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DENR Administrative Order
No. 2007-09

JUN 18 2007

SUBJECT: PRESCRIBING THE SYSTEMATIC ADJUDICATION PROCESS TO SIMPLIFY, STREAMLINE AND FAST TRACK THE DISPOSITION OF PUBLIC ALIENABLE AND DISPOSABLE LANDS THROUGH FREE AND HOMESTEAD PATENTS

Pursuant to Executive Order No 192, granting the DENR the authority to formulate policies and regulations for the effective management, conservation and development of the country's natural resources, in further implementation of Commonwealth Act No 141, as amended, which reposes on it the primary responsibility to dispose lands of the public domain, in order to facilitate the issuance of Free Patents pursuant to RA 9176 and the Department's commitment to the Comprehensive Agrarian Reform Program and the implementation of the Land Administration and Management Project in accordance with Executive Order 467, dated 05 October 2005, the following regulations are hereby prescribed:

SECTION 1. OBJECTIVES - This Administrative Order is issued to achieve the following objectives:

1. Prescribe the Systematic Adjudication process of mass titling for the Department's mass land titling activities on a barangay-by-barangay or locality-by-locality basis;
2. Provide guidelines in the designation of the Systematic Adjudication areas; and,
3. Establish guidelines in the creation and organization of the Systematic Adjudication Team:

SECTION 2. COVERAGE - This Order shall apply to the disposition of public lands through free patent and homestead patent in provinces, cities or municipalities and barangays selected as systematic adjudication areas. For LAMP areas, systematic adjudication areas will be recommended by the Project Coordinating Office and approved by the LAMP National Steering Committee chaired by the DENR Secretary. For sites outside of LAMP areas, the Regional Executive Director shall recommend an area for approval by the DENR Secretary.

SECTION 3. DEFINITION OF TERMS - As used in this Administrative Order the following terms and phrases shall be defined and understood as follows:

- a) Adjudication - is the administrative process of determining the validity of claims of ownership of land and other rights and interests in land, and results in the issuance of patents to qualified applicants.
- b) Adjudicator – refers to duly designated DENR officer or duly deputized person contracted out by DENR to undertake the functions of interviewing land claimants, conducting ocular inspection of the lands and assisting land claimants in preparing and organizing evidence for their public land application.
- c) Boundary Agreement Process (BAP)– is a set of prescribed formal procedures using a document referred to as Parcel Information Sheet employed to signify the delineation agreement on land boundaries of a public land parcel by the claimants before survey is undertaken.
- d) Base Camp –refers to the temporary office established in the locality which will be used as base of Systematic Adjudication Team for all systematic adjudication activities.
- e) Reference Mark – is a point marked on a ground object or permanent structure, such as a tree, fence or building.
- f) Sketchperson – refers to individuals who undertake the functions of sketching and mapping of parcel boundaries under the supervision of a Geodetic Engineer.
- g) Survey Notification Letter – is a formal notice issued by the SAT Leader to all concerned land claimants whose participation is needed in the boundary agreement process.
- h) Parcel Information Sheet (PIS) - is a document prepared prior and in relation to a land survey, 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. It contains records of the boundary delineation agreement among all concerned, adjacent and participating land claimants or owners to a public land parcel.
- i) Survey Monument – is any fixed object on the ground to specifications defined in the Revised Manual for Land Surveying Regulations (DENR AO 98-12) and recorded in official records as having a particular relationship to a land parcel to mark and define its boundary.
- j) Systematic adjudication (SA) - is a government-initiated process of adjudicating land rights on a locality basis, progressing barangay by barangay and aiming to register all untitled land in the locality.
- k) Systematic Adjudication Team (SAT) – refers to the team duly organized by DENR who shall gather evidence from applicants, cultivators,

neighbors and barangay officials and investigate in order to determine the validity of a claim for the issuance of a patent.

