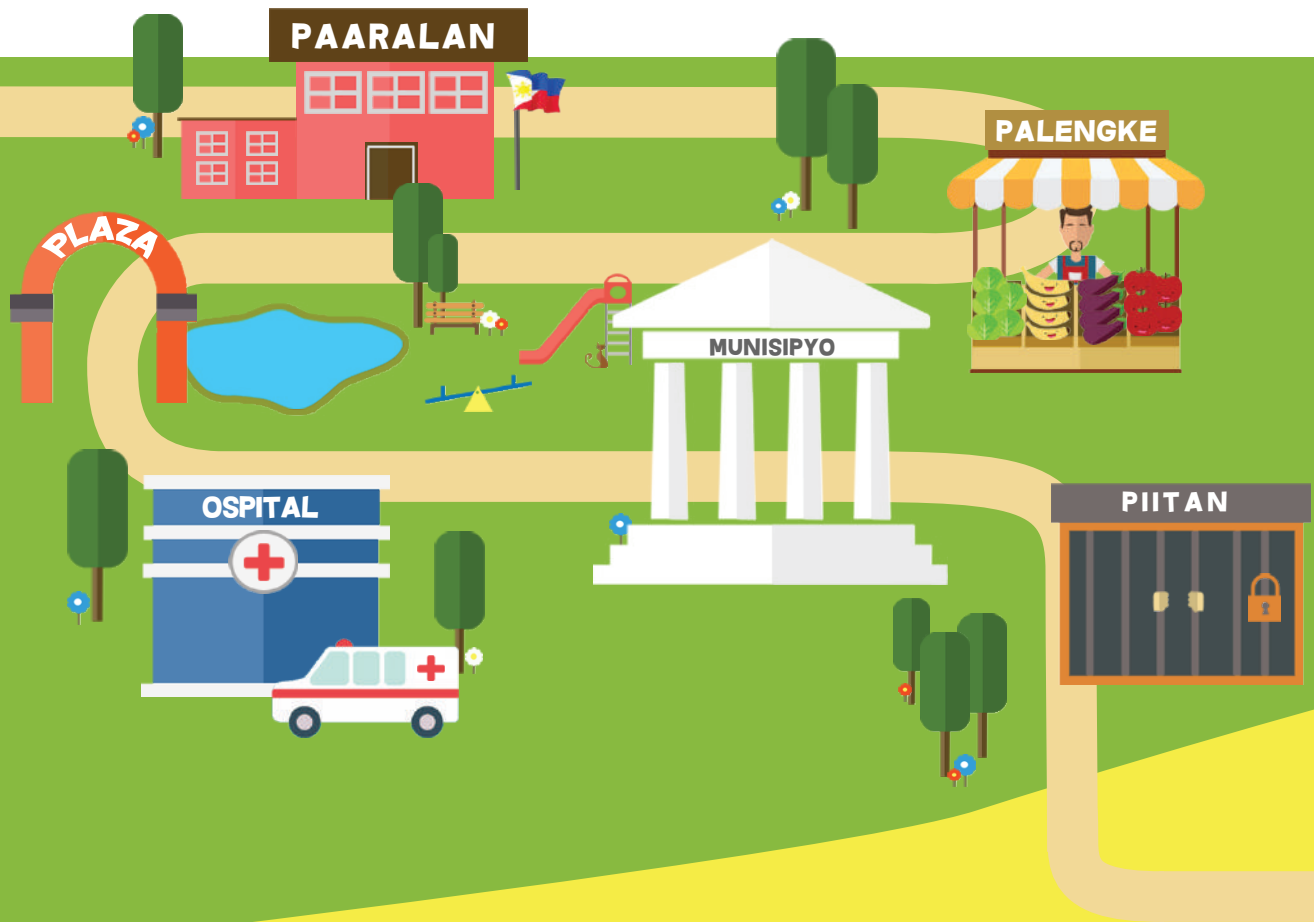




Australian  
Aid

The Asia Foundation



# Guidelines Governing the Processing of Requests for Proclamations and Issuance of Special Patents Over Agricultural Lands

