



JUL 25 2007

MEMORANDUM CIRCULAR
NO. 2007 - 11

SUBJECT: **REVISED RULES OF PROCEDURE AND GUIDELINES FOR THE DISPOSITION OF ALIENABLE AND DISPOSABLE PUBLIC LANDS WITHIN THE BAGUIO TOWNSITE RESERVATION**

I. RATIONALE

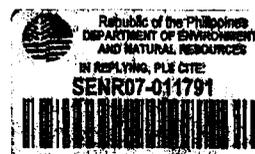
It is the government's policy to promote and provide equitable distribution and ownership of alienable and disposable public lands. It is a fact that the increasing population in the City exerts tremendous pressure on the limited resources of the City in terms of basic services like water, electricity and other essential amenities. There are also limited lands for disposition under Townsite Sales Applications (TSAs). Hence, there is a need to ensure that these lands are awarded to the greatest number of deserving and qualified applicants, Filipino citizens, taking into consideration vital and imperative measures to ensure sustainable development. There must be equilibrium between the need of the residents of Baguio City and the need to prevent congestion for the preservation of its milieu and prevention of environmental degradation.

Thus, there is a need to rationalize the management and disposition of public lands within the City of Baguio.

II. OBJECTIVES

- A. To adopt a system of disposition of public lands within the Baguio Townsite Reservation for more effective and orderly implementation of Administrative Order No. 504, series of 1986 as amended by Administrative Order No. 92 dated September 22, 1988 lifting the ban on the acceptance and processing of land applications in the City of Baguio. (Department Circular No. 01, series of 1990 and Department Circular No. 3, series of 1988)
- B. To attain sustainable development by balancing the land needs of the residents of Baguio City on the one hand and the need to prevent congestion on the said city on the other, for the preservation of its milieu and prevention of environmental degradation. (Resolution No. 91-2 and Resolution No. 93-2).
- C. To codify various rules and guidelines embodied in previous A.O. 504 Clearing Committee Resolutions.
- D. To adopt entirely new procedures and guidelines in various stages of processing of TSAs and new workflow, in order to avoid overlapping of surveys and applications, resolve in an expeditious manner cases of claims and conflicts, and facilitate the processing of all pending TSAs.

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III. SCOPE/COVERAGE

These rules shall apply to all newly filed sworn statements with the A.O. 504 Clearing Committee.

These rules shall also be observed and applied, in so far as they are applicable, to all applications that are being processed in any phase or pending at the different concerned offices.

For this purpose, applications mentioned in this Department Circular shall refer only to Townsite Sales Applications within the Baguio Townsite Reservation.

IV. A.O. 504 CLEARING COMMITTEE

A. COMPOSITION

The A.O. 504 Clearing Committee shall be composed of the following: Amending Administrative Order No. 504 dated February 1, 1986, Administrative Order No. 92 dated September 22, 1988, and Administrative Order No. 16 dated October 14, 1992.

Chairman: DENR Secretary

Members: Baguio City Mayor
Director of Land Management Bureau

They shall designate their alternate representatives to ensure continuity of work.

B. DUTIES AND FUNCTIONS

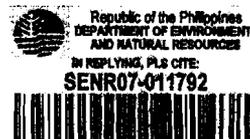
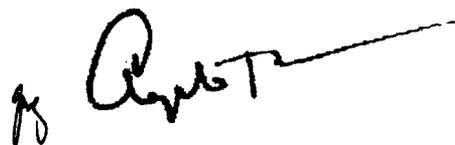
1. To grant clearance of applications as recommended by the Regional Secretariat;
2. To approve and issue rules and regulations pertinent to land disposition and monitor compliance thereof;
3. To allocate budgetary requirements for the management and disposition of public lands in the City of Baguio;
4. To convene meetings in a quarterly basis or as the need arises to deliberate the TSAs, issue clearance or rejection thereof, and other matters for decision.

