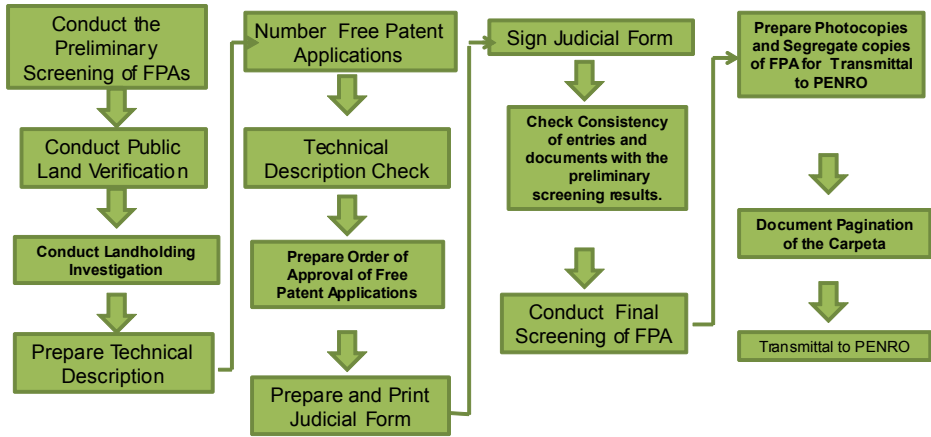
- 1) To process the public land applications and monitor its approval by the concerned authorities; and
- 2) To transmit the approved patents to the RD for registration.

Output: Patents for transmittal to PENRO prepared

Activities:

The figure on the other page outlines the activities to be undertaken for the processing of the applications:

Procedures in Processing Free Patent Application



Source: DENR

XII. Approval of Free Patent

Description: This activity shall ensure that a final Quality Assurance (QA) has been done to check on the completeness, correctness and consistency of the application.

Goal: To issue the registered titles to the beneficiaries.

- Objectives:**
- 1) To undertake a final review of the application for free patent; and
 - 2) To prepare necessary documents for transmittal to PENRO.

Output: Patents transmitted to PENRO

Activities:

1. Check on the completeness of the Free Patent Application;
2. Check correctness of entries on the Judicial Form and Order of Approval;
3. Sign the endorsement at the back of the Final Investigation Report;
4. Countersign the Judicial Form and the Order of Approval;
5. The approval of the Free Patent for agricultural lands shall be done by the following:

- a) For areas 5 hectares and below, the Order of Approval of application and issuance of patent shall be signed by the PENR Officer;
 - b) For areas more than 5 hectares, the Order of Approval of application and issuance of patent shall be signed by the Regional Executive Director; and
 - c) For areas 10 hectares and above, the Order of Approval of application and issuance of patent signed by the Secretary of DENR.
6. The applications for the residential free patent shall be approved and signed by the PENRO through the endorsement of the CENRO.

XIII. Registration of Patents with Register of Deeds

Description: This activity includes transmission of the free patent from the PENRO to the RD for registration.

The RD is tasked with the entry and issuance of original certificates of title (OCT) pursuant to judicial decrees and patents; and entry and issuance of all transfer certificates of title pursuant to registration of all subsequent dealings, voluntary or involuntary, on registered lands. It is the repository of all titles, deeds, and records within the limits of its jurisdiction.

Goal: To issue the registered titles to the beneficiaries.

Objectives: To register the patent at the RD.

Output: Patents registered at the RD

Activities:

1. The PENRO, after signing the patents shall cause the transmittal of the patent for registration at the Register of Deeds.
2. Once registered, the systematic adjudication team coordinates with the municipality for the distribution of the patents to its rightful claimants.

3. The LGU and DENR shall agree on a schedule and venue for the “Handog Titulo” program.
4. Target beneficiaries shall be informed of said schedule and venue through the barangay officials. Full participation by the beneficiaries in the said program is encouraged.

