



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

MEMORANDUM CIRCULAR NO. 02
SERIES OF 2019.

**SUBJECT: VALIDATION OF QUESTIONABLE TRANSFER ACTIONS
ALLEGEDLY MADE PRIOR TO JUNE 15, 1988 DESPITE
ISSUANCE OF NOTICE OF COVERAGE**

There are private agricultural lands which have not been covered under the CARP since the Notice of Coverage (NOC) was not served on the alleged transferees of the parcels of land at the date of effectivity of the Comprehensive Agrarian Reform Law (RA 6657) on 15 June 1988. The NOC was served on the registered owner(s) of the landholding. However, the transferees did not become the registered owners of the landholding. The transfer actions did not result to the generation and issuance of the corresponding titles in favor of the supposed transferees. The transfer document was only annotated on the original title registered in the name of the transferor on the basis of a court order. Thus, the landholding was never subjected to compulsory acquisition and distribution. There is a pressing need to determine if there was an actual transfer of ownership. If the transfer is bogus, coverage of the landholding under CARP must immediately resume. The scheme, in a proper case, is an obstruction of CARP implementation punishable under Section 73 of RA 6657, as amended.

It is in the light of these cases that the field offices must undertake the necessary measures to immediately identify those questionable transfers and conduct an investigation to establish if the landholding can be subjected to compulsory acquisition and distribution.

1.0. IDENTIFICATION OF LANDHOLDINGS

Any of the following features or characteristics shall serve as a basis for identifying such landholdings with questionable transfers, thus:

- 1.1. The landholdings were transferred by the landowner(s) to a person or group of persons prior to 15 June 1988 on the basis of a transfer document.
- 1.2. The NOC was served to the registered owner(s) of the landholding and not to the transferee(s).
- 1.3. A Protest on Coverage was filed resulting to the nullification of the NOC on the ground that there was no proper service to the alleged new owner(s).



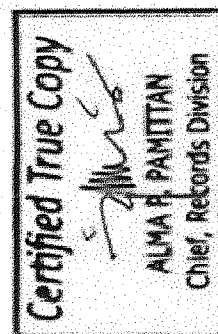
- 1.4. The landholding remains agricultural as of this date.
- 1.5. The transfer document is annotated on the title by virtue of a court order or by application of a party to the sales transaction to the Register of Deeds.
- 1.6. The transfer document and the court order are not recorded in the Primary Entry Book or in the Electronic Primary Book Entry of the Registry of Deeds.
- 1.7. The original title was not cancelled. The landholding remains registered in the name of the original landowner.
- 1.8. The transferees are not exercising acts of ownership or possession over the landholding they supposedly purchased.
- 1.9. The payment of the real property tax on the landholding is still being made by the former landowner.
- 1.10. There is no actual payment made by either the transferor(s) or the transferee(s) of the capital gains tax and the transfer fees.
- 1.11. The Office of the City Assessor did not issue the Certificate of Authority to Register (CAR) necessary for the issuance of the new title.

2.0. THE TASKS OF THE MARPO

The inventory of the landholdings and the validation of the transfers shall be undertaken by the Municipal Agrarian Reform Program Officer (MARPO) based on the presence of any of the aforesaid attributes or features. If the transfer document as well as the court order are not recorded in the Primary Entry Book or in the Electronic Primary Book Entry of the Register of Deeds, the sale is not valid and the transfer of ownership is without any legal effect. It is a bogus transaction. The MARPO must secure the necessary certification from the Register of Deeds about the absence of the recording in the Primary Entry Book or in the Electronic Primary Book Entry of the Register of Deeds. The MARPO may proceed with the identification of the landholding and the coverage of the same under CARP.

3.0. THE MARPO AND PARPO VALIDATION REPORTS

- 3.1. The MARPO shall prepare a MARPO Validation Report indicating the following INFORMATION:
 - 3.1.1. The title number of the landholding.
 - 3.1.2. The location and area.
 - 3.1.3. The registered owner(s).
 - 3.1.4. The fact of absence of the annotation of the purported sale in the Primary Entry Book of the Registry of Deeds
- 3.2. The MARPO shall submit the MARPO Validation Report to the Provincial Agrarian Reform Program Officer II (PARPO I) who shall



collate the Report from all MARPOs into the PARPO Validation Report for submission to the Regional Director (RD). The RD shall submit the recommendations for the Region to the Undersecretary for Field Operations (UFOO) who shall recommend to the Secretary the approval for inclusion in the current Land Acquisition and Distribution Balance of the province.


4.0. THE SECRETARY'S INSTRUCTION FOR INCLUSION IN THE LAD BALANCE

The Secretary shall issue an Instruction to Proceed with Coverage of the Landholdings which must be identified as to title number, location, area and name of registered owner. Once issued, the UFOO and the concerned PARPO II and MARPO shall undertake the following:

- 4.1. Include the landholding for CARP Coverage unless the landholding is already in the LAD Balance registered to the original owner.
- 4.2. Ensure that the NOC was served to the registered owner.
- 4.3. Serve the Notice to Proceed which the said person received from the MARPO.
- 4.4. Prepare the remaining land acquisition and distribution activities on the property.
- 4.5. File and commence the necessary Criminal Complaint for Obstruction under RA 6657, As Amended.
- 4.6. Undertake such other measures necessary for completion of the LAD process.

This Memorandum Circular takes effect immediately and supersedes/amends all issuances inconsistent hereof.

Diliman, Quezon City, APR 04 2018


ATTY. JOHN R. CASTRICONES
Secretary

Department of Agrarian Reform
Office of the Secretary



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