V. REGIONAL SECRETARIAT - The Department of Environment and Natural Resources Regional Office shall comprise the Secretariat that will assist the Committee in the performance of its duties.

A. COMPOSITION

The Regional Secretariat shall be composed of the following: (Amending Department Circular No. 3, series of 1988 and Special Order No. 66, series of 1990).

Chairman: Regional Executive Director



Members: Regional Technical Director, Land Management Services
Chief, Legal Division
PENR Officer
CENR Officer
Representative from the Office of the City Mayor
Chairman, Committee on Lands, City Council, or his duly
authorized representative
Representative from the Office of the Director, LMB

B. DUTIES AND FUNCTIONS

- a. To ensure the suitability of the area applied for, the purpose for which the same is intended, including the qualifications of the prospective applicants;
 - b. To screen, evaluate and recommend clearance to existing applications already filed and Sworn Statements of prospective applicants;
 - c. To prepare budgetary proposals and submit such proposals to the Committee;
 - d. To submit quarterly accomplishment and status reports to the Committee;
 - e. To prepare documents and other materials for the meetings of the Clearing Committee;
 - f. To perform other tasks to be assigned by the Clearing Committee.
- C. The Regional Secretariat shall be supported and assisted by the A.O. 504 Support Staff in the performance of its duties and responsibilities. The Land Management Division (LMD) shall also function as A.O. 504 Support Staff. Thus, the LMD, as A.O. 504 Support Staff, shall be composed and shall perform functions in addition to its regular functions, as follows:
1. Chief, Support Staff – (a) prepares budgetary and manpower requirements, work and financial plan; and submit the same to the Secretariat; (b) supervises and monitors the day to day activities/operations of the Office; (c) prepares and submits accomplishment reports to the RED; (d) conducts final review of all sworn statements and applications for deliberation; (e) coordinate with different concerned offices; (f) forwards all sworn statements applications upon clearance by the A.O. 504 Committee to the CENRO, Baguio City for the filing and acceptance of the TSA for processing;
 2. Records Unit – (a) receives sworn statements of prospective applicants; (b) collates all reports/findings on townsite sales applications; (c) keeps records on all activities of the Secretariat and the Committee; (d) forwards all Sworn Statements and applications upon clearance of the Committee to the CENRO-Baguio City for further processing; (d) chronologically pages the contents of the application folder and indicate the same at the appropriate record document for this purpose, dated and initialed; (e) prepares and releases records, reports and copies of clearances upon approval of the Chief, Support Staff; (f) maintain and update database on the status of Sworn Statements and all applications;
 3. Projection Unit – (a) projects sketch plans based on lot data computations on the projection map; (b) indicates and certifies findings on the face of the plan.

4. Land Examination and Investigation Unit – (a) determines the qualifications of applicants and compliance with requirements and payment of legal fees; (b) determines actual ground status as to its suitability and ascertains the extent of improvements; (c) submits duly subscribed investigation reports.

VI. PROCEDURES IN THE PROCESSING OF TOWNSITE SALES APPLICATIONS

A. Filing of Sworn Statement at the A.O. 504 Support Staff

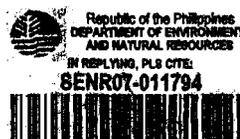
It has been observed that numerous applications were returned unrecorded by the A.O. 504 Regional Secretariat for failure to comply with the requirements and qualifications provided by law. These resulted in the wastage of supplies. Hence, in accord with the program of government to save on cost, the proposed applicant shall initially file a Sworn Statement prior to the issuance of the Townsite Sales Application Form by the CENR Office after clearance by the Clearing Committee.

