

FAQs re ADMINISTRATIVE ORDER NOS. 2, 3 and 4 Series of 2009
[26 OCTOBER 2009]

ISSUES/OBSERVATIONS RAISED	AGREEMENTS/ RESPONSES
<p>1. Should we still cover landholdings owned by landowners owning 5 hectares and below?</p>	<ul style="list-style-type: none"> • Landowners owning 5 hectares and below shall no longer be covered under CARP based on RA 9700 • The coverage is now largely focused on LBP-compensable landholdings considering the priorities set by law and in view of the budget allocated for the 5-year implementation of the Program • The Senate wanted/ intended DAR to focus primarily on bigger landholdings
<p>2. Can we still accept/ process VOS applications for retained areas of landowners?</p>	<ul style="list-style-type: none"> • Can be accepted if it is done at the start of the process before the cut-off date [01 July 2009] but is no longer acceptable beyond the said date
<p>3. Can a VLT application received on 30 June 2009 still be processed with the landowner waiving his/ her retention area and opting for VOS instead?</p>	<ul style="list-style-type: none"> • Such application for VOS with a waiver on retention area can still be processed reckoning from the date of application
<p>4. Can the field office accelerate program implementation by proceeding to Phase III-B considering that many of them have zero balance in Phase I, II and III-A?</p> <ul style="list-style-type: none"> • If yes, would it then require the field office to issue NOC in advance for Phase III-B [NOC shall be issued on or before 01 July 2009]? 	<ul style="list-style-type: none"> • The field office should be conscious of the fact that there is no budget currently allocated to cover until Phase III-B • And of course, coverage of the other phases would require prior clearance/ approval from PARC and also at the same time, it should sufficiently comply with the other requirements provided for in the law i. e., if the 90% balance is already completed and/ or zero balances in the other phases
<p>5. If PD27 landholdings would be valued under RA 9700, what then can be used as the basis for its computation?</p>	<ul style="list-style-type: none"> • The inputs utilized before where the field offices are used to do such as the affordability provision and the BCLP can still be utilized as the basis of valuation for PD 27 under RA 9700

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<p>6. What would be the implication of the IRR with respect to the 2009 targets considering that the LBP has been refusing to accept CFs submitted to them?</p>	<ul style="list-style-type: none"> • With the issuance of the IRR, the LBP has no more reason to refuse acceptance of CFs and if they do so, such actions should be reported to higher management [DAR and LBP] • There should be no implication with respect to the 2009 targets specifically on VOS CFs pending at LBP were targeted as it was only CA that was suspended at that time • Schedule separate orientation with LBP
<p>7. What will be the status of ARB Profiling now that RA 9700 had already been issued?</p>	<ul style="list-style-type: none"> • The Profiling System had already been streamlined into the LAD Process and considering that it is part of the indicators i.e., with cost parameters, it will continue to be implemented • The MC for the Profiling System has not been superseded by AO 2 [IRR]
<p>8. How would phasing and acceleration be reconciled with the LAD Balance?</p> <ul style="list-style-type: none"> • Can provinces start covering Phase III-B if they don't have Phase I, II lands? 	<ul style="list-style-type: none"> • The need for acceleration require PARC Certification and it is suggested that a joint exercise between FOO and PPEAO be scheduled to clear this matter
<p>9. Would it require a new 5-year Plan for Acquisition and Distribution with the issuance of this IRR?</p>	<ul style="list-style-type: none"> • The system of manpower complementation per the RatPlan shall be completed by July 2010 re manpower requirement and with all the needed personnel made available by 2011 the Program will end in 5 years • The 40-hectare per Technical personnel at the MARO/ PARO level as previously introduced shall be strictly required to complete the implementation of the Program as projected and planned
<p>10. How would Sec. 20, re “no injunction/ TRO shall be issued to DAR... etc.,” be made applicable to the IPRA law [as an instrument to protect ancestral domains]?</p>	<ul style="list-style-type: none"> • The on-going draft joint MC between [DAR-DENR-NCIP] shall be finalized with a TWG expected to be put up to go over this and the agreement with Sec Bello shall again be revived