XIV. Title Distribution

Description: Dubbed as “Handog Titulo”, the title distribution activity is undertaken jointly by the DENR and the concerned province/municipality/barangay. This is a ceremonial activity of distributing titles to the beneficiaries to highlight the importance of securing property rights. Titles may be distributed by the Mayor, with representatives from DENR for promotion of the titling program, to encourage more applicants and for the LGU to keep track of these real properties. The LGU may devise a way on taxation provisions for the title holders.

Goal: To issue the registered titles to the beneficiaries.

Objective: To distribute the registered titles to the rightful beneficiaries.

Output: Titles distributed to beneficiaries

Activities:

1. A program shall be prepared for the distribution of the titles where a DENR official and the Governor/Mayor or his representative may give a talk on the importance of secure property rights.
2. Titles may be distributed one by one to the beneficiaries.
3. Other follow-up activities may be discussed by the DENR and the LGU to support post-titling activities.

Sub-Module 3.2 - Systematic Adjudication Process For Untitled Lands Without Approved Survey

Sub-Activities

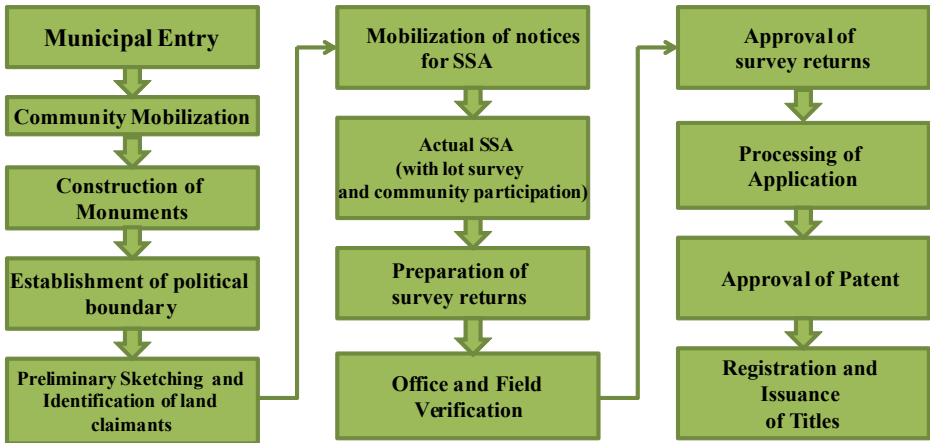
- I. Municipal Entry
- II. Community Mobilization
- III. Conduct Reconnaissance, Identification of Land Claimants and Preliminary Sketching
- IV. Establishing Barangay Boundary
- V. Monumenting/Marking of Lot Corners
- VI. Mobilize Claimants for SSA
- VII. Conducting Lot Surveys and Preparation of Survey Returns
- IX. Conduct Office and Field Verification
- X. Approval of Survey Returns
- XI. Processing of Free Patent Applications
- XII. Approval of Free Patent Application
- XIII. Register and Issuance of owners copy of the Land Title

If site selected for systematic adjudication of a significant number of untitled lands still has no approved survey, then a simultaneous survey and adjudication (SSA) process may be undertaken. This approach is quite new and has been adopted by DENR in its cadastral survey projects, to yield more title issuances.

Principles in the conduct of simultaneous survey and adjudication

- 1) The effective boundary agreement process and management of the corresponding survey either by administration or by contract gets maximum support from stakeholders;
- 2) Active participation from land owners leads to the issuance of a well-documented title in a very efficient manner.
- 3) The coordination with the LGUs and lot owners is critical in this undertaking to better understand the objective and scope of survey activities in the municipalities coupled with lot adjudication.

SSA Process Flow



Source: DENR

The simultaneous survey and adjudication (SSA) process is composed of the activities enumerated below.

- I. **Municipal Entry.** Execute Municipal Entry Activities through the conduct of exploratory meeting with LGUs and the establishment of a partnership with concerned LGU through a Memorandum of Partnership Agreement (DAO 2011-06).
- II. **Community Mobilization.** Conduct community mobilization activities through the conduct of exploratory meeting with Barangay Chairperson and Barangay Council to present what the project is all about, its objectives, activities and the benefits of the titling activity, among other concerns. An implementation plan may be developed outlining the activities to be undertaken with the Barangay Council officials and the lot occupants/ owners.
- III. **Conduct Reconnaissance, Identification of Land Claimants and Preliminary Sketching.** Obtain references for this activity from the municipal assessor's office the record on tax mapping, policy on the creation of barangays, land classification maps and record of previously approved and titled lots. All information generated from this activity shall be an input to the preparation of an initial sketch of the entire barangay.