1. The applicant shall personally, or through his authorized representative only on justifiable grounds, file two (2) copies of a Sworn Statement (Annex A) with the following requirements attached:
 - a. One (1) copy of survey plan with complete survey returns ready for approval, duly certified by a Geodetic Engineer, on the face of the plan to the effect that it is an actual survey conducted pursuant to the requirements of an original survey in accordance with the Survey Manual, showing the technical description of the land applied for plotting purposes whether or not it falls within a subsisting application, titled property, reservation, ancestral lands, city needs, easements or road-right-of-way or any status of land that would bar further processing. Actual improvements such as residential house, fence, rip- rap and others should likewise be indicated on the plan. Creek easements should be properly indicated including the adjoining claimants/owners. Contested area should be indicated on the plan. The survey plan must be provided with a vicinity map. The surveyor delegated to conduct the actual ground survey should be equipped with a survey authority signed by the Regional Technical Director for Lands.
 - b. Photocopy of any recognized identification card (SSS, GSIS, Driver's ID, PRC ID Voter's ID, Senior Citizen's ID, Postal ID);
 - c. Two (2) pieces recent 2 x 2 ID pictures of the applicant;
 - d. Certified True Copies of Voter's ID/Affidavit of Voter's ID, Birth Certificate and Marriage Certificate, when applicable;
 - e. Certificate of Landholdings/Ownership from the City Assessor's Office;
 - f. Two (2) copies of actual pictures of the area to be applied for certified under oath by the applicant at the back portion thereof;

The Sworn Statement shall be assigned a reference number to be listed at a record book. The record book shall contain, but not limited to the following:

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- b. The date the application was received by the A.O. 504 Regional Secretariat;
- c. The name of the applicant;
- d. The number assigned to the applicant;
- e. The area applied for;
- f. The location of the lot applied for;
- g. The action taken/recommendation given to the application.

The personnel assigned to receive the Sworn Statements shall always indicate in the record book the name and signature of the personnel to whom the Sworn Statement was indorsed, the date it was indorsed and the action desired.

2. Plotting and Verification of Survey Plans with Complete Survey Returns

The Projection Unit of the A.O. 504 Support Staff shall plot and project survey plans in the order as they are received. Plotting and verification of survey plans shall be made to determine the status of the land being applied for whether or not same is inside alienable and disposable lands, civil, forest and military reservations; titled properties; identified city/Barangay needs; road-right-of-ways of existing and proposed roads and alleys.

Amended plans shall be required and submitted at the A.O. 504 Clearing Committee only upon prior notice and subsequent approval. Plans subject of amendments applies to those having portion to be excluded due to the overlapping, to check patently erroneous tie lines and no breaking-up of the area shall be allowed.

Succeeding applications that will be determined to have overlapped earlier applications, inside titled properties, identified city needs, within road right-of-way, inside civil/military and forest reservation shall be rejected/returned unrecorded (RUR), subject to confirmation by the Clearing Committee.

6. Examination and Screening of Sworn Statements – to determine that applicant has the qualifications and none of the disqualifications in acquiring public lands.

4. Preliminary Investigation

The Investigator should determine if the applicant is indeed the actual occupant of the land through consultation with the adjoining claimants and/or Barangay officials.

All investigation reports must be under oath, and shall contain, but not limited to the following:

- a. The nature, kind, make and estimated value of improvements at the time of investigation; declared improvements should be indicated on the plan and any proof of declarations should be attached to the report;
- b. The names of the adjoining owners as verified on the ground;
- c. Whether the pictures submitted by the applicant conforms to the actual ground situation and verified to be the actual area applied for;
- d. The categorical recommendation of the Investigator.

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- e. In the event that the proposed applicant is not actually occupying the area, the investigation should focus on the disposability of the lot under the townsite mode of acquisition.

The assigned investigator should indicate in the report the zoning district coverage and boundaries of the area inspected based on the approved Comprehensive Land Use Plan and Zoning Ordinance of Baguio City (HLURB, HUDCC Resolution No. 755 of 17 December 2003).

5. Approval of Survey Plans

The complete survey returns shall be indorsed by the Chief, Technical Staff of the LMD to the Surveys Division for evaluation and verification and to the RTD for Lands for approval.

