

**DENR Circular No.
03
July 13, 1988**

**SUBJECT : Providing Guidelines for Disposition
of Alienable and Disposable Public Lands
Suitable for Residential Purposes in
Baguio City Relative to Presidential
Administrative Order No. 504, Dated
February 1, 1986**

Consistent with the government policy of promoting equitable distribution and ownership of alienable and disposable public lands and in order to adopt a system of disposition thereof relative to Presidential Administrative Order No. 504 dated 1 February 1986, which lifted the ban on the acceptance and processing of public land applications in Baguio City, the following guidelines for the disposition of alienable and disposable public lands in Baguio City suitable for residential purposes are hereby issued for the guidance of all concerned and for the information of public land applicants thereof.

1. A.O. 504 Committee — Pursuant to Administrative Order No. 504, the Committee composed of the Secretary of the Department of Environment and Natural Resources or his authorized representative, as Chairman, and the Director of the Lands Management Bureau and the City Mayor of Baguio, as members, shall have the following duties:
 - a. To screen and evaluate all public land applications for residential purposes in Baguio City;
 - b. To determine the suitability of the area applied for the purpose for which the same is intended, including the qualifications and capability of the applicants to underwrite the project and to put the said land into beneficial use, to preclude the acquisition of such lands by speculators;
 - c. To grant clearance to all public land applications in Baguio City excluding ancestral land claims;
 - d. To monitor compliance by applicants with all legal requirements regarding the construction of the improvements appropriate for the purpose for which the land has been applied for, including payment of the purchase price and all other legal fees.

2. Clearance — The Committee shall grant clearance to public land applications, subject to Republic Act No. 730, and to the following conditions:
 - a. No clearance shall be given over areas within existing reservations established for purposes other than residential purposes;
 - b. Public land applications covering areas with ancestral land claims shall not be evaluated until such ancestral land claims have been resolved;
 - c. A maximum area of ONE THOUSAND (1,000) square meters in all residential sections of the City shall be fixed and should conform with the land use and zoning regulations thereof;
 - d. The list of all applicants for undisputed areas shall be published, together with the areas applied for, and the nature and amount of the proposed investments;
 - e. In case of two or more applications over the same area, preference shall be given to the applicant with greater need, in relation to the more suitable and beneficial land use;
 - f. Where two or more applicants have similar circumstances, the contested area shall be disposed of through public bidding, between and among the said applicants;
 - g. No clearance shall be given to any person who has previously filed a public land application but has conveyed the said land in favor of another whether before or after the patent or title has been issued.
3. Secretariat — The Department of Environment and Natural Resources Regional Office shall comprise the secretariat which will assist the Committee in the performance of its duties.
4. Acceptance and Processing — The Department of Environment and Natural Resources Regional Office shall accept and process all public land applications for residential purposes in Baguio City, in

accordance with the following:

- a. Public land applications, except ancestral land claims, shall be accepted and processed upon prior clearance secured from the Committee;
 - b. The concerned regional and/or community environment and natural resources office of the Department of Environment and Natural Resources shall undertake the processing of the applications and shall conduct the necessary surveys.
5. Survey — To ensure that the scheme of subdivision is strictly followed, the survey of the whole area should be executed at one time and only by a government geodetic engineer or by a private surveyor duly contracted by the government.
 - a. Survey authority or survey order shall be issued only for such area/s earlier cleared by the Committee, except areas covered by ancestral land claims;
 - b. Subject to the availability of funds in the City Treasury, the execution of the survey shall be undertaken by a Lands Management Sector survey team;
 - c. If the Lands Management Sector cannot provide a survey team, the survey may be awarded to a private geodetic engineer through public bidding. The geodetic engineer contracted to execute the survey shall put up a performance bond to ensure the quality and completion of the survey, the amount of which shall not be less than twenty per cent (20%) of the cost of survey;
 - d. Where all applicants of a contiguous area, not less than TEN THOUSAND (10,000) square meters, offer to shoulder the expenses of the survey, such survey authority shall be issued subject to (b) and (c) hereof. No survey shall be conducted involving isolated parcels of land.
6. Conditions — Subdivided lots shall be awarded to the applicants subject to the following conditions:

- a. The applicant-awardee shall plant and maintain trees within the awarded area. The Forest Management Sector of Baguio City shall determine the species, number and location of the trees, which shall be no less than four (4) trees for every one hundred (100) square meters;
- b. No applicant shall be awarded more than ONE THOUSAND (1,000) square meters lot area;
- c. Transferees shall be prohibited from acquiring more than ONE THOUSAND (1,000) square meters lot area, and this condition shall be indicated in the patents/titles to be issued to the applicants awardees;
- d. In no case shall the prohibition against the acquisition of more than ONE THOUSAND (1,000) square meters be revoked within ten (10) years from the date of the original title.

Subject to the provisions of the Public Land Act, this circular takes effect immediately and supersedes all previous Department Orders and policies on land disposition and survey in Baguio City, inconsistent herewith.

(Sgd.) FULGENCIO S. FACTORAN, JR.
Secretary

RECOMMENDING APPROVAL:

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Director
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