SECTION 4. THE SYSTEMATIC ADJUDICATION AREA - The systematic adjudication approach may be applied/implemented in areas where the approach may best work in their operations and interest taking into consideration the provisions of this Order.

4.1 Criteria for the Selection of Provinces Eligible as Systematic Adjudication Area

To prepare and develop the regions for the adoption of the systematic adjudication approach, the Regional offices may initially recommend one or two provinces for designation as Systematic Adjudication areas. In the selection of initial provinces eligible for systematic adjudication, primary consideration should be cost-effectiveness of the undertaking, the support of the LGU and operational variables.

In this regard, the following general criteria should be considered in the selection and identification of the provinces, cities and municipalities to be designated as Systematic Adjudication Area, to wit:

- a. 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)

4.2 Designation of the SA Areas

The DENR Secretary shall issue an Order for the official designation of the SA areas. The Order designates the province as well as the barangays and municipalities as SA areas, and shall designate the PENRO of the concerned area as the overall coordinator for the SA activities.

SECTION 5. MANAGEMENT AND ADMINISTRATION – To provide the technical and policy guidance and supervise the operations of the Systematic Adjudication Approach in the Province, the establishment of a Provincial Systematic Adjudication Management Committee is hereby authorized. It shall be headed by a Project Manager and assisted by the Deputy Project Manager. It shall be composed of the PENRO and CENRO/s who has jurisdiction over the designated SA areas.

The DENR Secretary shall designate the PENRO concerned as Project Manager and a qualified personnel from the Land Management Services as Deputy Project Manager as per recommendation of the Regional Executive Director.

The RED shall be authorized to issue the Special Order creating the Systematic Adjudication Team comprising of qualified staff from CENRO, PENRO and the Regional Office. The SAT shall be under the supervision of the Project Manager / PENRO.

The **Provincial Systematic Adjudication Management Committee** shall have the following functions in the implementation of systematic adjudication activities:

- (i) ensure that titling process in the province/city are in accordance with the systematic adjudication manual process established under LAMP1;
- (ii) establish interagency coordination mechanisms for the implementation of the Systematic Adjudication approach, define the roles of participating agencies, monitor and evaluate such mechanisms and recommend appropriate measures for the continued improvement in the Systematic adjudication process;
- (iii) establish linkages with the LGUs in the mobilization of communities for titling activities, and in generating support for post adjudication programs from the LGUs, NGOs, and other local partners;
- (iv) establish partnership arrangements with other agencies to ensure coordinated support from relevant agencies in the activities of the titling activities;
- (v) manage and coordinate community participation, cadastral surveys and the adjudications teams; and
- (vi) coordinate with the DENR regional office in the integration of systematic adjudication activities with regional operations.

The **Project Manager/PENRO** shall have the following functions in the systematic adjudication area:

- (i) provide overall direction and supervise Systematic Adjudication Teams;
- (ii) work in partnership with the Local Government Units in mobilizing members of the community to participate in the systematic adjudication process;
- (iii) "establish" base camps within the community from which systematic adjudication activities may be undertaken;
- (iv) authorize the conduct of survey support activities;
- (v) sign free patents 5 hectares and below; and
- (vi) perform other related activities that may from time to time be assigned.

The **CENRO** shall have the following functions in the systematic adjudication area:

- (vii) provide records, personnel and other resources in support of the systematic adjudication objectives and activities;
- (viii) participate in management meetings as part of the Management Committee; and

- (ix) perform other related activities that may from time to time be assigned.

The **Deputy Project Manager** shall have the following functions in the systematic adjudication area:

- (i) report to the PENRO on a full-time basis and supervise over-all implementation at the field level, provided that if the deputy will come from office other than the PENRO, his or her reassignment shall be covered by a Regional Special Order;
- (ii) supervise the work of the community mobilization, adjudication, and survey teams, and other contractors or partners as appropriate;
- (iii) coordinate with other agencies in the development of common maps that will reflect land information and consolidation of records necessary to support adjudication activities;
- (iv) establish partnership arrangements with relevant agencies and other local groups to ensure the project success;
- (v) coordinate with LGUs in the implementation of titling activities and facilitation of post adjudication activities in their respective municipalities; and
- (vi) perform other related activities that may from time to time be assigned.

