



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 11
Series of 2014

SUBJECT: PROCEDURES FOR AND GUIDELINES IN THE HANDLING OF ALL PETITIONS FOR COVERAGE UNDER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP)

Section 30 of Republic Act (R.A.) No. 9700, amending R.A. No. 6657, states that "Any case and/or proceeding involving the implementation of the provisions of Republic Act No. 6657, as amended, which may remain pending on June 30, 2014 shall be allowed to proceed to its finality and be executed even beyond such date". Consequently, numerous Petitions for Coverage under the Comprehensive Agrarian Reform Program (CARP) involving various agricultural landholdings have been filed by tenants-tillers, farmworkers, farmers-occupants, and/or farmer organizations on or before 30 June 2014. The Supreme Court, in the cases of *Sotelo vs Dizon* (GR No. L-46492, 26 April 1939) and *Cabrera vs. Tiano* (GR No. L-17299, 31 July 1963), among others, ruled that it is the act of filing the commences an action.

In view thereof, and to ensure the speedy resolution of the above-referenced petitions for coverage pursuant to Administrative Order (A.O.) No. 03, Series of 2003, otherwise known as the "2003 Rules for Agrarian Law Implementation Cases", which hereafter shall accordingly be treated as pending Agrarian Law Implementation (ALI) cases as contemplated by Section 30 of R.A. No. 9700, the following guidelines/procedures shall be strictly observed:

SECTION 1. Coverage. – This Administrative Order shall govern any and all petitions for coverage of agricultural landholdings under the CARP.

SECTION 2. Commencement. – Any request or petition for coverage shall be commenced by the filing of a verified initiatory pleading or petition before the Regional Director (RD) having territorial jurisdiction over the subject landholding/s.

Nevertheless, a letter-request therefor shall be treated as such an initiatory pleading or petition.

When a petitioner filed such a request or a petition with any other office of the Department of Agrarian Reform (DAR), the receiving office shall immediately transmit the same to the RD with notice to said petitioner.

Petitions for Coverage filed in any DAR office (not necessarily the Regional Office) on or before 30 June 2014 shall be deemed as filed, and therefore commenced, within the period provided by R.A. No. 6657, as amended by R.A. No. 9700.

SECTION 3. Filing in the DAR Central Office. – With respect to Petitions for Coverage filed in the DAR Central Office pertaining to ten or more landholdings per Petition, the Field Operations Office, through the Bureau of Land Tenure and Improvement (BLTI), shall first assess the landholdings involved and generate lists of those included in the Petition which is reported to have already been issued validly by Notices of Coverage or already covered by EPs or CLOAs prior to the filing thereof. The BLTI shall generate one list per region per Petition.

The lists shall thereafter be attached to the Petition before it is transmitted to the pertinent DAR Regional Office.

The Regional Office shall thereafter archive the specific cases pertaining to the landholdings which were reported to have already been validly issued Notices of Coverage. These cases shall be dismissed upon confirmation by the Provincial Offices of such valid service – a copy of the return of service of which shall be transmitted to the Regional Office.

SECTION 4. Assignment of Docket Number. – Immediately upon receipt of the request or petition, the RD shall require the Chief of the Regional Legal Division to assign a docket number and create a case title therefor, which shall be consistently adopted by the RD and the other concerned processing offices (i.e, Provincial Agrarian Reform Program Officers (PARPOs), Municipal Agrarian Reform Program Reform Officers (MARPOs), investigating officers, or committees, as the case may be).

SECTION 5. Disclosure Statement. — The petitioner shall disclose and certify under oath, in the petition or its integral annex, that:

- (a) He is a party-in-interest or properly authorized by a party-in-interest;
- (b) He has not commenced and/or is aware of any other action or proceeding involving the same land, or a portion thereof, or issue in any court, tribunal, or quasi-judicial agency; and to the best of his knowledge, no such action or proceeding is pending in any court, tribunal, or quasi-judicial agency;
- (c) If there is any action or proceeding which is either pending or may have been terminated, he shall state the status thereof; and
- (d) If he thereafter learns that a similar action or proceeding has been filed or is pending before any court, tribunal, or quasi-judicial agency, he undertakes to report that fact within five (5) days therefrom to the DAR Office where the case for cancellation is pending.