6. Pre-Clearance Profiling and Deliberation of the Sworn Statement by the Regional Secretariat

A pre-clearance profile shall be prepared and attached to the individual sworn statements containing necessary and relevant information about the applicant and the status of the land being applied for, including but not limited to the improvements introduced by the applicant, the tie-line of the survey plan.

All inspections/investigations reports prepared as basis for the preparation of the pre-clearance profile shall be made under oath.

The pre-clearance profile shall be certified, under oath, by the (1) Head, Records Unit, (2) Head, Projection Unit, (3) Land Examiner, (4) Investigator, and (5) Chief, Support Staff, as to the veracity and accuracy of the pre-clearance process and reports, before the same shall be presented to the Regional Secretariat for their review, deliberation, recommendation and signature.

The sworn statement/application folders shall be presented individually for deliberation by the Regional Secretariat.

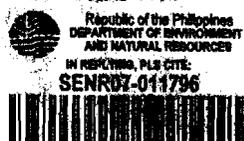
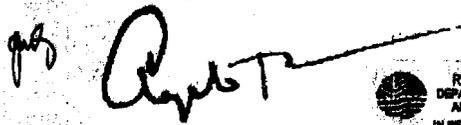
7. Preparation of Draft Resolution and Final List of Deliberated Sworn Statements and Applications Including the Minutes of the Deliberation for Submission to the Clearing Committee

8. Deliberation of Sworn Statement and Issuance of Resolution by the Clearing Committee.

9. Indorsement to the Community Environment and Natural Resources Office (CENRO)

B. Acceptance and Processing of TSAs at the Community Environment and Natural Resources Office (CENRO)

1. Issuance of Application Forms to Pre-Qualified Prospective Applicants



Application forms chronologically numbered shall be provided only by the CENRO initialed by the duly designated officer. These shall be provided to applicants without cost. Only one set of application form shall be issued for every applicant who shall sign receipt thereof.

The Application forms shall be indexed and assigned a permanent TSA number in the order as they are filed and received. For this purpose, the Records Clerk shall maintain a logbook containing, but not limited to the following:

- a. The Name of the Applicant;
- b. Permanent TSA Number;
- c. Area applied for;
- d. Location of the land applied for;
- e. Reference Number initially assigned by the A.O. 504 Support Staff.

To encourage personal appearance of applicants, and to discourage proliferation of fixers, the applicant shall personally, or through his duly authorized representative only on justifiable grounds, upon payment of the filing fee, submit his duly accomplished application form with the CENRO for further processing.

2. Payment of Occupational Fee

Occupational fee shall be collected only for TSAs with residential houses and improvements built thereon. (Lands Circular No. 58 dated August 15, 1979).

3. Final Investigation and Conduct of Appraisal

Appraisal reports must present a detailed enumeration and description of improvement found on the area applied for, including the kinds of materials used, the floor area of the house, the total perimeter length of the fence, and others. It must also include the zoning district boundaries in consonance with the zoning ordinance of the city.

4. Approval of Appraisal

Approval of the appraisal shall be in accordance with DAO No. 98-20 to include the corresponding district valuation. The Appraisal Committee should include the City Assessor of Baguio City.

5. Preparation and Publication of Notice of Sale

Notice of sale shall be published once a week for six (6) consecutive weeks in one English Newspaper of general circulation, in Manila and one local newspaper in the City of Baguio. The notice of sale shall likewise be simultaneously posted on the bulletin board of the CENRO Office, Baguio and in the Barangay Hall of the Barangay where the land is located prior to the actual sale in which event the land subject of the sale shall be adjudicated to the highest bidder. A copy of the notice of sale shall always be furnished the Director, Lands Management Bureau likewise for information at the start of the publication of notices.

