

DENR Circular
No. 01
September 17, 1993

SUBJECT : Further Clarifications on the Implementation of the Lot Survey Documentation System/Computer Title Generation (LSDS/CTGEN) Project

In line with the Memorandum of Agreement signed between the Land Registration Authority (LRA) and the DENR Lands Management Bureau/Lands Management Sector (DENR/LMB/LMS) dated 17 June 1992 in connection with the automated Land Titling Project funded by the World Bank thru the Housing and Urban Development Coordinating Council (HUDCC), the following supplementary guidelines are hereby issued to cover the Lot Survey Documentation System (LSDS):

1. Participating Regions:

- 1.1 While every Regional Surveys Division (RSD) was provided with computer software, hardware, and training from the World Bank technical assistance grant thru the HUDCC, the following Regions whose counterpart Register of Deeds (ROD) were also provided with the hardware and software, are now direct participants in the project:

<u>Region</u>	<u>With Counterpart ROD at</u>
II	Tuguegarao, Cagayan
III	San Fernando, Pampanga
I	San Pablo City
VI	Iloilo City
IX	Zamboanga City
X	Cagayan de Oro City
XI	Davao City
XII	General Santos City
NCR	Manila
	San Juan
	Quezon
	Valenzuela
	Kalookan
	Parañaque
	Pasay
	Malabon
	Makati
	Mandaluyong
	Pasig
	Las Piñas

- 1.2 The Regional Technical Directors (RTD) for Lands shall ascertain with the Register of Deeds the municipalities that are under the jurisdiction of each of the aforesated Register of Deeds; arrange for the return of NHA surveys in these RODs whose TCTs have not yet been prepared. This shall be the initial input in this LSDS Project.
 - 1.3 The LSDS shall primarily be used in all NHA surveys requiring titling. The approved lot data shall be encrypted on diskettes. While surveys of the NHA are the top priority, socialized housing subdivision surveys of private developers shall also be encrypted in the diskette whenever the surveys are located within the jurisdiction of the Register of Deeds enumerated in Para. 1.1.
2. Submittal of Survey Returns; Required Documents
- 2.1 The following shall be submitted by the Geodetic Engineer in addition to the presently required documents:
 - 2.1.1 One (1) 3.5" DS/HD 1.44 Mb Floppy Diskette for every Register of Deeds covered by the subdivision surveys. Each diskette 1.44 Mb will contain approximately 60,000 corners.
 - 2.1.2 Three (3) ply, 11 x 8.5 (computer form), 3 sheets per lot. The number of sets required shall be equal to the number of lots of the project plus 5-10% allowance for wastage.
 - 2.1.3 Optional: One (1) 3.5" DS/HD 1.44 Mb floppy diskette for the Geodetic Engineer's file copy if desired. Also, when the Geodetic Engineer opts to have a file copy of the technical descriptions, 4-ply TSF shall be required instead of 3-ply.
 - 2.2 The present requirements stated in DENR A.O. No. 4-14-1(a) in addition to the survey returns required in Section 415 of LAO No. 4 (Manual for Land Surveys) are:
 - a. Field notes cover duly notarized
 - b. Survey field notes inside cover including astronomical observations
 - c. Azimuth computations
 - d. Traverse computations
 - e. Lot data computations
 - f. Boundary computation

- g. Survey plan with land owner's conformity (signature); (original drafting film and tracing cloth or diazo film)
- h. Notification of adjoining owners in case corner lots reinstated or relocated
- i. Transmittal of survey returns
- j. Scheme of subdivision duly approved by the Housing and Land Use Regulatory Board (HLURB) or the Local Government Unit (LGU)
- k. Authenticated copy of title or decree covering the consolidated or subdivided lots
- l. Copy of antecedent plan approved by the LRA for purposes of reference for boundary data or in ascertaining the original survey number.

3. Verification and approval of survey.

3.1 Preliminary: Documentary Examinations

- 3.1.1 Check completeness of survey returns against the check list of the requirements of Section 415 of MLSP and LAO 4-14-1(a) as enumerated in Para. 2.2.
- 3.1.2 Check authenticity of supporting documents (Torrens Title and LRC approved plan) and if the scheme of subdivision has been approved by the HLURB or by Local Government Unit to whom the approval of subdivision scheme has been devolved.
- 3.1.3 Check presence of the LRC-approved antecedent survey plan for reference.
- 3.1.4 Check completeness of the field notes, field notes cover duly notarized, astronomical observations and computations, traverse and lot data computation, quality of drafting film (emulsion must not peel off from the base). The draftsmanship must be good or it is rejected at once.
- 3.1.5 Absence of any of the above documents: survey forms incompletely filled up, and unjustified delayed submittal after 4 months from date of start of field-work (Section 417, MLSP are sufficient grounds for non-acceptance of survey.