The failure to file the required disclosure statement, and/or the commission of acts constituting forum shopping, shall be a ground for dismissal of the cancellation case without prejudice.

SECTION 6. Duty of the Regional Office on the Disclosure Statement and Verification Requirements. – It shall be the duty and responsibility of the DARRO to remind the petitioner of the requirement of the Disclosure Statement above-mentioned, and that the request or petition should be verified.

SECTION 7. Effect of Failure to Comply with Disclosure Statement and/or Verification Requirements. – The failure or refusal to verify the petition or to file said Disclosure Statement, after the opportunity to comply therewith was given to the petitioner, shall be a ground for the suspension of the proceedings and archiving thereof, without prejudice to its revival upon verification of the petition and/or submission of the Disclosure Statement, whichever is applicable.

SECTION 8. Notice to Landowner or Any Interested Person; Comment to Petition. –

The RD shall notify in writing the landowner/s or any persons who may have an interest in the subject landholding, the PARPO, and the MARPO of the existence of the request or petition. Proof of service of such notice to the parties shall form part of the records of the case. A notice to the landowner or any interested person, with a copy of the petition attached thereto, shall contain a directive to submit a verified Comment within a non-extendible period of fifteen (15) days from receipt thereof.

Arguments to refute the coverage of the landholding, such as, among others, the exclusion or exemption of the landholding from CARP coverage must be raised in the said Comment.

The failure to comply therewith shall be deemed a waiver of the right on the part of the landowner or interested person to refute the allegations of coverage and submit their Comment thereto.

No Notices shall be sent to archived cases as mentioned in Section 3 hereof unless the Regional Office has determined that the Notices of Coverage for the landowners thereof appear not to have been validly issued.

SECTION 9. Service of the Notice to Landowner. – The Notice to the Landowner shall be served in the following manner:

- a. Personal Service: The Notice shall be served primarily by personally handing a copy thereof to the “person authorized to receive” as enumerated under Section 10 hereof. Personal service is effected when the person authorized to receive affixes his signature or thumb mark on the receiving copy of the Notice in the presence of a witness who also affixes his signature.

Personal service of the Notice shall be done by the Bureau of Agrarian Legal Assistance (BALA) in the DAR Central Office if the last known address of the person authorized to receive is within Metro Manila, or the Sheriff of the Provincial Agrarian Reform Adjudicator (PARAD) who has jurisdiction over the last known address of the person authorized to receive, if living in a province outside Metro Manila.

- b. Substituted Service: If the “person authorized to receive” is not present in his/her last known address, or refuses to receive the Notice, the BALA or Sheriff shall immediately avail of substituted service and serve the Notice by leaving a copy of the Notice thereof at the residence of the person authorized to receive with some person of suitable age and discretion residing therein, or by leaving a copy of the Notice at the landowner’s office or regular place of business with some competent person in charge thereof.

The BALA or Sheriff shall thereafter immediately prepare and send a Return of Service of the Notice to the concerned RD who has jurisdiction over the subject landholding the fact of completed/failed substituted service.

- c. Extraterritorial Service: If upon diligent investigation, the BALA or Sheriff who has jurisdiction over the subject landholding finds out that the last known address of the persons authorized to receive is outside the territory of the Philippines, he shall send a

copy of the Notice to the last known address of the person authorized to receive abroad by registered mail.

Said Sheriff shall immediately prepare and send a Return of Service of the Notice to the concerned RD and request the latter for the publication of the Notice by the BALA. The BALA shall then cause the publication of the Notice in accordance with Section 10 hereof.

- d. Immediate Publication: If the address of the person authorized to receive is unknown, and substituted person service is not available, the BALA or Sheriff who has jurisdiction over the subject landholding shall immediately file a written report as to the investigation made and the failure to know the address of the landowner to the RD, and the latter shall send a copy of the Notice to the BALA. The BALA shall thereafter cause the publication of the Notice.