The Notice of Sale must state, but not be limited to, the following:

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(a) That there shall be a pre-qualification screening for interested bidders other than the TS Applicant. Likewise, they are required to submit some pre-qualification requirements, as follows:

a.1. Certificate of Non-Property from the Baguio City Assessors Office; and

a.2. Voter's I.D (to verify citizenship); marriage contract; and birth certificate, which ever is applicable. The documents to be submitted must be duly certified.

(b) Description and improvements on the land, location of the property, time, date and place of bidding;

(c) Approved floor price and the minimum deposit by the bidder;

(d) The date and time of the deadline for submission of documents and the opening of bids;

(e) The name, address and telephone number of the designated contact person; and

(f) That there will be a pre-qualification screening for interested bidders, at least fifteen (15) days before the deadline for the submission and receipt of bids.

6. Pre-Qualification of Bidders

Any bidder must possess all qualifications and none of the disqualifications of a lot applicant in accordance with the Public Land Act, as amended.

All persons interested to participate in the scheduled public auction shall submit pre-qualification requirements on or before fifteen (15) days prior to the day of the auction sale.

7. Pre-Bidding Conference

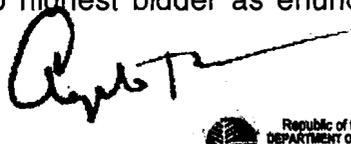
Every bidding shall always be preceded by a pre-bid conference for the orderly and efficient conduct of the bidding. No bidding shall be conducted unless the parcel of land subject of sale is covered by an approved survey.

The rights of the parties/participants shall be conveyed to the parties to serve as a term of reference among them.

The agreement shall always be documented to be signed by the parties/participants.

8. Public Auction

Sales of public lands under the category of Townsite Sales Applications shall always be competitive. Therefore, the sale shall be made through oral bidding and adjudication shall be made to highest bidder as enunciated in Section 79 of the Public Land Act.

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The proceedings shall always be recorded and reduced into writing in a Minutes of Bidding to form part of the records for reference purposes.

In cases wherein the applicant does not appear on the date of the bidding, to avoid speculations, the auctioneer should validate the reason behind his absence, if reason is not substantiated, there is a legal ground of canceling the bidding. It is a clear indication that the applicant is no longer interested to pursue his application over the lot described therein and an evidence of mere speculation which must be avoided.

In case the applicant-on-record loses in the bidding, he/she shall be entitled to reimbursement of the total value of the improvements introduced including costs of publication and final survey. Failure of the winning bidder to reimburse the value of improvements of the applicant within a period of 120 days from the date of bidding will automatically subject the land for re-bidding and expenses to be incurred in the publication of the notices of sale shall be borne by any interested party. Provided however, that whenever on the second bidding, the winning bidder still fails to reimburse the value of improvements, including cost of publication and final survey, within the same period, the subject lot will be automatically awarded to the applicant.

In public auctions emanating from Resolutions or Orders mandating immediate sale, all parties in the case must be furnished copies of the date and time of the sale in order to satisfy due process.

Bidding may be stopped only upon presentation of an Order of the Court or of the Regional Executive Director. An Order by the RED to stop the bidding may be appealed to the Clearing Committee. Expenses for republication of the notice of sale shall be shouldered by whoever requested for the postponement of the proposed bidding and the subsequent publication shall not exceed 60 days from the date of postponement.

9. Preparation of the Order of Award

After Bidding, a report is prepared and the TSA folder together with its approved survey plan and V37 form shall be forwarded to the PENRO together with a recommendation for the issuance of an Award. The PENRO shall prepare and approve the Order of Award and returns the same to the CENRO for further forward action. Issuance of provisional permit shall only be accorded after the bidding in favor of the successful bidder.

If the purchase price of the land is fully paid, final investigation shall be conducted to determine whether the applicant had complied with the building requirement of the law. The CENRO shall recommend the simultaneous issuance of award and patent to the PENRO for approval.