The functions of the **Systematic Adjudication Team** shall include the following:

- (x) work in partnership with the Local Government Units in mobilizing members of the community to participate in the systematic adjudication process, so that as many unregistered land parcels as possible are registered;
- (xi) work in cooperation with other government offices involved in land administration such as but not limited to, the Department of Agrarian Reform (DAR) in the administration of its comprehensive agrarian reform activities and formalization of leasehold contracts, the National Commission of Indigenous People in the implementation of the Indigenous Peoples Rights Act, and the Registry of Deeds in its land and transaction activities.
- (xii) coordinate with the CENR Office which has jurisdiction over the locality where the SAT operates;
- (xiii) liaise with, orient and mobilize community to participate in the land titling program;
- (xiv) process patent applications and to prepare the judicial forms in the field or at the PENRO office, as the case maybe, for approval by PENRO;
- (xv) facilitate cadastral survey and to carry out field verification of field surveys in order to speed the plan approval process.
- (xvi) to undertake adjudication activities such as: (a) interviewing potential applicants and assisting them to complete an Application for Public Land; (b) conducting an ocular inspection of the land and preparing a Final Inspection Report; (c) evaluating the claim and supporting evidence and requesting further supporting evidence as required; (d)

- assisting the applicant in the preparation and subscription of supporting documents such as affidavits; and (e) assisting in mediations on disputes or conflicts related to lands; and
- (vii) to perform other related activities that may be assigned.

SECTION 6. STRATEGIES - Systematic Adjudication strategies may be applied under the following conditions:

- (i) If the land is unsurveyed: Simultaneous survey and adjudication shall be undertaken where the correct claimants are identified, the lots are sketched in the Parcel Information Sheet (PIS), a boundary agreement process between the claimants and adjoining claimants is conducted where agreements are evidenced by the signatures in the PIS, lot corner markers are planted in the ground and public land applications are completed. The outputs of systematic adjudication are the PIS, approved cadastral surveys and registered patents.
- (ii) If the land is surveyed: Adjudication shall be undertaken to identify existing rights on the ground, assess the strengths of the claims based on documents and corroborative evidence and community confirmation to issue a patent to the qualified applicant. Outputs are registered patents.

SECTION 7. GENERAL PROCEDURES - In the distribution of public A&D lands and issuance of Free Patents through this Order the following shall be undertaken:

7.1 Base Camp Set-up

The Base Camp shall be established and located strategically in the locality identified as Systematic Adjudication Area. All relevant land records shall be made available and validated at the Camp to fully support all activities of the SAT. Security copies will be retained at the source of the land records for control purposes. At the end of the systematic adjudication period all records should be returned updated to the source office.

7.2 Community Mobilization and Convergence Activities

The Community Development shall involve establishing partnership with the local government units to undertake all phases of the community engagement – municipal partnership, barangay partnership, barangay land tenure improvement planning, municipal land tenure and local development and convergence activities.

7.3 Adjudication

Adjudication activities involve collecting and assessing evidence in support of the issuance of a free patent and for ownership of some lesser interest in the land, and shall include but need not be limited to the following: (a) interviewing potential applicants and assisting them to complete an Application for Public

Land; (b) conducting an ocular inspection of the land and preparing a Final Inspection Report; (c) evaluating the claim and supporting evidence and requesting further supporting evidence as required; (d) assisting the applicant in the preparation and subscription of supporting documents such as affidavits; and (e) assisting in mediations on disputes or conflicts related to lands. However, if the case remains unresolved, the claimants will be advised of the existing DENR rules and regulations relative to claims and conflicts. The matter shall also be endorsed by the SA to the regional Executive Director having jurisdiction over the parcel of land for proper action.

