



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

880 Estuar Building, Quezon Avenue, Brgy. Paligsahan, Quezon City
Direct Line: (02) 255-4362 Records and Knowledge Management Division
Email: lmb@denr.gov.ph Website: lmb.gov.ph



MEMORANDUM

FOR : All Regional Executive Directors

ATTN : All Provincial Environment and Natural Resources Officers
All Community Environment and Natural Resources Officers

FROM : The Acting Director

SUBJECT : **CLARIFICATIONS ON THE IMPLEMENTATION OF DENR ADMINISTRATIVE ORDER (DAO) NO. 2021-38 OR THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 11573**

DATE : **07 FEB 2022**

In order to achieve uniformity and efficiency in the implementation of DAO No. 2021-38 in processing Agricultural Free Patent applications, the following are hereby clarified for the guidance of all concerned:

1. The IRR provides for options in filing free patent applications: in-person at the CENRO/Implementing PENRO, or through online (email), or via courier. For applications submitted online or via courier, the signing of the attestation by the applicant shall be done during the investigation, resulting in a difference between the reflected dates.

Hence, it is clarified that for these applications, the date of acceptance shall remain to be the actual date when the CENRO/Implementing PENRO accepted the applications with complete requirements, while the date of signing of the attestation by the applicant should be the actual date when the investigation is conducted.

The 120-day period shall commence once the SMS/email is sent to the applicant notifying them of the acceptance and processing of their application.

2. For purposes of ensuring that an application has no parallel on-going judicial application or pending cadastral proceeding, the LRA Certification is deemed sufficient. Hence, there is no need to secure Certifications from the Court.

To provide more safeguards to this concern, all parcels with LRC cases for judicial application or with request for advance plan at the Regional Office should be noted "with Judicial Application" in the remarks field of the LAMS PLA module.

3. A&D Certification issued by the CENRO for regular public land applications is still required. For judicial titling purposes, the A&D Certification from the Chief of Surveys and Mapping Division will apply.
4. In lieu of the Joint Affidavit, the two (2) disinterested persons as identified witnesses will now simply affix their signatures in the application form as an attestation that the applicant is in actual possession of the land.

5. The Notice of Application shall be posted both at the City/Municipal Building and Barangay Hall for fifteen (15) days.
6. Only one documentary stamp is required and this is for the application form.
7. The investigation report as prescribed in the Circular will remain as is. The last statement in the investigation report will serve as safeguard for the signing authority hence, no need for it to be under oath.
8. The sequence of the Free Patent Application numbering will be continued.
9. Section 9.2.3 of the IRR states that prior to the investigation, the applicant should be notified in writing of the schedule. For process documentation purposes, this should be complied. However, the CENRO/Implementing PENRO can also inform the applicant through other means. They can send the letter via email or even use SMS. What is important is for the applicant to be notified. They should not wait for the applicant to acknowledge the letter before conducting the investigation.
10. The Citizens Charter of the Region should be updated in accordance with the procedures in the IRR.

For your information and guidance.

Emelyne V. Talabis
ATTY. EMELYNE V. TALABIS, CESO IV
RR



Copy Furnished:

*The Chief, PMED
DENR Central Office
Visayas Ave. Diliman
Quezon City*

*PDS/01/31/2022
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