4. Verification/approval of plan:

- 4.2.1 Verify completeness of filed notes; check instruments used against Registry of calibrated instruments; check signature of G.E. against his specimen card on file.
- 4.2.2 Check conformance of technical descriptions in the title with the data of the original survey as to the metes and bounds, location, area.
- 4.2.3 Annotate on the survey records file such as the antecedent plan or lot description book and cadastral map of lots subject of subdivision survey: "Subdivided/consolidated-subdivided under PSD - x x x /Pcs- x x x ". This will update the Land Information Register.
- 4.2.4 Verify external boundary of new survey against boundary data of antecedent survey (not against the title); check for polygon closure. In all cases, the data of the old survey are followed except when it is an open polygon in which case the data have to be checked against data of adjoining titled lots of the original survey.
- 4.2.5 Compare input data in azimuth computation sheet and in traverse sheet with the field survey data in the field notes.
- 4.2.6 Check correctness of the position (N & E coordinates) of the reference point used in the survey against the coordinates in the records of LMB/LMS. Check also if the results of traverse control are acceptable.
- 4.2.7 Check input data in the lot data computation sheets if they conform with the side shots in the field notes and the adjusted coordinates of the traverse station from which side shots were taken.
- 4.2.8 Verify at random, if so desired, the correctness of the lot data computation. However, this activity may be omitted as the correctness of the lot data computations is left to the geodetic engineer as his professional responsibility.
- 4.2.9 Verify Lot Descriptions form against the Lot Data Computation Books. This is omitted when the two data forms are computer-generated.

- 4.2.10 Check if the aggregate area of the resultant lots of the new survey, including road lots and open spaces is the same as the area of the antecedent survey (and the area in the title). When the boundaries are certain and no alteration thereof has been proven, the area included in such boundaries shall prevail over that which the title shows. (Government of the P.I. vs. Abaja et al, 52 Phi. 2611).
 - 4.2.11 Check each lot in the subdivision plan to conform with the lot data computations as to quadrant directions; and with the scheme of subdivision as to the full compliance with the conditions annotated in the scheme of subdivision as approved by HLURB or the LGU.
 - 4.2.12 Check completeness of plan; check if the information are all indicated in the mast head especially the original survey, Title NO., Urban Code, and the footnotes.
 - 4.2.13 Have the original plan approved and the tracing cloth or diazo film authenticated or approved.
 - 4.2.14 Subsequent subdivision surveys, simple or complex, involving road lots, open spaces, and community centers in the HLURB previously approved subdivision scheme and surveyed as such in the antecedent survey shall not be accepted without the pre-approval of the HLURB or LGU. Such surveys should be referred to HLURB or LGU informing these offices that the subdivision involves road lot or open spaces in the previous survey.
5. Operate the Lot Survey Documentation System (LSDS)
- 5.1 The approved survey data are processed and are manipulated; areas are obtained, and under Calculate Bounds Module, the equivalent corners are calculated and listed, the external bounds are listed and errors are corrected. Then the technical descriptions are printed after the pertinent informations are keyed in.
 - 5.2 The Encrypt Program. The nine LSDS files are converted into the encrypted data in a 3.5 inch floppy diskette. Use one diskette for the surveys located within the territorial jurisdiction of one Register of Deeds. Verify the Encrypting Key (Access Code).

5.3 Generate three hard copies of the TD's and have them signed by the RTD or his authorized representative. File the third copy of the T.D. (the fourth copy to the Geodetic Engineer if requested). The first and the second copies are for the Register of Deeds. .

6. Transmittal of documents to the Register of Deeds:

6.1 The necessary documents to be transmitted are:

6.1.1 Approved survey plan (tracing cloth or authenticated diazo film copy).

6.1.2 Two (2) copies of the computer-generated and approved Technical Descriptions according to the proforma document. (The third copy of the T.D. shall be kept as the LMS file copy).