Where lot surveys are required, adjudication activities are extended to the serving of the survey notification letter and the completion of the PIS after the boundary agreement process, prior to the execution of survey operations.

7.4 Surveys Verification and Approvals

The office verification and approval process is the responsibility of the DENR Regional Surveys Division. This involves checking and correcting of the survey returns in accordance with the Revised Manual for Land Surveying Regulations in the Philippines (DAO 98-12) and LAMP specifications. The Regional Technical Director for Lands shall still sign for the approval of the surveys.

7.5 Processing and Approval of Patents

The processing staff of the SAT shall process all applications at the Base Camp or at the PENRO/CENRO, as the case maybe. This includes the acceptance and numbering of the patent applications, review and evaluation of the application, preparation of technical description, preparation of documents to support the applications, final review of the application by the SAT Leader, preparation of Order of Approval of Patent Application and preparation of the Patent in the appropriate Judicial Form.

All DENR Officials who shall perform functions necessary to support the systematic adjudication activities shall either be assigned to the Base Camp or shall visit the Base Camp regularly to perform said functions. This will include the Regional Technical Director for Lands and Chief of the Regional Surveys Division for the approval of surveys, and the PENRO for the approval of patents.

SECTION 8. EXEMPTION FROM FEES - Free Patents issued from Systematic Adjudication Areas shall be exempted from the following fees:

- (i) registration fees, as provided in the PARC Executive Committee Policy Order No. 01 Series of 2005 on the "Implementing Guidelines on Exemption from Payment of Fees in the Registration of Patents" and as adopted by LRA under LRA Circular No. 12-2005;
- (ii) documentary stamps on the affidavit of applicant and joint affidavits of disinterested persons and any other affidavits prepared in support of

the application (Sec. 196 and Sec. 199 of the National Internal Revenue Code);

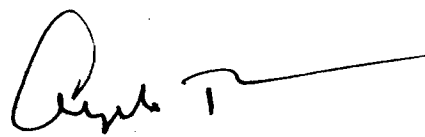
In cases, where the patent is issued for land with arrears in real property taxes, tax clearance need not be required, (DENR DAO 37-93 "New Guidelines in the Implementation of the Handog Titulo Program) said arrears can be annotated on the Patent as a lien against the title.

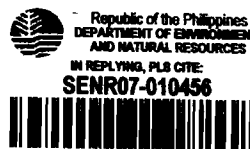
SECTION 9. MANUAL OF PROCEDURES - The LAMP Field Operations Manual for Systematic Adjudication herein attached shall serve as initial guide for the implementation of SA Approaches in the designated SA Areas. For revisions/amendments to the Manual affecting LAMP areas, the Undersecretary authorized/assigned by the DENR Secretary to supervise the land sector may revise or update this manual as new processes and procedures are developed subject to approval of the Secretary. For revisions/amendments to the Manual affecting other areas, the same shall be subject to approval by the Secretary upon recommendation by the Undersecretary for Planning and Policy.

SECTION 10. ORIENTATION AND TRAINING - The Lands Management Bureau shall conduct the orientation and training on systematic adjudication concept and procedures immediately after the approval of this Order. The orientation and training shall be conducted at the field level in coordination with the Human Resources Development Sector of the concerned Regional Office.

SECTION 11. OTHER PROVISIONS - Designated SA areas may access external funding source to support systematic adjudication. For areas using external funds, hiring of contractual personnel shall only be an option when there are no qualified personnel in the regional/provincial/field office to perform the specific task. Such however, shall follow government procedures for the hiring of contractual personnel. Designated SA areas may also utilize ARFunds subject to the usual accounting procedures.

SECTION 11. EFFECTIVITY - This Order shall take effect fifteen (15) days after the publication thereof in a newspaper of general circulation and acknowledgement of receipt of a copy from the Office of the National Administrative Register (ONAR).


ANGELO T. REYES
Secretary



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June 19, 2007

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