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11. How would DARCO assist in facilitating the submission of documentary requirements from the LRA, DENR, etc., with these new developments arising from RA 9700 and AO 2 [IRR]?	<ul style="list-style-type: none"> Assistance of this kind relative to technical documents has been assigned to BLD and all field offices/ units shall coordinate with BLD regarding said requirements
12. How would the phasing come into interplay with the LAD Balance?	<ul style="list-style-type: none"> The output of the MIS shall resolve the need to firm up the Balance and with basis on this, the MIS shall sort the data according to phasing Based on this, there will be a listing of landholdings for Phase I, II, III-A and III-B and as such , there would be no reason for us to request for PARC Certification but shall act only in accordance with the timeframe
13. Why are other agencies seemingly dilly-dallying on DAR's documentary requirements making excuses on the absence of the IRR for RA 9700 specifically LBP, DENR and LRA?	<ul style="list-style-type: none"> We shall arrange for a joint orientation with the LBP, LRA and DENR the details of which shall be discussed with PARC Now that we have the IRR, every agency should comply with its provisions for in all these exercises, these agencies have all been involved even from the start
14. How about landholdings which have not been incorporated into the database, can they still form part of the Balance?	<ul style="list-style-type: none"> The MIS is required to account for the Balance, i. e., exclude those distributed and non-CARP and at the same time insert additional lands for as long as there is a basis for such We should account for everything for we are not after a firm balance for as long as we can provide a basis relative to the addition and/ or subtraction in the Balance
15. Why is it that the right of usufruct merely requires DAR to inform the ARB about the coverage of the landholdings and not the right to enjoy the property or the fruits thereof? <ul style="list-style-type: none"> Is it correct to imply that usufruct is only applicable to tenanted landholdings? 	<ul style="list-style-type: none"> The issuance of the COD divests the landowner of the ownership of the landholding and the title now belongs to the state which shall then eventually award title to the beneficiary who will subsequently enjoy the possession and fruits of the covered landholding

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<p>16. How would we minimize the seemingly costly and time-consuming requirement of LBP to conduct a re-survey in case of discrepancy between the findings in the FIR and the field survey?</p>	<ul style="list-style-type: none"> In case of discrepancy, the PARO shall coordinate with the Geodetic Engineer or private surveyor concerned to resolve or effect the correction;
<p>17. Would it be possible that FIR be conducted simultaneously with the conduct of survey to avoid the above incidence and minimize cost and time?</p>	<ul style="list-style-type: none"> DAR and LBP agreed to minimize re-survey. Problem areas are usually on patches but these have been resolved Under the current AO, patches with other land uses shall no longer be segregated and shall be valued based on adjacent land use provided it is less than 10% of the covered landholding. Similarly, patches with above 18% and of no use to the LO shall be valued as idle land provided it is less than 10% of the total area covered
<p>18. What happens if the LO did not file a protest on the coverage of the land found later to have been reclassified into non-agricultural prior to R.A. No. 6657?</p>	<ul style="list-style-type: none"> The DAR shall proceed with the coverage of the landholding, including land valuation, issuance of Certification of Deposit up to issuance of RP title unless ordered suspended by the DAR Regional Director or DAR Secretary or the Supreme Court issues Temporary Restraining Order
<p>19. On the provision that "Landholdings distributed by the DENR under R.A. No. 6657, as amended, can it be construed that it shall no longer be acquired and distributed by the DAR?"</p>	<ul style="list-style-type: none"> This pertains to Homestead Patents issued by the DENR. It is the DENR who shall decide whether the land was distributed under R.A. No. 6657 or not or whether the issuance of the title after R.A. No. 6657 was just perfection of the title
<p>20. On the provision that "Landholdings covered by P.D. No. 27 and falling under Phase I of R.A. No. 9700, are we to assume that it shall then be valued under R.A. No. 9700?"</p>	<ul style="list-style-type: none"> DARPO shall continue determining the value of the land based on BCLP/LTPA. When CF is transmitted to LBP, the DAR's request is for the former to <u>value the property</u> and <u>not to pay</u> per existing procedures