Immediate publication shall also be effected if the person authorized to receive the Notice is that stated in Section 10 (vii) (b) hereof. As such, the RD who has jurisdiction over the subject landholding shall also send a copy of the Notice to the BALA. The BALA shall thereafter publish the Notice in accordance with Section 10 hereof.

SECTION 10. Persons Authorized to Receive. — Service of the Notice shall be made to the following persons:

- i. Service upon the landowner who is a natural person — The Notice shall be served to the landowner.
- ii. Service upon co-owners — In case the landowner of the landholding are multiple persons as co-owners, the Notice shall be served upon each and every registered co-owner, unless one is specifically authorized, in a written public document, to receive for the co-owners;
- iii. Service upon minors — When the landowner is a minor, service shall be made upon his/her father and/or mother, whoever has lawful custody of the said minor. If the landowner has no parents, service shall be made upon his/her legal guardian;
- iv. Service upon incompetents — When the landowner is insane or otherwise incompetent, service shall be made upon his/her legal guardian;
- v. Service upon entity without juridical personality — When the landowners who are persons associated through an entity without juridical personality are issued an Notice under the name by which they are generally or commonly known, service may be effected upon all the landowners by serving upon any one of them, or upon the person in charge of the office or place of business maintained in such name, provided that service shall not individually bind any person whose connection with the entity has, upon due notice, been severed before the proceeding was brought;
- vi. Service upon domestic private juridical entity — When the landowner is a corporation, partnership, or association organized under the laws of the Philippines with a juridical personality, service may be made on the president, managing partner, general manager, corporate secretary, treasurer, or in-house counsel; and

- vii. Service upon the heirs of a deceased landowner — When the landowner has died prior to the service of the Notice, the Notice shall be served to:
- a. if the settlement of the Estate is currently pending with the court, the Executor or the Administrator of the Estate; or
 - b. if the settlement of the Estate is not pending with the court or if there is no executor or administrator, the Notice shall be served to all known heirs and shall also be published.

SECTION 11. Publication of Notice. — If any of the circumstances under Sections 9 and 10 requires publication of the Notice, the same shall be published in a newspaper of general circulation.

Notices required to be published shall be sent by the RD concerned to the BALA which shall be responsible for publishing the same. All Notices sent to the BALA for publication shall be published on the thirtieth day of the month they were received by the BALA.

Service by publication shall be evidenced by the affidavit of the editor-in-chief, or circulation/advertising manager, attesting to the fact of said publication and a copy of the said publication. The publication need not state the entire contents of the Notice but only the following essential particulars:

1. Nature of the Petition;
2. Name(s) of Petitioner(s);
3. Name(s) of Landowner(s);
4. OCT/TCT/Latest Tax Declaration No/s. and corresponding area;
5. Complete name/s of the landowner/s and last known address, if available;
6. Address or location of the subject landholding (barangay, city/municipality, province);
and
7. The period for the landowner to submit his/her/its Comment.

SECTION 12. On-Site Inspection and Investigation. — Upon receipt of the Comment, or after the lapse of the required period for the submission thereof, the RD shall forward the entire records of the request or petition to the PARPO, MARPO, or any investigating officer or committee, which the RD may designate to conduct an on-site inspection and investigation (OSII), as well as to perform whatever is necessary to achieve a just, expeditious, and inexpensive disposition of the said ALI case. The OSII proceedings, involving the documentation of testimonies, among others, shall be recorded in a manner pursuant to A.O. No. 05, Series of 2011, and other applicable rules and regulations.

The RD, whenever s/he deems it to be in the interest of the just and expeditious resolution of the Petition, may forego the conduct of the OSII. This includes the scenario when the landholding is part of the list generated by BLTI stating that the landowner of the landholding has already been validly issued a Notice of Coverage or an EP/CLOA already covering the same.