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# SPECIAL PATENT

a public instrument issued by the government to confirm ownership over a parcel of agricultural land (alienable and disposable) by law or proclamation by the President of the Philippines

DENR, through the Land Management Bureau (LMB), issued DENR Administrative Order (DAO) No. 2016-21 *Guidelines Governing the Processing of Requests for Proclamations and Issuance of Special Patents Over Agricultural Lands*



# THINGS you should know



## PROCESSING TIME

From several years of processing, it is now limited to 120 DAYS



## SCOPE AND COVERAGE

- 01** All public agricultural (alienable and disposable) lands granted by the State in favor of a government instrumentality by law or by Presidential proclamation
- 02** Lands occupied and used by government institutions for public use or public purpose



## ISSUANCE OF PATENT

The special patent is issued in the name of the Republic of the Philippines and its agencies, branches or other instrumentalities such as government -owned and -controlled corporations, and local government units such as provinces, cities and municipalities.

## WHERE TO FILE? A REQUEST?



### Community Environment and Natural Resources Office

Having jurisdiction over the area being requested



### Implementing Provincial Environment and Natural Resources Office

Having jurisdiction over the area being requested when there is no CENRO in the province



### Department of Environment and Natural Resources - National Capital Region

For areas within the National Capital Region (NCR)



## BASES OF DAO 2016-21

### RA 10023 Section 4

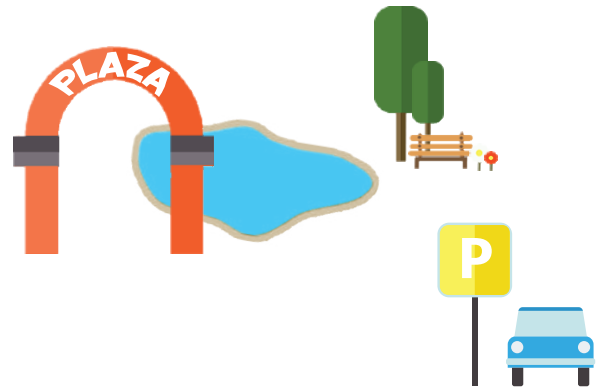
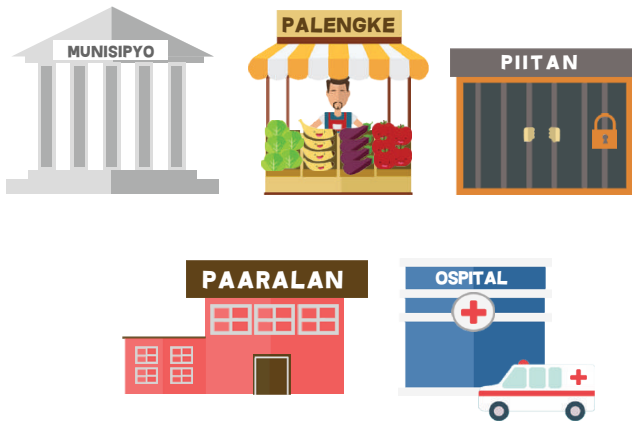
Provides that *public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents*

### RA 10023 Section 6

Mandates CENRO to process the special patent request within 120 days and the PENRO to approve it within 5 days

### RA 10023 Section 7

Authorizes the DENR to disseminate rules and regulations to carry out provisions of the law



## PUBLIC PURPOSE

Properties for public purpose are lands used exclusively by the government or any of its instrumentalities in providing services to the general public including: marketplace, town, city, provincial or barangay halls, hospitals and health centers, police stations, outposts, and jails.