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21. Are we to disregard the PNP internal guidelines with respect to the requirement of clearance from their HQ and the need to have an Order in case of problem on ARB installation?	<ul style="list-style-type: none"> • This issue shall be included in the MOA proposed for crafting with the PARC [Usec Madueno to facilitate this matter]
22. What will happen to landholdings issued with NOCs on or before June 30, 2014 but the land acquisition and distribution process is not yet completed by June 30, 2014?	<ul style="list-style-type: none"> • While the acquisition and distribution of agricultural lands shall be completed by June 30, 2014, the processing of acquisition and distribution of landholdings which were issued with NOCs on or before June 30, 2014 shall continue even after June 30, 2014 until the said lands have been awarded to qualified beneficiaries
23. What happens if there are no more funds for the implementation of these lands after June 30, 2014?	<ul style="list-style-type: none"> • The processing of these lands beyond June 30, 2014 is contingent on the funds to be allocated by Congress
24. What kinds of landholdings are subject of immediate coverage under CARP and completed by June 30, 2012?	<ul style="list-style-type: none"> • The following types of lands are subject of immediate acquisition and distribution under CARP and should be completed by June 30, 2012: <ul style="list-style-type: none"> a. All landholdings of landowners owning more than twenty four (24) hectares which have been issued NOCs as of December 10, 2008. However, landholdings of landowners owning more than fifty (50) hectares shall be prioritized for coverage within this period; b. All private agricultural lands voluntarily offered before July 1, 2009 by the landowner for agrarian reform; c. Lands under voluntary land transfer (VLT) received by DAR before July 1, 2009; d. Rice and corn lands under Presidential Decree (P.D.) No. 27;

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	<ul style="list-style-type: none"> e. All idle and abandoned lands; f. All lands foreclosed by government financial institutions; g. All lands acquired by the Presidential Commission on Good Government (PCGG); and <p>All other lands owned by the government.</p>
<p>25. What kinds of landholdings are covered under CARP by July 1, 2012 and should be completed by June 30, 2013?</p>	<ul style="list-style-type: none"> • The following types of lands are subject of CARP coverage on July 1, 2012 and should be completed by June 30, 2013: <ul style="list-style-type: none"> a. All landholdings of landowners owning more than 24 hectares but have not been issued with NOC as of December 10, 2008; and b. All landholdings of landowners owning more than 10 hectares up to 24 hectares, in so far as the excess hectarage above 10 hectares is concerned.
<p>26. When are landowners, owning landholdings more than five (5) hectares up to ten (10) hectares, covered under CARP?</p>	<ul style="list-style-type: none"> • All landholdings of landowners owning more than five (5) hectares up to 10 hectares shall be covered under land acquisition and distribution starting July 1, 2013 and be completed by June 30, 2014. NOCs on these lands shall not be issued earlier than July 1, 2013
<p>27. Can the DAR cover landholdings more than five (5) hectares up to ten (10) hectares ahead of the schedule?</p>	<ul style="list-style-type: none"> • Yes. The coverage of landholdings more than five (5) hectares up to ten (10) hectares may commence notwithstanding the schedule of July 1, 2013 provided that the land acquisition and distribution (LAD) balance of the concerned province, reckoned as of January 1, 2009, is already 90 percent complete, as certified to by the Provincial Agrarian Reform Coordinating Committee (PARCCOM) under existing guidelines of the Presidential Agrarian Reform Council (PARC)

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28. Can provinces acquire and distribute landholdings ahead of their schedule of coverage under CARP?	<ul style="list-style-type: none"> • Yes. In provinces declared by the PARC as priority land reform areas, the acquisition and distribution of private agricultural lands under advanced phases may be implemented ahead of their schedule of coverage on the condition that prior phases have been completed pursuant to the PARC implementing rules and regulations on the matter
29. When is the NOC issued to concerned landowners?	<ul style="list-style-type: none"> • The Notice of Coverage (NOC) shall be issued to landowners not later than 90 days prior to the scheduled date of acquisition and distribution of their landholding except for landowners owning more than five (5) up to ten (10) hectares. The issuance of NOCs to these landowners shall be on or after July 1, 2013
30. What instrument will signal the continuation of the acquisition process of lands which were issued with NOC on or before December 10, 2008?	<ul style="list-style-type: none"> • A memorandum directing the Municipal Agrarian Reform Officer (MARO) to proceed with the process of land acquisition and distribution of the landholdings under the CARP, either immediately or on the specific schedule provided under Item IV(A)(2) of A.O. No. 2, Series of 2009 shall be sent by the DARPO. The concerned landowner shall be furnished a copy of the said Memorandum for information purposes
31. What is the effect on the coverage of a landholding under CARP if the landowner files protest of coverage within the reglementary period of 30 days from receipt of NOC or date of NOC publication?	<ul style="list-style-type: none"> • Notwithstanding a protest of coverage or an application for exemption or exclusion by a landowner, the processing of the claim folder, including valuation and the issuance of COD by the LBP and the transfer of title to the Republic of the Philippines, shall continue unless the Regional Director or the DAR Secretary, as the case may be, suspends the processing based on preliminary findings on grounds for exemption or exclusion or the Supreme Court issues a Temporary Restraining Order (TRO) on the processing of the claim folder.