SECTION 13. Position Papers; Report and Recommendation. — The PARPO, MARPO, investigating officer, or committee may require the parties to simultaneously submit their respective position papers and replies thereto. Any party may submit soft and hard copies of a

draft decision written in a word-processing program, furnishing a copy thereof to all the other parties.

Thereafter, the said processing officer shall sign and submit his report and recommendation to the RD.

SECTION 14. Rules Governing Motions for Reconsideration and Appeals. -- The filing of a Motion for Reconsideration and its resolution, as well as any appeal therefrom to the Secretary, shall be governed by A.O. No. 03, Series of 2003.

SECTION 15. Immediate Coverage Upon Favorable Decision. -- In all cases where the RD grants the request or petition for coverage, the PARPO shall immediately place or cover the subject landholding without a need for issuing a Notice of Coverage (Notice) under the CARP, notwithstanding the pendency of an appeal before the Secretary, but only up to the issuance of the Memorandum of Valuation (MOV) with the attached Land Valuation Worksheet (LVW) by the LBP, unless otherwise suspended sooner through a Cease and Desist Order (CDO) by the Secretary, provided, however, that, the RD shall ensure that the landowner is properly served with a copy of the decision in accordance with the pertinent rules.

SECTION 16. Prohibition. -- After the Petition for Coverage has already been resolved by the RD, with the landowner having been afforded due process, the latter shall be prohibited from filing, or shall no longer be allowed to file, a petition for exemption/exclusion from CARP coverage of the subject landholding, as the same should have been raised in the Comment to the Petition for Coverage.

The prohibition does not include, however, the filing of a Petition for Retention and to Choose a Retention Area, to Nominate Preferred Farmer Beneficiaries, or to Submit a List of Farmworkers/Tenants within a non-extendible period of fifteen (15) days from receipt of the RD's Decision, provided that the filing of the said Petitions shall not preclude the filing of an appeal and/or prejudice the appeal of the landowner, if any.

In the event the said decision to cover the landholding is affirmed by the Office of the President, and such decision becomes final and executory, there shall accordingly no longer be any legal impediment to the continuation and completion of the land acquisition and distribution proceedings therefor, conformably with the provisions of Administrative Order (A.O.) No. 7, Series of 2011, as amended.

SECTION 17. Waiver of Filing Fee. -- Filing fees for Petitions for Coverage that are covered by this A.O. are hereby waived.

SECTION 18. Repealing Clause. -- All orders, circulars, rules and regulations, and issuances or portions thereof inconsistent herewith are hereby accordingly deemed repealed or modified.

SECTION 19. Separability Clause. -- Any judicial pronouncement declaring as unconstitutional any provision hereof shall have no effect on the validity of the other provisions not affected thereby.

SECTION 20. Retroactive Application. -- This A.O. shall apply to all Petitions for Coverage filed from 1 January 2014 to 30 June 2014.

SECTION 21. Effectivity Clause. – This A.O. shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City, DEC 09 2014.


VERGILIO R DE LOS REYES
Secretary

Department of Agrarian Reform
Office of the Secretary



12/9/2014 ISU-14-08533


Published in two (2) National Newspapers
of general circulation:
1. Business Mirror
2. Malaya Business Insight
Date of Publication - December 17, 2014

R

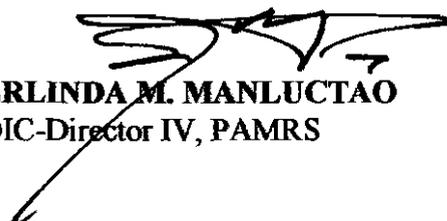


Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

CERTIFICATION

This is to certify that Administrative Order No. 11, Series of 2014 entitled **“PROCEDURES FOR AND GUIDELINES IN THE HANDLING OF ALL PETITIONS FOR COVERAGE UNDER THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP)”** was published today, 17 December 2014 in the Business Mirror and Malaya Business Insight newspapers.

Issued this 17th day of December 2014 for whatever purpose it may serve.


ERLINDA M. MANLUCTAO
OIC-Director IV, PAMRS