- IV. Establishing Barangay Boundary.** After the reconnaissance activity, the identified barangay boundaries has to be confirmed by the adjacent barangays. A joint council meeting to secure a joint resolution confirming the barangay boundaries. The joint resolution for the barangay boundary establishment shall be approved by the Sangguniang Bayan and endorsed to the Sangguniang Panlalawigan for recording purposes.

Establishment of the Barangay Boundary Monuments (BBMs) shall be in accordance with the specifications of the Revised Manual on Land Surveying Regulations of the Philippines (RMLSRP), DAO 2007-29. The construction of the boundary monuments may be borne by the LGU while the survey shall be conducted by the DENR or its Survey Contractor.

- V. Monumenting/Marking of Lot Corners.** The manufacturing of the concrete monuments for the lot corner boundaries shall be in accordance with the specifications of the Revised Manual on Land Surveying Regulations of the Philippines (RMLSRP), DAO 2007-29. Lot corner boundaries shall be agreed by both the land claimants and the adjacent land claimants. In cases, where there is no common agreement of the identified lot corner boundary, an effort to settle the conflict between the parties shall be made. If there will be no settlement made between the parties, the area in conflict shall be sketched as separate lot and marked as contested.

- VI. Mobilize Claimants for SSA.** This includes the scheduling for the conduct of the field interview and ocular inspection and the actual conduct of interview and inspection. The boundary agreement process is also undertaken during this activity. The key activities in the boundary agreement process are as follows:

- a) Setting-up or marking of corner boundaries;
- b) Sketching, preparing and signing of Parcel Information Sheet (PIS);
- c) Conducting Interview and ocular inspection;
- d) Completing public land application;
- e) Requisitioning /Collecting supporting evidence;
- f) Posting of the notices of application at the location of the property, municipal hall, and at the Barangay Hall;
- g) Preparing final inspection report;
- h) Submission of completed application to the CENRO/SAFO.

The Boundary Agreement Process

The boundary agreement process is a set of prescribed formal procedures using the Parcel Information Sheet (PIS) to signify the delineation agreement on land boundaries of a public land parcel by the concerned claimants themselves before its survey is undertaken. Through this process, adjacent lot owners agree to the physical boundaries of one another, therefore, future conflicts are avoided.

The Parcel Information Sheet document is prepared in relation to a land survey, recording the boundary delineation agreement by all concerned, adjacent and participating land claimants or owners to a public land parcel, in collaboration with the geodetic engineer, a barangay official, and a CENRO representative, indicating and describing on it the boundaries of a land parcel, its improvements and any natural features, marks and occupations that are on or near the boundary.

VII. Conducting Lot Surveys and Preparation of Survey Returns. Lot Survey and preparation of survey returns may be conducted by the DENR survey party or by survey contract. If conducted by the DENR, the activity shall be supervised by the Survey Chief of Party. If the lot survey is conducted by contract, a comprehensive work plan for lot surveys prepared by the Contractor/Chief of Party detailing specific survey tasks scheduled in different barangays with defined periods for start and finishing of activity.

VIII. Conduct Office and Field Verification. The lot survey process is basically a field activity of taking measurements of boundary line directions and distances. Field data are processed into cadastral graphics/maps and computations resulting into technical descriptions and area of any particular parcel. Errors in field operations if hidden or are made to compensate are not detected in the office computations and verifications. Wrong procedures in field activity coupled with incompetent surveying teams/workers and defective instruments contribute to erroneous data and defective surveys. Quality Assurance demands for a field check or verification of surveys.

IX. Approval of Survey Returns. The office verification and approval process is the responsibility both of the DENR Regional Office Survey Division that involves checking and correcting of the returns in accordance with the Revised Manual on Land Survey Regulations (DAO 2007-29). Through the streamlined verification process, one survey verifier preferably a competent

regular employee will be assigned in the field office of the survey contractor to monitor, assist and verify the preparation of survey returns.