C. Issuance of Patent by the PENRO

VII. GUIDELINES IN THE ACCEPTANCE AND PROCESSING OF SWORN STATEMENTS AND TOWNSITE SALES APPLICATIONS

A. Reservation/Ancstral Land/City Needs

1. No clearance shall be given over areas within existing reservations established for the purposes other than residential purposes (first sentence of Section 7, CA 141). Clearance shall also be given over

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commercial areas pursuant to the zoning ordinance of the city and existing rules and regulations.

2. Public land applications covering areas with ancestral land claims shall not be evaluated until such ancestral land claims have been resolved, in accordance with DENR Department Circular No. 1, series of 1990, as amended and DENR Circular No. 03, series of 1988, except under the following circumstances a.) When the ancestral claimant or his heirs executed a deed of conveyance, e.g. Waiver, donation, sale duly notarized by a notary public; b.) Those with considerable improvements such as permanent houses actually occupied by the claimants for the past 30 years as determined by the Regional Secretariat; c.) TSAs which have been approved and awarded before the ban. Receiving of new applications shall only be made after the ancestral lands of the indigenous Cultural Communities particularly the native tribes of Baguio City and the needs for public purposes have been identified, surveyed and delineated. All areas so identified as ancestral lands and/or for City needs shall be titled in the name of the concerned party; provided, however that the duly identified ancestral lands shall give way to City needs for public purpose upon payment of just compensation to the claimant.
3. Townsite Sales Applications filed before February 1, 1977 (when acceptance and processing of TSAs were banned) which were duly certified by the City Engineer's Office that the lands applied for are not needed by the City shall continue to be processed; provided, that applications within ancestral lands shall not be processed until after the ancestral land claims shall have been resolved subject to the exception in the preceding paragraph.
4. Townsite Sales Application filed before February 1, 1977 which are not yet certified by the City Engineer's Office shall not be acted/processed until after the City needs within the Barangay affected, shall have been identified and surveyed; provided likewise, that applications within ancestral lands shall not be acted/processed until after the ancestral land claims shall have been resolved subject to the exceptions in paragraph (2).

B. Area

In accordance to Sections 9 and 11, Article V of City Ordinance No. 051 series of 2001, the following should be observed;

1. In the disposition of lots in all residential sections in the City of Baguio (Residential Sections A, B, C, D, F, H, J, K, L) including lots within the Business Sections A, B, and C, the minimum area which can be applied should not be less than two hundred square meters (200 sq. m.) but not more than one thousand square meters (1,000 sq. m.) (Resolution No. 93-2, 7-12-1993, last sentence of Section 92 of CA 141) with their commercial zones.
2. Any or all land applications that fail to satisfy the minimum requirements herein specified are to be returned unrecorded/unacted upon to the applicant/s and such land shall be appropriated and reserved for greenbelt and/or open spaces (Resolution No. 93-2).
3. A reduction in area below the minimum after the provision of easements and the applicant is actually residing thereat the same shall be given

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further due course, subject to the following conditions (in relation to Section 109 of CA 141):

- a. Sandwiched between a road and titled property. After providing for the creek and road right-of-way (RROW), its minimum depth, measured perpendicularly from edge of RROW to the creek/waterway, RROW should not be less than 15 lineal meters; otherwise, the area is automatically reserved for greenbelt purpose.

Open area: the conditions provided herein should prevail

Built-up area:

- a.1 The title-holder shall be provided a minimum access of 4 meters wide before the TSA of the occupants shall be acted upon.
 - a.2 If possible, simultaneous processing of the occupants shall be observed
- b. Sandwiched between a road and a waterway. After providing for the creek and road right-of-way, minimum depth, measured perpendicularly from edge of RROW to the creek/waterway, RROW should not be less than 15 lineal meters; otherwise, the area is automatically reserved for greenbelt purposes.

Open area: follow recommendations in Situation a.2

Built-up area: Area will be based on the actual occupancy and access after complying with the provision on easements

- c. Sandwiched between a titled property and waterway; sandwiched between two roads; sandwiched between two creeks and waterways. After providing for the creek and road right-of-way, minimum depth, measured perpendicularly from edge of RROW to the creek/waterway, RROW should not be less than 15 lineal meters; otherwise, the area is automatically reserved for greenbelt purposes.