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<p>32. What if the landowner objects/ rejects and/ or refuses to accept the MARO's choice of retention area?</p>	<ul style="list-style-type: none"> • For landholdings under compulsory acquisition (CA), the landowner is given thirty (30) days from receipt of Notice of Coverage (NOC) or date of publication of NOC to choose his retained area. Failure to exercise the right to choose within the prescribed period shall constitute a waiver thereof. • For landholdings under voluntary offer to sell (VOS), the landowner shall exercise his right of retention simultaneously at the time of the offer for sale of the subject landholding What if the landowner objects, rejects and refuses to accept the MARO's choice of retention area? • For landholdings under compulsory acquisition (CA), the landowner is given thirty (30) days from receipt of Notice of Coverage (NOC) or date of publication of NOC to choose his retained area. Failure to exercise the right to choose within the prescribed period shall constitute a waiver thereof. • For landholdings under voluntary offer to sell (VOS), the landowner shall exercise his right of retention simultaneously at the time of the offer for sale of the subject landholding
<p>33. Are the heirs of a landowner who died after June 15, 1988 and whose landholding is covered under CARP entitled to retain five (5) hectares each?</p>	<ul style="list-style-type: none"> • No. The heirs of deceased landowners who died after June 15, 1988 and whose lands are covered under CARP are only entitled to the five (5) hectare retention area of the deceased landowner

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<p>34. Are agricultural lands expropriated by the local government units (LGUs) exempted from the retention area of five (5) hectares?</p>	<ul style="list-style-type: none"> • Yes. CARP covered agricultural lands which are to be expropriated or acquired by the LGUs and to be used for actual, direct and exclusive public purposes, such as roads and bridges, public markets, school sites, resettlement sites, local government facilities, public parks and barangay plazas or squares, consistent with the approved local government land use plan, shall not be subject to the five-hectare retention limit. However, prior to the expropriation/acquisition by the LGU, the subject land shall first undergo the land acquisition and distribution process of the CARP, and the ARBs therein shall be paid just compensation without prejudice to their qualifying as ARBs in other landholdings under the CARP
<p>35. Can the landowner who voluntarily offered his land for coverage under CARP withdraw his letter offer?</p>	<ul style="list-style-type: none"> • No. The landowner could no longer withdraw his letter offer if the same has been accepted by the DAR. In any case, the DAR can immediately subject such landholding to coverage under compulsory acquisition and distribution under CARP notwithstanding the schedule of prioritized phasing under R.A. No. 9700
<p>36. Why is the land survey conducted prior to field investigation?</p>	<ul style="list-style-type: none"> • The conduct of survey to determine land use, segregation of coverable and not coverable area, and subdivision survey shall be undertaken prior to field investigation (FI) so that in cases where there are discrepancies between the field investigation report and the segregation and subdivision plans that are pending approval at the Department of Environment and Natural Resources – Land Management Service (DENR-LMS), such discrepancies will be resolved and the corrected segregation and subdivision plan will be submitted to the DENR-LMS .