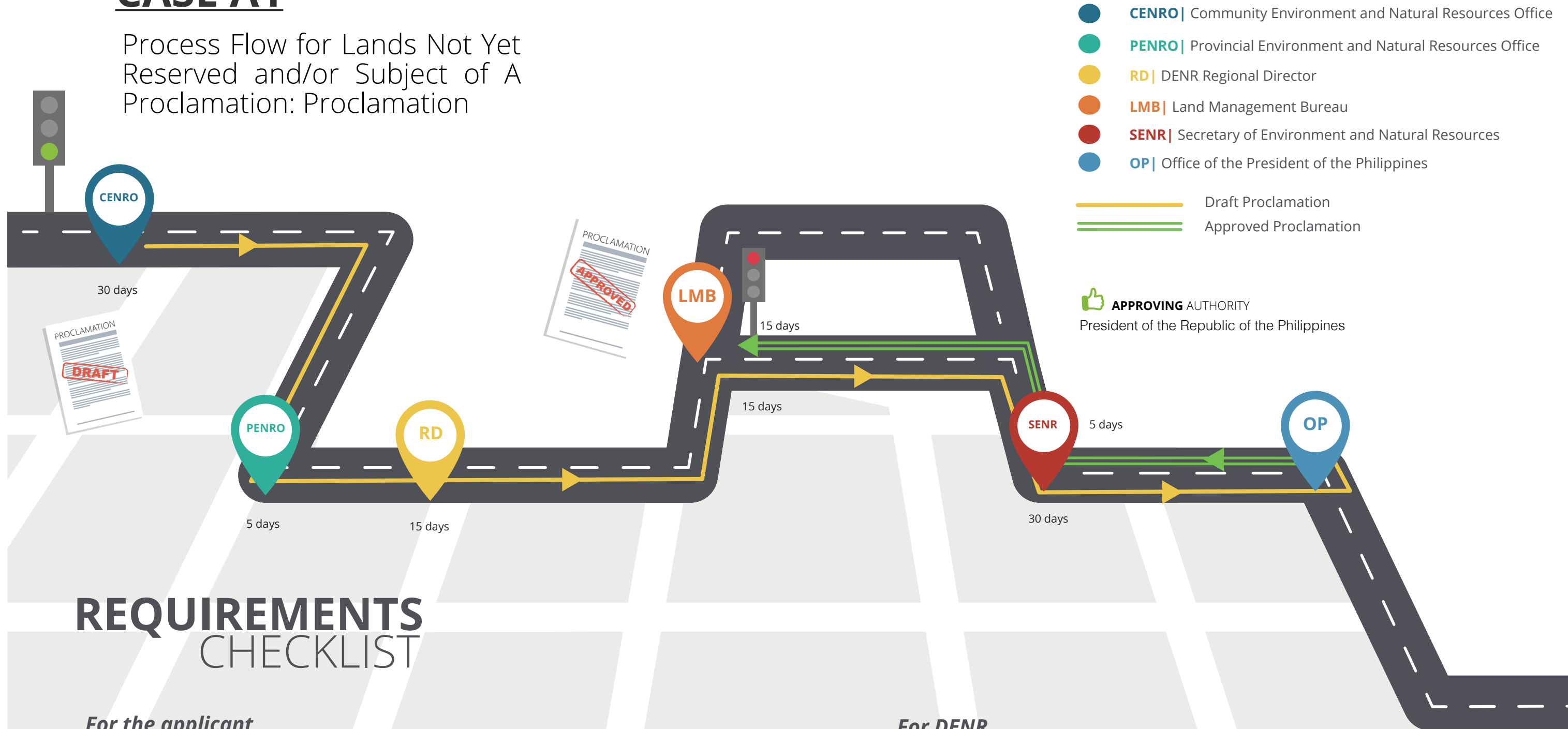
OR

## PUBLIC USE

Properties for public use are those which are open to the general public, such as: public plazas, resorts, roadways, recreational facilities, libraries, meeting places, playgrounds, and public parking lots.

# CASE A1

Process Flow for Lands Not Yet Reserved and/or Subject of A Proclamation: Proclamation