An access shall be provided to the occupants before acting on the application. Every lot shall be given an access.

- d. Part of a rainwater bed; other special cases. Duly certified by DENR and City Engineer's Office as habitable and not hazardous to life and property, is not bounded on any side by a prohibitive slope and/or poses hazard upon immediately adjoining properties
- e. Subdivision lots shall have an average of 200 square meters and shall no longer be subdivided even after patent is issued except among heirs. A wider area for isolated lots may be allowed on exceptional cases taking into consideration the actual needs of the applicant and the economic benefit that will redound to the community and the country in the utilization, occupancy and disposition thereof, but such total area will not exceed 1000 square meters.

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4. No application for additional area of an adjoining title owner shall be allowed, except under the following uses/circumstances only:
 - a. protection of the applicant's property
 - b. driveway/right of way/garage
 - c. greenbelt/garden/beautification

The following conditions shall be annotated in the title:

- a. That the additional area applied for shall be used exclusively for the intended purpose;
 - b. That it can not be sold independently from the mother title; and
 - c. That no permanent residential structure shall be constructed thereon.
5. An increase of the area originally applied for after the final survey shall be allowed so long as the increase is not so glaring to show evidence of deliberate measures to undermine existing policies on the matter and provided that the area does not exceed the maximum area requirement. The survey returns must be accompanied by a comprehensive report explaining the increase in area; that the property has been occupied and possessed by the applicant; that the data were obtained from actual measurement and inspection of the property; that the boundaries and adjoining owners and/or claimants were duly notified; and, that there is no overlapping of boundaries with its adjoining properties as verified.
 6. The area applied for shall be fixed and should conform with the land use and zoning regulations thereof (in relation to Section 109, CA 141).
 7. Applications covering areas exceeding 1000 square meters shall be amended and reduced to 1000 square meters.
 - a. For applications covering areas exceeding 1,000 square meters that have already been awarded to the applicants, the same shall be reduced to 1,000 square meters. The excess shall be waived to the other qualified applicants in accordance with rules and regulations. Thereafter, the application of the person to whom the excess land area has been waived shall be docketed as a derivative of the original awarded application. The transfer should be covered by an Order of Transfer or amendment, as the case maybe.

The payment of ten percent (10%) of the total value of the land applied for shall be applied pro-rata. The subsequent payments for the corresponding balances shall be collected pro-rata.

- b. All other applications not yet awarded shall be reduced in accordance hereto, and the excess shall be open for application to the public. The applicant shall, however, have preference to choose the location of the land applied for.
- c. No lot within a public land subdivision in Baguio City shall be sold by the DENR unless it is accessible by a road or street and unless the subdivision wherein it lies has been provided with water and electric installations.

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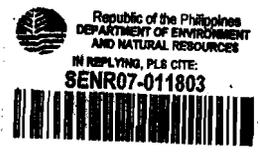


1. To ensure that the scheme of subdivision is strictly followed, the survey of the remaining unsurveyed areas of the Townsite should be executed at one time and only by a government geodetic engineer, or by a private surveyor duly deputized by the government or authorized by the DENR.
 2. Survey authority or survey order for the conduct of the final survey shall be issued only upon recommendation of the investigator.
 3. Subject to the availability of funds, the execution of the survey shall be undertaken by a Lands Management Sector survey team.
 4. Subdivided lots shall be awarded to the applicants provided that the applicant-awardee shall plant and maintain trees within the awarded area. The Forest Management Sector of Baguio City shall determine the species, number, and location of the trees, which shall be no less than four (4) trees for every one hundred (100) square meters.
- D. Provisional permits shall no longer be issued at any point in the processing of TSA and improvements shall only be introduced on the land upon issuance of Order of Award.
- E. No clearance shall be given to any person who has previously filed a public land application but has conveyed the said land in favor of another before an award has been issued.