After verification, the approval of survey returns are conducted in accordance with the usual procedure provided under the Revised Manual on Land Survey Regulations (DAO 2007-29).

- X. Processing of Free Patent Applications.** After the approval of survey returns, the Free Patent Application may now be processed and the corresponding approved technical description of the lot must be finalized and inscribed in the title. Processing of the application is just the same in the systematic adjudication process.
- XI. Approval of Free Patent Application.** After endorsement of the Free Patent Application by the CENRO to the PENR Office, the PENRO then approve the application and transmit the same to the Registry of Deeds (RD) for registration and issuance of title.
- XII. Register and Issuance of owners copy of the Land Title.** The Registry of Deeds registers patents forwarded by the PENRO. The Land Management Office may arrange a schedule for the distribution of title to the land owners with the RD and DENR.





Module 4

Isolated Processing of Patent Applications

Module 4

Isolated Processing of Patent Applications

Description:	In the case of voluntary applications for titling, this module enumerates the steps undertaken to process isolated Public Land Applications (PLAs).
Goal:	To familiarize with the steps in processing individual PLAs.
Objective:	To provide the procedures for the processing of isolated PLAs.
Output:	DPLIs trained on the processing of isolated PLAs.

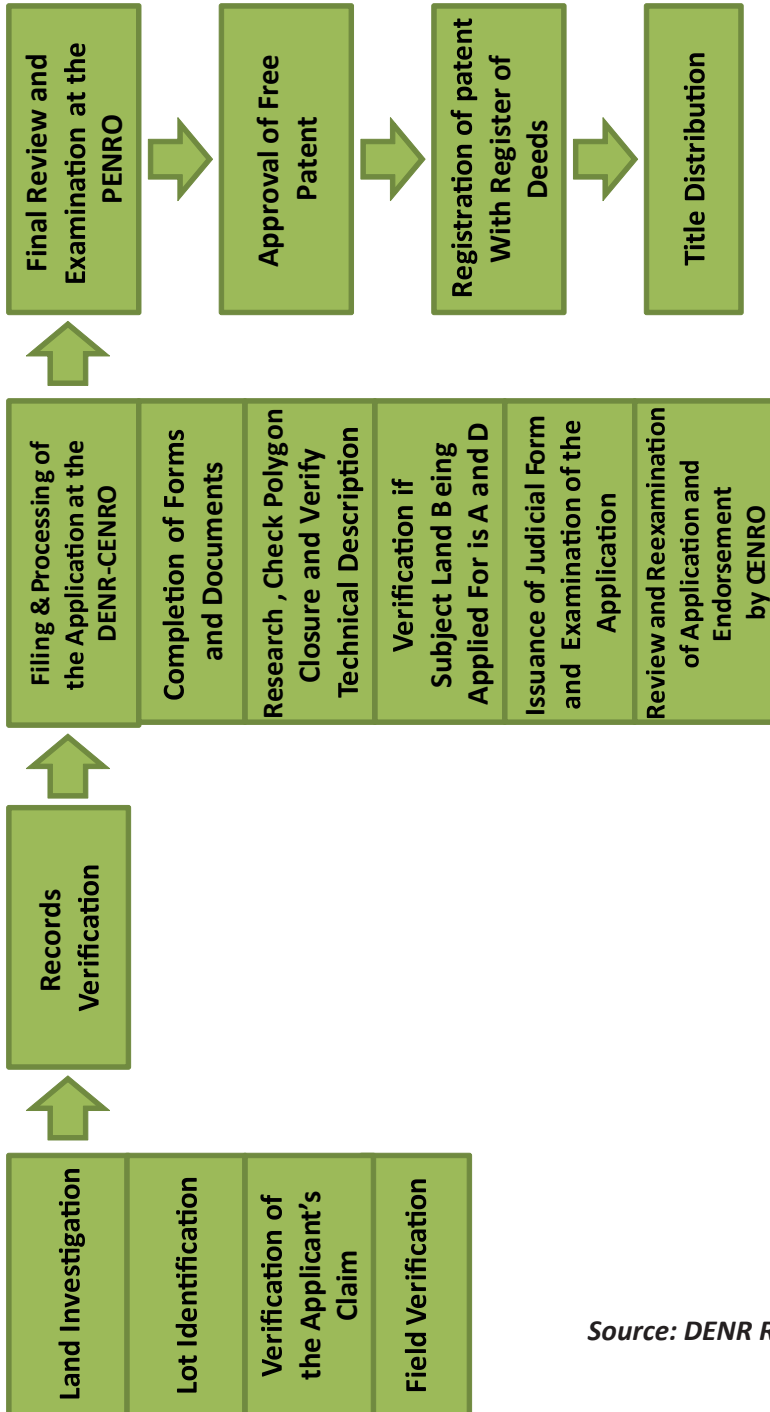
In the course of titling, we will come across cases of isolated applications from concerned individuals who want to initiate titling of their properties. The process of adjudication and verification is similar with that of systematic titling, however there are activities that need not be undertaken for the isolated processing of occupant/owner-initiated application, such as site selection, rapid land tenure appraisal and community mobilization.