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	<ul style="list-style-type: none"> • However, in the event that the finalization of the master list of ARBs will necessitate resolution of petitions for inclusion and exclusion of ARBs in the master list, the PARO shall inform the Land Bank of the Philippines (LBP) regarding the matter, in which case, the conduct of subdivision survey may come after the field investigation (FI) or upon the finalization of the master list of ARBs so as not to delay the land acquisition process
<p>37. What will the DAR do in cases where lands partially overlap with titled or decreed properties?</p>	<ul style="list-style-type: none"> • Properties that partially overlap with other titled or decreed properties shall be segregated accordingly during the conduct of survey of the landholdings subject of acquisition. The acquisition and distribution of such landholdings that either partially or fully overlap with decreed properties shall continue regardless in whose name the decree is
<p>38. What valuation formula will be used in cases of lands previously acquired under CARP but its valuation is subject to challenge by the landowner?</p>	<ul style="list-style-type: none"> • All previously acquired lands wherein valuation is subject to challenge by landowners shall be completed and finally resolved pursuant to Section 17 of R.A. No. 6657, as amended All previously acquired lands wherein valuation is subject to challenge by landowners shall be completed and finally resolved pursuant to Section 17 of R.A. No. 6657, as amended
<p>39. Will the Land Bank of the Philippines value portions or patches within the covered landholdings?</p>	<ul style="list-style-type: none"> • Yes. Small portions or patches within the covered landholdings which are determined to be less productive than the bigger portion during the conduct of joint field investigation shall be valued based on the current use of the adjacent portions, provided that said small portions or patches shall not exceed 10% of the productive area.

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	<ul style="list-style-type: none"> Likewise, small portions or patches of landholdings above 18 percent slope, undeveloped and of no use to the landowner shall be valued as idle provided it shall not exceed 10% of the covered landholding
40. Will the landowner attest to all types of ARBs in the master list?	<ul style="list-style-type: none"> No. The right of the LO to attest to the master list of ARBs is limited only in so far as the tenants, lessees and regular farmworkers in his/her landholdings are concerned
41. What happens if the LO fails to attest to the master list of ARBs?	<ul style="list-style-type: none"> The right of the LO to attest to the master list of ARBs in so far as the tenants, lessees and regular farmworkers in his/her landholdings are concerned, is deemed waived after the lapse of fifteen (15) days from his/her receipt of the said master list of ARBs, if he fails to act on it within the said period. Thereafter, the master list of ARBs shall become final and executory. The landowners who fail, refuse or delay the issuance of the attestation despite proof of qualification of the beneficiaries, shall be liable under Sections 24 and 25 of R.A. No. 9700
42. What happens if the landowner refuses to attest to all or specific ARBs in the master list and identifies other ARBs as substitutes or additional ARBs?	<ul style="list-style-type: none"> The LO shall be required to submit evidence to sustain his partial or full non-attestation, repudiation of ARBs, and/or substitution or addition to the master list of ARBs. The DARPO shall conduct a revalidation of the qualifications of the ARBs whom the LO refused to attest to. In case the PARO finds that there is possible merit to the LO's partial or full non-attestation of the master list of ARBs, he shall order the BARC to conduct compulsory arbitration within 30 days to resolve the matter. Based on the PARO's evaluation on the findings of the BARC, he shall render decision on the qualification of the ARBs in the master list.

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43. What is the scope of the PARO's authority to decide on ARB's qualifications?	<ul style="list-style-type: none"> The authority of the PARO to determine ARBs' qualifications is specifically limited in the context of partial attestation or full non-attestation by the LO and to resolve protests and petitions on the ARBs' qualifications to be included in the master list of ARBs
44. What happens if the qualified ARB refuses or fails to sign and swear to the Application to Purchase and Farmer's Undertaking (APFU)?	<ul style="list-style-type: none"> The qualified ARB is given thirty (30) days to sign and swear to the APFU before a judge of the city or municipal court. Failure to do so within the reglementary period of thirty (30) days shall be considered as a waiver of his right to become an ARB. His/Her replacement shall be identified and selected by the DAR Municipal Office (DARMO)/Beneficiaries Screening Committee (BSC)
45. In cases where the judges are not around or there is no judge assigned in a certain municipality, can the Municipal Mayor or any public prosecutor or notary public administer the oath of the ARBs in the APFU.	<ul style="list-style-type: none"> No. Section 5 of R.A. No. 9700 is clear that the beneficiary shall state under oath before the judge of the city or municipal court that he/she is willing to work on the land to make it productive and to assume the obligation of paying the amortization for the compensation of the land and the land taxes thereon. The DARMO shall coordinate with a city/municipal judge on the schedule for the swearing under oath of the APFU by the ARBs
46. Who are entitled to a maximum award limit of three (3) hectares?	<ul style="list-style-type: none"> Agricultural lessees and share tenants, and regular farmworkers are entitled to an award limit of three (3) hectares pursuant to Section 8 of R.A. No. 9700
47. How about the other qualified beneficiaries such as seasonal farmworkers, other farmworkers, etc?	<ul style="list-style-type: none"> Only after the agricultural lessees and share tenants, and regular farmworkers have been awarded three (3) hectares shall other qualified beneficiaries such as seasonal farmworkers, other farmworkers, actual tillers/occupants of public lands, collectives or cooperatives of the above beneficiaries, and others directly working on the land, be accommodated

