



Republic of the Philippines
Department of Environment and Natural Resources
LAND MANAGEMENT BUREAU

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LANDS MEMORANDUM CIRCULAR
NO. 2022- 002

07 FEB 2022

SUBJECT: SUPPLEMENTAL GUIDELINES IN THE PROCESSING OF APPLICATIONS FOR AGRICULTURAL FREE PATENT UNDER DENR ADMINISTRATIVE ORDER NO. 2021-38

Pursuant to Section 15 of DENR Administrative Order No. 2021-38 or the Implementing Rules and Regulations of Republic Act No. 11573 which allows the LMB Director to issue supplemental guidelines for clarification/direction on the implementation of the processing of agricultural free patent applications and to ensure uniformity in its implementation, this Circular is hereby issued for the guidance of all concerned:

Section 1. Qualification of the Applicant. In addition to the qualifications provided for under Section 5 of DAO No. 2021-38, former natural-born Filipino citizens who subsequently acquired foreign citizenship may still qualify for Agricultural Free Patent provided that the following additional documents shall be submitted:

- a. Birth Certificate issued by the Philippine Statistics Authority
- b. Identification Certification issued by the Bureau of Immigration

Section 2. Processing of Applications. All subsisting or pending applications filed on before December 31, 2020 and recorded in LAMS shall be processed in accordance with DAO No. 2021-38. However, the old application forms as filed shall still be valid and no additional payment shall be charged from the applicant.

The corresponding notation "Reprocessed under RA 11573" shall be entered in the 'remarks' field of LAMS PLA module to exempt them from the 120 days processing time. However, except for those pending due to protest, the rest shall be given corresponding demerit under the performance measurement system.

Section 3. Forms. The following forms referred to as Annexes in DAO No. 2021-38 are hereby prescribed and adopted:

- a. Application Form
- b. Checklist of Requirements
- c. Notice of Application for Free Patent
- d. Investigation Report
- e. Transmittal of Agricultural Free Patent for Registration
- f. Order: Approval of Application and Issuance of Patent

All other forms such as the Notification to the Applicant, Order of Disapproval of Application, and A&D Certification prescribed under DAO No. 2021-38 shall still be used.

Further, those forms prescribed under the Manual for Land Disposition which are not superseded by the DAO and this Circular may still be used when applicable.

Section 4. Proof of Posting of Application. The Land Investigator/Deputy Public Land Inspector shall provide a geo-tagged photograph of the Notice of Application for Free Patent as posted in the Municipal Building and Barangay Hall (*in addition to the geo-tagged photograph of the land*).

Said geo-tagged photograph shall be attached in the Investigation Report.

Section 5. Administrative Fees and Other Expenses. Only the application fee and cost of the documentary stamp shall be collected from the applicant.

To minimize expenses, copies of Approved Plan, Cadastral Map, and Technical Description needed in processing Agricultural Free Patent applications may be accessed in the LAMS where connectivity is available and may be printed in a bond paper.

In cases where connectivity is not available, these documents may be photographed and printed in a bond paper.

For LRA Clearance purposes, the Certification expenses shall be waived but the reproduction expenses shall be charged to the applicant.

For judicial application purposes, expenses on the required A&D Certification and Advanced Plan to be issued by the Surveys and Mapping Division of the Regional Office shall be charged to the applicant.

Section 6. Repealing Clause. All other issuances that are inconsistent herewith are hereby modified and or repealed accordingly.

Section 7. Effectivity. This Circular takes effect immediately.


ATTY. EMELYNE V. TALABIS, CESO IV


ANNEX A

Republic of the Philippines
Department of Environment and Natural Resources

APPLICATION FOR AGRICULTURAL FREE PATENT
(under Chapter VII of CA 141, as amended, and R.A. No. 11573)

Lot Information

Lot No. _____
Survey No. _____
Area (sqm): _____

Location
Barangay: _____
City/Municipality: _____
Province: _____

Applicant's Information

Name: _____
(Last name) (First Name) (Middle Name)

Birthday: _____

Sex: Male ☒ Female ☐

Age: _____

Mailing Address: _____

Civil Status: ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed

Name of Spouse (if married): _____

Citizenship:

Natural-born Citizen: Yes ☐ No ☐

Mobile No.: _____

Email address: _____

1. I am not an owner of more than 12 hectares of land.
2. I have not filed any petition for judicial titling on the same subject lot.
3. I entered upon and began cultivation of the same on _____ (mm/dd/yyyy), and since then, I have continuously cultivated the land; and have made thereon the following improvements:

4. (Optional, if the applicant is a transferee)

The land described and applied for is not claimed or occupied by any other person but is public land which was first occupied and cultivated by _____ on (mm/dd/yyyy).