After completion of the application form and the requirements needed to validate claim over the land, including supporting documents, the following activities shall be undertaken by the deputized public land investigators:

Activities:

- I. Land Investigation
- II. Records Verification
- III. Filing & Processing of the Application at the DENR-CENRO
- IV. Final Review & Examination at the PENRO

Process Flow of LGU-led Titling (Isolated Process)



Source: DENR Region IV-A

I. Land Investigation A. Lot Identification

This activity refers to ascertaining and identifying properly the parcel of land to be applied for patent. The following activities support this task:

1. Examine: (1) documents/proofs of ownership & acquisition which identify and define the lot with certainty; (2) tax declaration of the property; (3) available sketch/tax map/survey plan/cadastral map.
2. Establish whether the lot being claimed covers an entire parcel of land with approved cadastral survey, or a mere part or portion thereof.

Identification of Survey Number (portion of a mother lot/whole lot)

Form 1 (Red Highlight):
 DENR FORM NO. 4-2001
TAX DECLARATION OF REAL PROPERTY
 TDWARP No. 006W0024
 Owner: SPTA, ADDRESS: GARCIA & P. B. GARCIA
 Address: Mt. View Estate, Bataan City
 Survey No. 1526 pt.
 Assessed Value: ₱ 36,200.00

Form 2 (Yellow Highlight):
 DENR FORM NO. 4-2001
TAX DECLARATION OF REAL PROPERTY
 TDWARP No. 14-0012-00543
 PROPERTY INDEX NO. 024-14-0012-002-19
 Owner: BONGSABO AZETA TURIBAL (SINGLE)
 Address: 2 Y CROSSLT BAHAM BAHAMAN
 Survey No. 19
 Assessed Value: ₱ 34,610.00

Source: DENR Region IV-A

B. Initial Verification of the Applicant's Claim

The following requirements shall be checked to verify the claim of an applicant:

- a. Applicant must present valid documents or proofs of ownership and acquisition of the lot to be applied for patent;
- b. Establish proper claim to the land, tracing back to the original owner/occupant/survey claimant; and
- c. Find out whether the applicant possesses any survey plan previously approved in his name, or that of his predecessor-in-interest (especially when the lot applied for is a subdivided portion of a mother lot/cadastral lot).

C. Field Verification

Conduct ocular inspection over the land to verify:

- a. Actual occupation/possession;
- b. Whether the documents presented pertains to the lot subject of the ocular inspection;
- c. Whether the land is affected by any case of claims & conflicts;
- d. Whether the lot boundaries are properly established on the ground and as described in the available plan/map; and
- e. Find out the actual use of the land and the improvements thereon.

II. Records Verification

To determine if a subject lot being applied for can be titled:

1. Ensure that the land is Alienable & Disposable; and
2. Verify:
 - a. Whether the lot being applied for is not covered by a subsisting application
 - b. Whether a patent/title has already been issued thereon
 - c. Whether it has been the subject of a request for issuance of Survey Authority
 - d. Whether there is a pending administrative, civil or land registration case affecting the land applied for patent

III. Filing & Processing of the Application at the DENR-CENRO

Verification and investigation clearly establishes the applicant's claim over the land. The Land Investigator/DPLI subscribes and sign the application. The Public Land Application is officially recorded, numbered and indexed, and the applicant pays the application fee and the required documentary stamps.