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48. Are the immediate family members of agricultural lessees/tenants/regular farmworkers entitled to an award in case there are excess areas?	<ul style="list-style-type: none"> • Yes. The immediate family members of agricultural lessees/tenants/farmworkers who are actually tilling/cultivating such lands as ARBs are given consideration in the distribution of excess areas after the entitled beneficiaries pursuant to R.A. No. 9700 are given three hectares each. However, they should qualify as ARBs and should undergo the process of screening and selection of ARBs
49. What happens in case the land area is not enough to meet the three-hectare award ceiling for each agricultural lessee and tenants in a particular landholding?	<ul style="list-style-type: none"> • In cases where the land area is not enough to meet the three-hectare award ceiling for each agricultural lessee and tenant in a particular landholding, the area to be distributed to them shall be based on the actual size of tillage by each tenant/lessee
50. What happens in cases where there are remaining lands after the three-hectare award limit is satisfied for tenants/lessees and regular farmworkers?	<ul style="list-style-type: none"> • In cases where the three-hectare award limit is satisfied for tenants, lessees and regular farmworkers, the remaining lands shall be distributed to agrarian reform beneficiaries following the order of priority under Section 22, Items c to f of R.A. No. 6657, as amended, at an award limit of three (3) hectares each
51. What criteria could be adopted in the prioritization of ARBs in case the land is not economically feasible and sound to distribute among all the remaining ARBs?	<ul style="list-style-type: none"> • The following criteria shall be used in the prioritization of ARBs in case the land is not economically feasible and sound to distribute among all the remaining ARBs: <ul style="list-style-type: none"> a. willingness, aptitude and ability to cultivate and make the land as productive as possible; b. physical capacity; and c. length of service
52. What happens if all the remaining ARBs equally meet the criteria stated in question no. 6?	<ul style="list-style-type: none"> • If there are ARBs who equally meet the foregoing criteria, priority shall be given to ARBs who have continuously worked on the subject landholding

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53. What would be the status of the other farmworkers who will not be accommodated in the subject landholding after the prioritization of ARBs has been conducted?	<ul style="list-style-type: none"> • The other farmworkers on the land who cannot be accommodated shall be put in a wait list of potential ARBs who will be awarded in other landholdings covered by the CARP
54. Can the qualified beneficiaries opt for collective ownership and issuance of collective ownership title?	<ul style="list-style-type: none"> • Yes. The qualified beneficiaries may opt for collective ownership, through a co-workers or farmers' cooperative/ association or some other form of collective organization and for the issuance of collective ownership titles if: <ul style="list-style-type: none"> a. The total area to be awarded shall not exceed the total number of co-owners or members of the cooperative or collective organization multiplied by the award limit of three (3) hectares, except in meritorious cases as may be determined by the Presidential Agrarian Reform Council (PARC); and b. The conditions for the grant of collective CLOAs are met
55. What happens to collective CLOAs which no longer meet the condition for its issuance?	<ul style="list-style-type: none"> • If the conditions for the issuance of collective CLOAs no longer exist, the landholding shall be parcelized/subdivided and the ARBs subsequently issued individual CLOA-titles.
56. When will the ARB start paying the land amortization?	<ul style="list-style-type: none"> • The ARB shall start the payment of land amortization one (1) year from the date of the CLOA registration. However, if the actual occupancy of the ARB takes place after the CLOA registration, the amortization payment shall start one (1) year after the constructive and physical occupation of the land by the ARB