## REQUIREMENTS CHECKLIST

### For the applicant

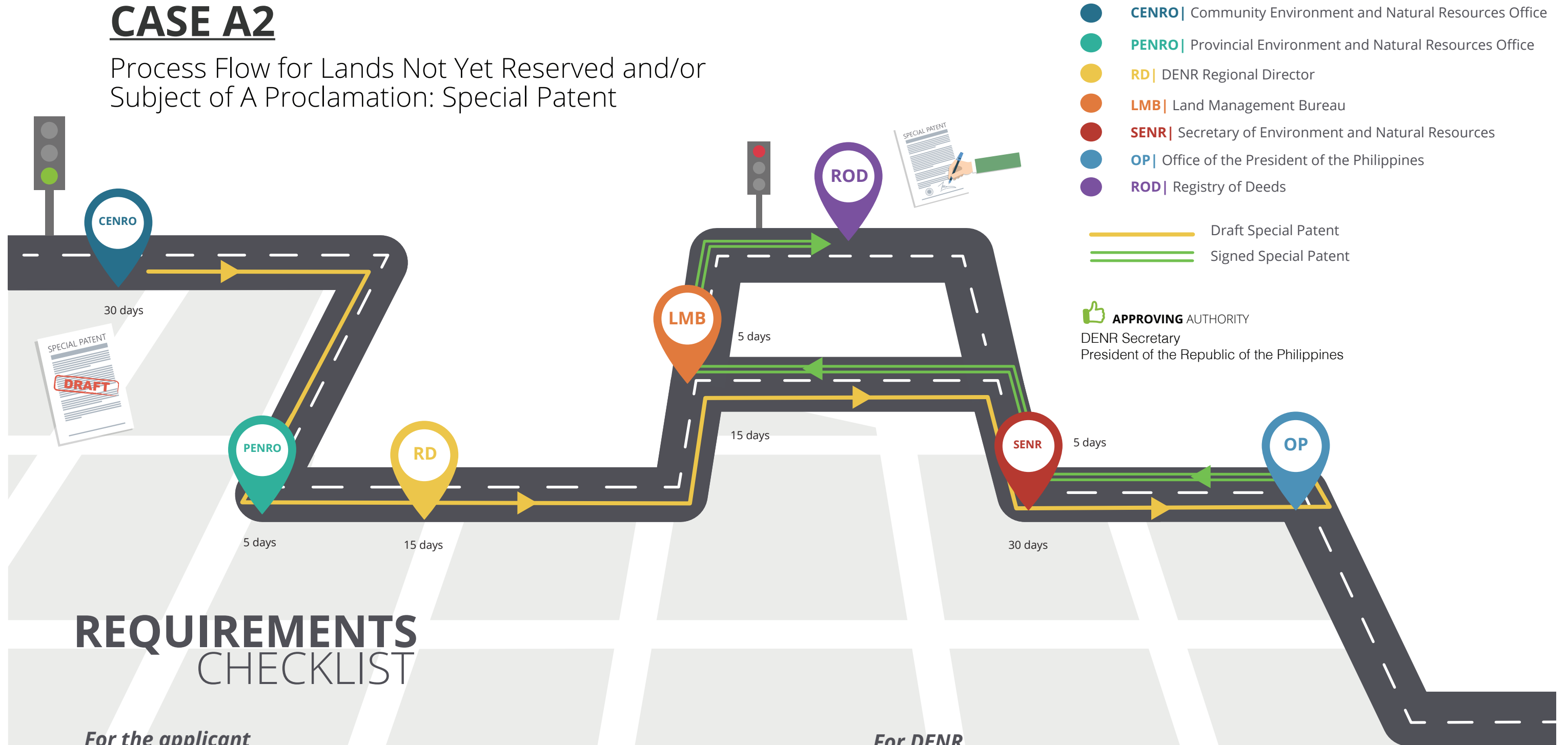
- ✔ Written request from an authorized government official
- ✔ Approved survey plan or sketch plan of subject area (if unapproved)
- ✔ Verified Technical Description of the approved survey plan
- ✔ Geotagged photos showing panoramic view of subject area
- ✔ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority

### For DENR

- ✔ Certification of status of land classification
- ✔ Comments and recommendations from the following:
  - Provincial Health Officer
  - DPWH District Engineer
  - DepEd School Division Superintendent
  - Armed Forces of the Philippines Provincial Commander
  - Philippines Ports Authority (PPA) Provincial Manager

# CASE A2

Process Flow for Lands Not Yet Reserved and/or Subject of A Proclamation: Special Patent