- 5. (Optional, if the applicant is an heir)**

The previous cultivator, _____ who was my ancestor, died on _____ (mm/dd/yyyy). Since his/her death, I have cultivated the said land and existing improvements thereon which consists of the following:

Evidence of relationship, death, burial, and heirship is hereto attached and consist of

ANNEX A

The following are the names and addresses of the heirs of my ancestor

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

6. I am _____, the only heir/representative of the heirs of _____ entitled to succeed him/her according to the laws of the Philippines.

7. The land has been continuously occupied and cultivated by me or my said ancestor since the date of entry thereon as above stated, except during the following period, when the land was not occupied for the reason stated

8. To the best of my knowledge, information and belief, the land applied for is an alienable and disposable public agricultural land suitable for agricultural purposes.

9. I agree to demarcate applicable easements consistent with the existing policies and regulations.

10. The following two (2) disinterested persons named as witnesses testify that the allegations in this application are true:

Name and Signature	Address
1. _____	_____
2. _____	_____

11. I understand that any applicant who willfully and knowingly submit false statements or executes false affidavits in connection with this application shall be deemed guilty of perjury and that any person who, not being qualified to apply for public lands, files an application or induces or permits another to file it on his/her behalf shall be punishable in accordance with existing laws. His/her application shall be rejected or canceled and all amount paid on account thereof shall be forfeited in favor of the Government, and he/she shall not be entitled to apply for any public land in the Philippines.

Applicant's Name and Signature

AFFIDAVIT

Republic of the Philippines)
_____: S.S.
_____)

The person making the foregoing application under oath depose and say:

That I have read, or someone has read to me, and I thoroughly understand the foregoing application and that I signed the same and this affidavit in the presence of the officer who administered the oath; and that each and every statement in the application is true and correct.

Applicant's Name and Signature

**This portion shall be filled up by the DENR*

Application No. _____

Before me, at the place aforesaid on this _____ day of _____, _____ personally appeared _____ known to be the person whose name appears in the foregoing application, and in my presence signed the said application and subscribed and sworn to this affidavit. He/She exhibited to me his/her Government Issued ID No. _____ issued at _____ on _____ (mm/dd/yyyy).

Officer Authorized to Administer Oath

Official Title

ANNEX B.

Checklist of Requirements for Agricultural Free Patent Application

- Duly Accomplished Application Form with 1 Documentary stamp
- Notarized Special Power of Attorney (in case the application is filed by a representative)
- In case the applicant is a former natural-born Filipino citizen who subsequently acquired foreign citizenship, the following additional documents shall be submitted:
 - ✓ Birth Certificate issued by the Philippine Statistics Authority; and
 - ✓ Identification Certification issued by the Bureau of Immigration
- Official Receipt of Payment of Application Fee (Php150)
- Tax Declaration (in the name of the applicant). If the Tax Declaration is in the name of the applicant's predecessor-in-interest, any of these documents shall be submitted:
 - Deed of Sale
 - Extra Judicial Settlement of Estate
 - Waiver of Rights
 - Deed of Donation or other form of muniments of ownership
- Clearance from the Land Registration Authority (LRA) *(to be submitted within 90 days after filing of application)*

Note: The LRA Clearance will be waived when the lot subject of application is covered by a cadastral subdivision plan (CSD).

ANNEX D

**Republic of the Philippines
Department of Environment and Natural Resources**

NOTICE OF APPLICATION FOR FREE PATENT

Notice is hereby given that Mr./Ms. _____ has filed with this Office an Agricultural Free Patent Application under the provisions of Chapter VII of Commonwealth Act 141, as amended, and Republic Act No. 11573 to a tract of land situated in _____, _____, _____, Philippines, described as follows:

BarangayCity / MunicipalityProvince

Lot No.: _____
Survey No.: _____
Area (sqm.): _____

All adverse claims to the tract of land as described above must be filed in this Office within the posting period, otherwise, said application shall be given due course.