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<p>57. What are the bases for the issuance of collective ownership titles?</p>	<ul style="list-style-type: none"> • The bases for the issuance of collective ownership titles are as follows: <ul style="list-style-type: none"> a. The current farm management system of the land covered by CARP is not appropriate for either individual farming or division of the landholding into farm parcels; b. The farm labor system is specialized, where the farmworkers are organized by functions such as spraying, weeding, packing and other similar activities and not by specific parcels; c. The potential beneficiaries are currently not farming individual parcels but collectively working on large contiguous areas; and d. The farm consists of multiple crops being farmed in an integrated manner or includes non-crop production areas that are necessary for the viability of farm operations, such as packing plants, storage areas, dikes, and other similar facilities that cannot be subdivided or assigned to individual farmers.
<p>58. Will the DAR conduct another installation in case the ARB is ejected from his awarded land?</p>	<ul style="list-style-type: none"> • No. There will only be a one time installation of ARBs in their specific area of tillage as indicated in their CLOAs, rendering them in constructive and physical possession of the same. In case the said ARB is ejected from his awarded land, the DAR shall assist the ARBs in reporting such cases to the police or military, and the filing of appropriate legal action against those responsible, if warranted

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<p>59. What happens to landholdings whose claim folders are in the pipeline upon the effectivity of R.A. No. 9700?</p>	<ul style="list-style-type: none"> • The acquisition and distribution of landholdings where the master list of ARBs has been finalized on or before July 1, 2009 pursuant to Administrative Order No. 7, Series of 200 shall continue to be processed under the provisions of R.A. No. 6657 prior to its amendment by R.A. No. 9700
<p>60. What valuation formula will be used for claim folders submitted to the LBP prior to July 1, 2009?</p>	<ul style="list-style-type: none"> • The land valuation of all claim folders received by LBP prior to July 1, 2009 shall be in accordance with Section 17 of R.A. No. 6657 prior to its amendment by R.A. No. 9700
<p>61. How will we resolve the issue on the effectivity of RA 9700 and the reckoning date of applicability of the IRR considering that it can cause serious implications in the implementation of the Program?</p>	<ul style="list-style-type: none"> • RA 9700 was signed on 08 August 2009 and was published on 17 August 2009 but it was expressly provided in the said law that it shall take effect retroactively on 01 July 2009 • The IRR was dated 15 October 2009 and was published 21 October 2009 and shall take effect 15 days after its publication • No issue shall ensue on a clear provision of the law relative to the effectivity of RA 9700
<p>62. With CLOA cancellation now being lodged to the Office of the Secretary, does it now follow that RDs do have quasi-judicial functions?</p>	<ul style="list-style-type: none"> • By the imperative of RA 9700, the Secretary shall now possess exclusive and original jurisdiction on matters involving the cancellation of CLOA and such a process requires the RDs to review and to have a first look on the case and shall have it referred to DARCO • The RDs have no delegated authority to decide on its cancellation but the sole prerogative of the Secretary for while it passes through the RDs such a process is merely administrative under the doctrine of exhaustion of administrative remedies

ISSUES/OBSERVATIONS RAISED	AGREEMENTS/RESPONSES
63. How will now the case be further appealed and/ or elevated to higher bodies with the DARAB no longer having jurisdiction to decide on cancellation cases?	<ul style="list-style-type: none"> • The cancellation case being a special case it now resembles an ALI case as such, appeals on the decision of the Secretary can be elevated to the Office of the President and then the Court of Appeals and finally the Supreme Court
64. What if the DARAB already has a decision but it was submitted after 01 July 2009, will its decision stay or would it require referral to the OSEC through the RDs?	<ul style="list-style-type: none"> • If the case is submitted after 01 July 2009, it follows that the DARAB decision will no longer possess efficacy • Cases filed and deemed submitted and already been decided by DARAB before the signing of the law/ effectivity of the law shall be considered still within the powers of DARAB to decide and the appeal process shall make utility of the old rules
65. What/ Who is being referred to in the rules in relation to cancellation cases at the field level, the Office of the Regional Director or the Office of the Regional Chief, Legal?	<ul style="list-style-type: none"> • The Office of the Regional Director is the one being referred to in the IRR [AO 2 on CLOA Cancellation] • But of course, normally, such cases will initially be referred to the Regional Chief, Legal for proper review and/ or for comment