## REQUIREMENTS CHECKLIST

### For the applicant

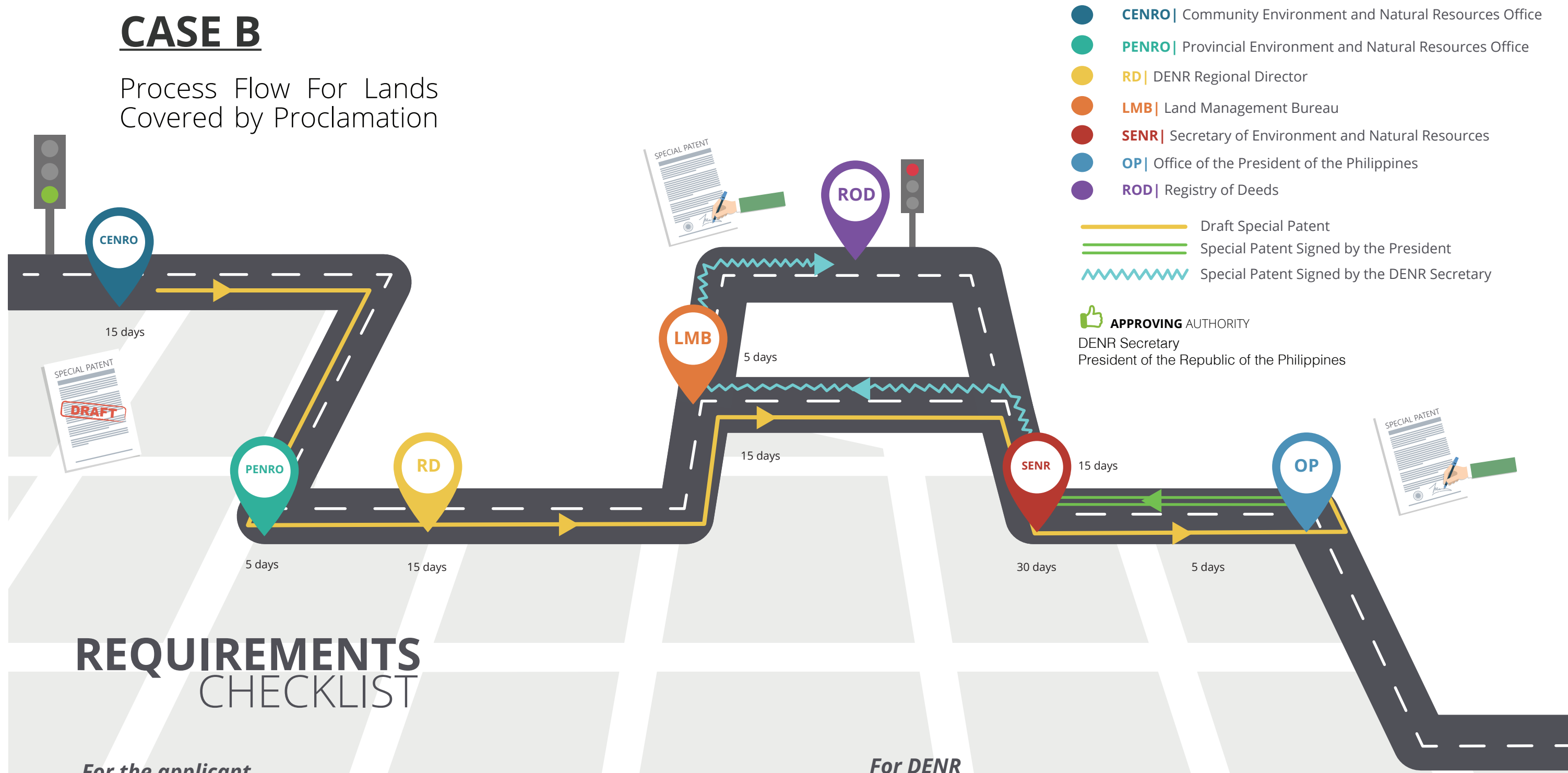
- ✔ Written request from an authorized government official
- ✔ Approved survey plan or sketch plan of subject area (if unapproved)
- ✔ Verified Technical Description of the approved survey plan
- ✔ Geotagged photos showing panoramic view of subject area
- ✔ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority

### For DENR

- ✔ Certification of status of land classification
- ✔ Comments and recommendations from the following:
  - Provincial Health Officer
  - DPWH District Engineer
  - DepEd School Division Superintendent
  - Armed Forces of the Philippines Provincial Commander
  - Philippines Ports Authority (PPA) Provincial Manager

# CASE B

## Process Flow For Lands Covered by Proclamation



# REQUIREMENTS CHECKLIST

### For the applicant

- ✔ Photocopy of the Proclamation
- ✔ Verified and certified correct Technical Description
- ✔ Approved plan or Cadastral Map
- ✔ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority
- ✔ Investigation report on the status of the land and geotagged photos

### For DENR

- ✔ Certification of status of land classification



# CASE C

## Process Flow for Lands Actually Occupied for Public Use and Public Purpose



## REQUIREMENTS CHECKLIST

### For the applicant

- ✔ Written request endorsed by the head of the entity or LGU concerned
- ✔ Approved survey plan or cadastral map
- ✔ Verified Technical Description of the approved survey plan
- ✔ Geotagged photos showing panoramic view of subject area
- ✔ Certification stating that there is no pending land registration case

### For DENR

- ✔ Certification of status of land classification

# BENEFITS OF *Special Patent*

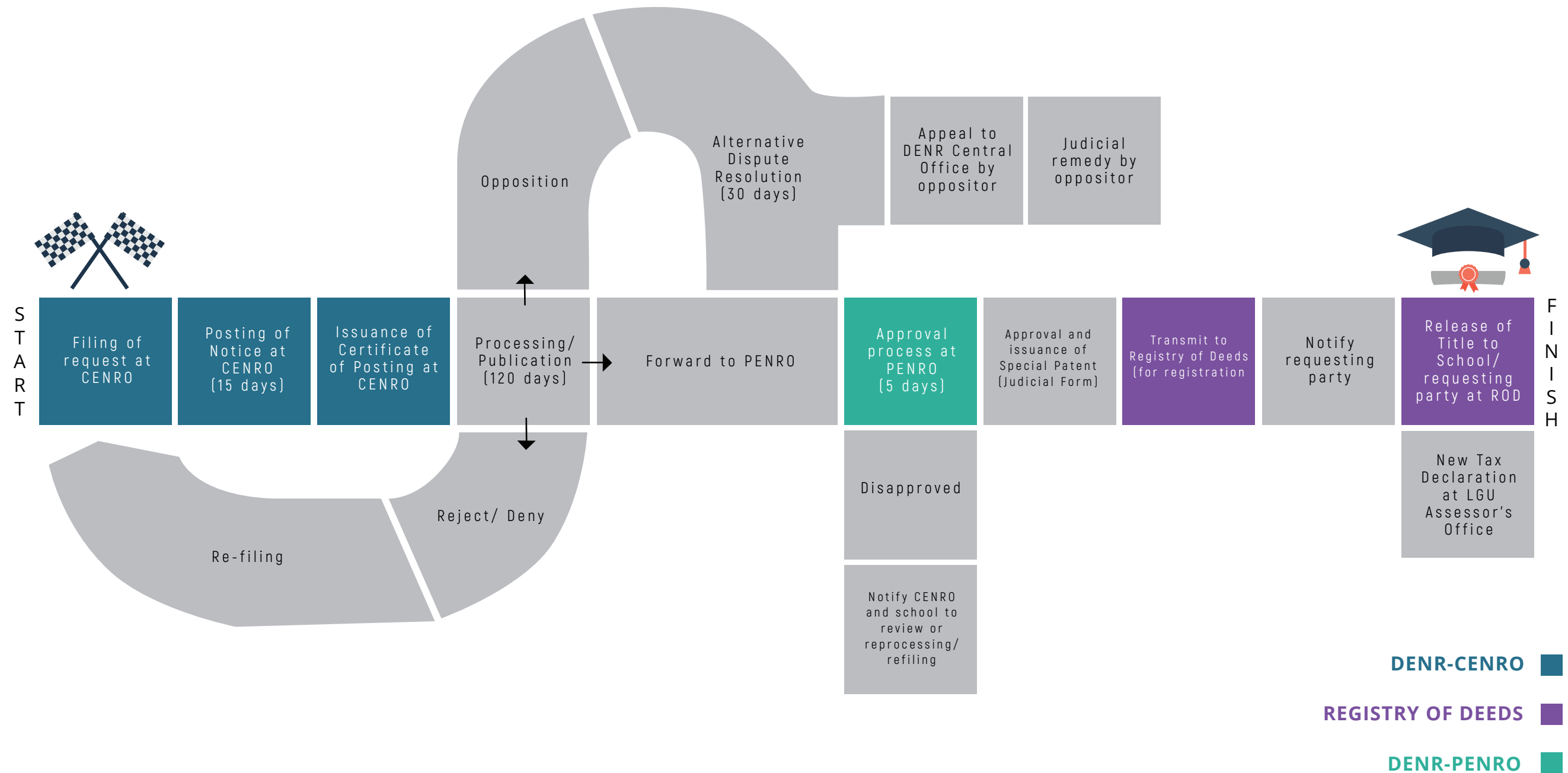
*The issuance of Special Patents for the titling of government lands are expected to provide the following benefits to LGUs, NGAs and other government institutions.*