To prevent speculations, if an applicant relinquishes his rights before the land applied for is awarded to him, his application shall be rejected, and, if all the necessary certification and reports are available, the land shall be immediately sold at public auction.

- F. All PSUs and other similar surveys under the dismissed 211 cases be ordered cancelled except those PSUs and other approved surveys that are being utilized for ancestral land claims (Resolution 96-3, March 1, 1996). For this purpose, the Chief, Regional Surveys Division shall initiate and recommend for the cancellation of these PSUs.
- G. All hazardous areas which are characterized by steep slopes, flood-and erosion prone location, low-lying areas, natural and man-made drainage areas such as creeks, gulleys and canals, geologically unstable grounds which pose environmental risks to lives and properties shall be excluded in the areas under Townsite Sales Applications.
- H. A husband and wife shall be allowed only one lot.
- I. Whenever an application for an awarded lot is cancelled upon the request of the successful bidder before his full payment of the purchase price, no townsite sales application or provisional or revocable permit application shall be accepted by the CENRO for the land involved, which shall be auctioned anew at the price offered at the first bidding thereof.
- J. The land applied for shall not be allowed to be transferred, conveyed or waived prior to the issuance of the Order of Award except only to relatives specified under the law within the fourth civil degree of consanguinity of the applicant; (Resolution No. 91-2, Section 124, CA 141).

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K. Claims and Conflicts

1. In cases of conflicting claims or overlapping of applications over the same lot, efforts shall be exerted to settle the matter amicably. If no settlement should be reached, the parties shall have a right to settle the issue in a competitive bidding of the land subject of controversy, in which case, no preferential right is accorded any applicant or any bidder pursuant to Resolution No 96-10 of the AO. 504 Clearing Committee mandating the immediate auction sale of public lands covered by claims and conflicts cases.
2. If the conflict between applicants is due to overlapping of boundaries, amicable settlement shall likewise be pursued. Only those unresolved cases shall be treated as claims and conflicts cases.

L. Special Power of Attorney (SPA)

No Special Power of Attorney (SPA) shall be accepted, except under the following circumstances:

- a. SPA holders shall be allowed only within the 4th civil degree of consanguinity, otherwise, SPA needs the prior approval of the Regional Executive Director;
- b. SPAs shall specify which office it shall be used (ORED, A.O. 504, CENRO-Pacdal, PENRO-Benguet);
- c. SPAs shall specify the specific act to be done by the attorney-in-fact;
- d. If SPAs are prepared by reason of the applicant's illness, proof of such illness shall be attached to the SPA; and
- e. If SPAs are prepared by reason of the applicant's residence abroad, the SPA shall be subscribed before the consul. However, if such applicant residing abroad visited the Philippines and executed an SPA, such SPA, if notarized in Baguio City, is a valid SPA.

VIII. SEPARABILITY CLAUSE

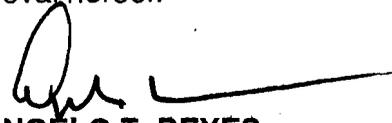
If, for any reason, any provision of this Circular is challenged in a competent court and is held to be unconstitutional, none of the other provisions thereof shall be affected thereby and such other sections and provisions shall continue to govern as if the sections or provisions so annulled, disapproved, or repealed had never been incorporated in this Circular, and in lieu of the provision so annulled, disapproved, or repealed, the provisions of law on the subject thereof shall govern.

IX. REPEALING CLAUSE

All Department Circulars, Resolutions issued by the A.O. 504 Clearing Committee, or other regulations or parts thereof inconsistent with this Circular, are hereby repealed or modified accordingly.

X. EFFECTIVITY

This Circular shall take effect immediately upon approval hereof.


ANGELO T. REYES
Secretary



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

IN REPLYING, PLEASE CITE:
SENRO7-011804