A. Completion of Forms & Documents

1. Accomplish application forms and supporting affidavits of the applicant and those of the witnesses.
2. Completion of supporting documents to prove claim and ownership.
3. Compliance with other requirements such as Community Tax Certificate, Clearance/ Certification from the LGU, RTC/LRA and/or other agencies.
4. Verify availability of technical data of the land to be applied for (Cadastral Map, Technical description).

B. Research and Verification of Technical Description

1. Accomplish Form V-37;
2. Check the boundaries and computation;
3. Check if the polygon is closed; and
4. Make a sketch of the parcel covered by the application.

C. Verification with the Forest Management Services (FMS)

1. To determine that the land is indeed Alienable and Disposable (A & D), as per Land Classification Map, FMS issues a Certification that the land is A & D.

D. Issuance of Judicial Form (JF)

The following are the activities being undertaken to fill up the JF:

1. Typing/encoding of the TD and pertinent data of the land and applicant'/ patentee's information; and
2. Technical verification/ checking of the typed/encoded TD and review/ signature of the Geodetic Engineer/Chief, Survey Party.

-
- E. Examination of the Application by the Land Examiner(s)

Part of the examination process of Land Examiners is to verify if documents are complete through a detailed review; check the dates and entry of data on supporting documents; and to check typographical errors on the application and Judicial Form.

 - F. Review and Examination by the Land Management Officer/ Chief, Land Management Services
 - a. Signature/Initial on the Patent & Order for Approval and Issuance of Patent; and
 - b. Preparation of Transmittal to the PENRO

 - G. Review and Indorsement by the CENR Officer (CENRO)
 - a. Signature/Initial on the Patent & Order for Approval and Issuance of Patent
 - b. CENRO signs Transmittal to the PENRO
- IV. Final Review & Examination at the PENRO**
- 1. Review by the Chief, LMS-PENRO
 - a. Signature/Initial on the Patent & Order for Approval and Issuance of Patent
 - b. Forward the Patent application to the PENR Officer (PENRO)

 - 2. Examination at the PENRO
 - a. Approval/Signature by the PENRO on the Patent & Order for Approval and Issuance of Patent; and
 - b. Transmittal of the Patent to the Register of Deeds for registration.



Module 5

Dispute Resolution

Module 5

Dispute Resolution

- Description:** Consistent with Republic Act No. 9285 or the Alternative Dispute Resolution Act of 2004 and DAO 2005-18 which adopts ADR principles and procedures, this module shall provide an orientation to the DPLIs to assist parties in the resolution of disputes, giving them freedom to make their own arrangements.
- Goal:** To provide a guide for the Deputy Public Land Inspectors (DPLIs) to assist the parties, in reaching a voluntary agreement regarding a dispute.
- Objectives:**
- 1) To explain what ADR is and the different methods of undertaking ADR;
 - 2) To ensure that the DPLIs are informed of the different options for alternative dispute resolution; and
 - 3) To encourage and actively promote the use of ADR as an important means to resolve disputes.
- Output:** DPLIs trained on ADR; land disputes encountered during the implementation of the project in the municipalities and barangays are documented and reported; and unresolved land disputes were mediated by the DPLI or Lupong Tagapamayapa before decision to finally exclude them from the land titling process.

“ADR system”, as defined in the ADR Act means any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, in which a neutral third party participates to assist on the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof.

The DPLI in such dispute cases acts as the third party to parties with different positions, interests or needs. DPLIs conduct ADR methods to achieve the following objectives:

1. To lower tensions;
2. Improve communications;
3. Interpret issues, providing technical assistance; and
4. Explore potential solutions and bringing about a negotiated settlement.