CENR Officer/Implementing PENR Officer

Date: _____

Date of Posting:

From mm/dd/yyyy to mm/dd/yyyy

ANNEX E

Republic of the Philippines
Department of Environment and Natural Resources

MEMORANDUM

FOR : The CENR Officer/Implementing PENR Officer
FROM : The Land Investigator/DPLI
SUBJECT : **INVESTIGATION REPORT ON THE APPLICATION OF**

DATE : _____

In connection with the abovementioned application, respectfully submitted is the investigation report with the following details:

1. That on _____ (mm/dd/yyyy), I examined the land applied for by _____ (name of applicant), single/married to _____ under Agricultural Free Patent Application No. _____ situated in barangay _____, city/municipality of _____, province of _____.
2. That the area applied for corresponds to Lot No. _____, Plan/CM No. _____ containing an area of _____ square meters.
3. That I was able to ascertain that the applicant has occupied and cultivated the land applied for since _____ (year) up to the present.
4. That the said land was first occupied and cultivated by _____ in _____ (year) and the occupation and cultivation were continued by the applicant who acquired his/her rights thereto through _____ (sale, donation, waiver, inheritance) from _____.

(if rights are claimed through inheritance and there are two or more heirs of the immediate predecessors of the applicant, the names of all heirs and their addresses should be mentioned. If any of the heirs have relinquished whatever rights he or she may have, sworn affidavit to that effect should be secured and attached to the report).
5. That the land is claimed by _____ whose post office address is _____.
6. That the land applied for is dominantly used for agricultural purposes.
7. That improvements on the land consist of the following:

8. That the land applied for is alienable and disposable agricultural land pursuant to LC Map No. _____ as certified by the CENR Officer.
9. That the applicant is not the owner of more than 12 hectares.
10. That the Notice of Application has been posted for fifteen (15) consecutive days in the municipal building and barangay hall. A geo-tagged photograph of the posted Notice of Application is hereto attached.
11. Remarks:

ANNEX E

**Republic of the Philippines
Department of Environment and Natural Resources**

Attached is the V-37 noting the dimensions of the area and the improvements thereon.

IN VIEW OF THE FOREGOING, it is respectfully recommended that the application be given due course/rejected.

I declare under pain of administrative sanctions that the statements indicated in this report are true and based on facts gathered in the course of the investigation, and on the documents presented by the applicant.

FOR YOUR INFORMATION.

Land Investigator/DPLI

ANNEX G

Transmittal of Agricultural Free Patents for Registration

The Register of Deeds

Province _____

Date: _____

Sir/Madam:

Respectfully transmitted for registration are the following agricultural free patents:

No.	Application Number	Date Accepted	Date Approved	Name of Patentee	Sex	Lot/Survey No.	Area (sqm)	Location		Serial Number	Patent Number
								Barangay	City/Municipality		

Prepared by:

Records Officer

Verified by:

Chief, Technical Services Division

Very truly yours,

RoD RECEIVED

Official Logo of LRA/RoD
Name and Signature of Receiving
Officer/ Date Received

PENR Officer

ANNEX K

**Republic of the Philippines
Department of Environment and Natural Resources**

Free Patent Application No.	X	Lot No.:
	:	Survey No.:
	:	Barangay:
	:	City/Municipality:
	:	Province:
	:	Area (sqm):
Applicant	:	
X -----		X

O R D E R: APPROVAL OF APPLICATION AND ISSUANCE OF PATENT

From the records of this case, it appears:

1. That the applicant is a natural-born citizen of the Philippines, and is qualified to acquire public lands through free patent;
2. That the land applied for has been classified as alienable and disposable agricultural lands and is subject to disposition under the Public Land Act as amended by Republic Act No. 11573;
3. That upon investigation conducted by Land Investigator/Inspector _____ whose report was duly indorsed by CENRO/PENRO/RED _____, it was found that the land applied for has been occupied and cultivated by the applicant himself/herself and/or through his/her predecessors in interest, since _____ or prior thereto;
4. That the property has been declared for taxation purposes;
5. That the Notice of Application for Free Patent has been posted at the City/Municipal Building and Barangay Hall where the land is located; and
6. That there is no adverse claim involving the land applied for still pending determination in this Office.

WHEREFORE, finding that the applicant has already complied with all the requirements of the law, the above numbered application is hereby ordered approved and the corresponding patent to the land be issued to the applicant.

PENRO/RED/Secretary

Date: _____