- 01 Secures tenure over public property thereby reducing possibility for land grabbing, illegal settlement/ possession and deceitful occupation
- 02 Provides new economic opportunities especially for LGUs
- 03 Determines the exact metes and bounds of the property
- 04 Determines status of properties necessary for the management, planning and budgeting for the highest and best use of the property
- 05 Defines the property for proper accounting and enforcement of rights
- 06 Quiets doubts on the ownership of the property saving the government time, money and effort in taking care of public property

# SCHOOL SITE TITLING MADE EASY

DENR AO 2015-01, "Guidelines for the Processing and Issuance of Special Patents for Public School Sites Under Republic Act No. 10023", provides for an easy, fast and affordable process of having Special Patents issued on untitled lands actually possessed and occupied by public schools.

Many public school sites do not have title to their lands making them vulnerable to illegal occupation, intrusion, and adverse claims of ownership. Republic Act No. 10023 and the DENR Administrative Order No. 2015-01 gives way for public schools to apply for titles.





# CHECKLIST

## WHAT TO BRING TO CENRO WHEN YOU REQUEST FOR A SPECIAL PATENT ON SCHOOL SITES?

Accomplished Request Form for Issuance of School Site Special Patent (Annex of DAO 2015-01, available at the CENRO and online)

Historical background of possession (narrative on how the school came into possession of the land being applied for including relevant dates). This should contain the information on how the total land area was acquired by the school.

Recent photographs showing the panoramic view of the area as well as adjacent areas, vicinity improvements introduced, buildings, landmarks, identifying features, settlements, fences, etc.

Court/Land Registration Authority certification that there is no pending land registration case on the land or any portion thereof; and

Copy of approved survey and technical description

# REMEMBER!

All lands of public schools state universities and colleges are covered as long as they are:

- Devoted to and incidentally used for education and education related services such as offices, canteens, gardens, athletic fields, sports complex, sports courts, clinics, gymnasiums, car parks, science centers, nature parks and other related areas.
- Actually possessed, occupied or used as school site regardless of period of possession
- Classified as agricultural land (alienable and disposable)

Partnership for Land Rights  
and Governance Project



**The Asia Foundation**

The Australian Embassy - The Asia Foundation Partnership in the Philippines

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## **Department of Environment and Natural Resources**

The Department of Environment and Natural Resources is the primary government agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources including lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

### **Foundation for Economic Freedom**

The Foundation for Economic Freedom is a public advocacy organization dedicated to advancing the cause of economic and political liberty, good governance, secure and well-defined property rights, market-oriented reforms and consumer protection.

### **Coalitions for Change**

The Australian Embassy in the Philippines and The Asia Foundation, through its Coalitions for Change (CfC) flagship program, hopes to effect policy reform by encouraging civil society, the private sector, the academe, and the government to work together and contribute to transformative change. CfC works on development concerns that are consistent with the government's agenda: improving education outcomes, reducing vulnerabilities to disaster, ensuring peace and stability in Mindanao, promoting economic growth , and advocating for effective governance.