Some basic principles of ADR are the following:

1. **VOLUNTARY.** The parties usually must agree to submit their dispute to mediation or early neutral evaluation, and may be required by the mediator to attend facilitated workshops, settlement conferences, or meet with a neutral to explore the feasibility of mediation.
2. **TIMELINESS.** ADR should shorten, not prolong, proceedings. But even if a negotiated settlement takes longer, the result should be more beneficial to all.
3. **GOOD FAITH.** Those who engage in ADR should do so in an attempt to reach agreement—not to delay or secure tactical advantage.
4. **CONFIDENTIALITY.** Most ADR processes require confidentiality so that the parties' fundamental interests can be explored.

Some of the mostly used methods are the following:

1. **Arbitration.** A voluntary dispute resolution process in which one or more arbitrators appointed in accordance with the agreement of the parties resolve a dispute by rendering an award.
2. **Mediation.** A voluntary process in which a mediator, selected by the disputing parties facilitates communication and negotiation and assists the parties, in reaching a voluntary agreement regarding a dispute. Unlike an arbitrator, however, a mediator selected by the parties usually does not have the power to compel the parties to accept a recommended solution. Nevertheless, the parties may agree in the settlement agreement that the mediator shall become a sole arbitrator for the dispute and shall treat the settlement agreement as an arbitral award.
3. **Conciliation.** Parties to a dispute (including future interest disputes) agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences.

Conciliation differs from arbitration in that the conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses, usually writes no decision, and makes no award.

Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking a compromise.

- 4. Negotiation.** A consensus-driven method conducted directly between parties in view of a resolution, with or without a facilitator

Activities

1. The DPLI must be able to identify applications with disputes. He/She must be aware of the issues and concerns of both parties.

Note: DPLIs are allowed to assist in the resolution of disputes. However, their assistance is limited to the provision of land information and mediation. DPLIs do not have the authority to render decisions on land disputes.

2. The DPLI should ensure that each party must choose freely and consciously to enter the mediation process.
3. The DPLI should then analyze the issues and concerns raised by the parties, including tracing back the history of subject land and doing additional research. He/She may request for supporting documents from all parties to help him/her analyze the situation and come up with a sound advice.
4. After an evaluation and analysis of all supporting documents presented, interviews, research, and other instruments that may aid the DPLI in coming up with recommendation on how the parties may reach an agreement, a sound technical advice shall be provided subject to the agreement of both parties.

Note: The DPLI may approach or request the Land Management Officer (DENR) to provide advice on dispute case being handled.

5. If an agreement or resolution has not been reached by the parties after the DPLI mediated, the DPLI may refer the case to the Barangay Lupong Tagapamayapa.

Dispute resolution in the barangays is the main responsibility of the Lupong Tagapamayapa (LT) except for conflicts enumerated in the Local Government Code (Chapter 7, Section 408). It is thus important to engage the Barangay Council in land dispute resolution.

SEC. 399 of the Local Government Code created the Lupong Tagapamayapa in each barangay, composed of the punong barangay as chairman and ten (10) to twenty (20) members. The Lupong Tagapamayapa shall see to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes.

6. The DPLI shall mark in his/her records applications with disputes and shall proceed to undertaking investigation on the claims of other applications without dispute.
7. The DPLI must also know that the parties have the power to switch to a formal process (i.e. proper courts) at any time.
8. Unresolved land disputes should be documented by the DPLI or turned over to the Barangay Lupong Tagapamayapa before decision to finally exclude them from the land titling process.

APPENDICES

Appendix A

H. No. 5618

S. No. 3429

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fourteenth Congress
Third Regular Session

—■—

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 10023]

AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Qualifications. – Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act: *Provided*, That in highly urbanized cities, the land should not exceed two hundred (200) square meters; in other cities, it should not exceed five hundred (500) square meters; in first class and second class municipalities, it should not exceed seven hundred fifty (750) square meters; and in all other municipalities, it should not exceed one thousand (1,000) square meters: *Provided, further*, That the land applied for is not needed for public service and/or public use.

SEC. 2. Coverage. – This Act shall cover all lands that are zoned as residential areas, including townsites as defined under the Public Land Act: *Provided*, That none of the provisions of Presidential Decree No. 705 shall be violated.