6.1.3 3.5" DS/HD 1.44 Mb floppy diskette(s) containing the encrypted lot data of the approved surveys. (One diskette for the lots falling in one Register of Deeds).

6.1.4 Specimen signature card of the LMS officials signing the plan and the technical descriptions. Indicate the encrypting or access code. These documents together with the 3.5" floppy diskettes are sealed inside an official brown envelope with a tape; the tape must be signed across by the authorized LMB or LMS personnel.

6.1.5 Letters of Transmittal to the Register of Deeds signed by the Regional Surveys Division Chief or his authorized representative stating:

- a. The number of diskettes and corresponding survey number(s)
- b. the number of lots covered per survey
- c. the number of sheets of TD per survey

7. Delivery of the Documents:
 - 7.1 The diskette(s), the access code, and the signature specimen card shall be sealed in an envelope and the Technical Descriptions are placed in another envelope.
 - 7.2 The sealed documents are transmitted to the Register of Deeds (RD concerned):
 - a. When RD is within the city limits where the LMS office is located, the RTD shall appoint a liaison officer to transmit the documents to the RD.
 - b. When RD is outside the city limits where the LMS office is located, the Geodetic Engineer concerned shall be authorized to transmit the documents of his survey to the Register of Deeds.
8. Projects where the Register of Deeds is not provided with the Computer Title Generation System (CTGEN).
 - 8.1 Whenever the survey is located in an area where the Register of Deeds is not provided with a computer hardware and software, the technical descriptions are computer-generated only.
 - 8.2 Immediately upon receipt of the survey for verification and approval, a report must be submitted to the LSDS/CTGEN Project, Land Management Bureau so that arrangement is made with LRA and by the time it is approved, instructions whether to \ or not is already issued.
 - 8.3 Encrypting and decrypting of socialize housing projects in municipalities where the ROD is not yet a participant shall be covered by special instructions after receipt of the report on housing subdivisions submitted for verification.
 - 8.4 In all cases and until the software is available from HUDCC, encrypting of lot data is confined to subdivision projects which are subdivision of judicially issued Torrens Title. The present software does not cover subdivision of patented (homestead or free patent) lots.

9. **Supplementary and Interpretative Rules and policies.**

The Director of the Lands Management Bureau is hereby authorized to issue supplemental guidelines and interpretative rules and policies as to procedures which may be prescribed by the Steering Committee of the Project chaired by HUDCC.

10. **Effectivity Clause:**

These guidelines shall take effect immediately.

ANGEL C. ALCALA
Secretary

**DENR Circular
No. 02
December 02, 1993**

SUBJECT : Amending Certain Sections of DENR Circular No. 1, series of 1993.

In view of certain errors in DENR Circular No. 1, series of 1993 entitled "Further Clarifications on the Implementation of the Lot Survey Documentation System/Computer Title Generation (LSDS/CTGEN) Project", the following sections are hereby amended:

1. Item 1 to read:

"1. Participating Regions:

- 1.1 While every Regional Surveys Division (RSD) was provided with computer software, hardware, and training from the World Bank technical assistance grant through the HUDCC, the following Regions whose counterpart Registers of Deeds (ROD) were also provided with the hardware and software, are now direct participants in the project:

<u>Region</u>	<u>With Counterpart ROD at</u>	
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	BACOLOD CITY	
IX	Zamboanga City	
X	Cagayan de Oro City	
XI	Davao City	
	General Santos City	
NCR	Manila	San Juan
	Quezon City	Valenzuela
	Kalookan	Paranaque
	Pasay	Malabon
	Makati	Mandaluyong
	Pasig	Las Pinas

2. Item 2.1.2 to read:

"2.1.2 Three (3) ply, 11 x 8.5 **TSE** (Computer form), 3 sheets per lot. The number of sets required shall be equal to the number of lots of the project plus 5 - 10% allowance for wastage."

3. Item 2.2 to read:

"2.2 The present requirements stated in DENR A.O. No. 4-14-1(a) in addition to the survey returns required in Section 415 of LAO No. 4 (Manual for Land Surveys) are:

- a. Field notes cover duly notarized
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- g. Reference computation
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- i. Notification to adjoining owners in case corner lots reinstated or relocated.
- j. Transmittal of survey returns
- k. Scheme of subdivision duly approved by the Housing and Land Use Regulatory Board (HLURB) or the Local Government Unit (LGU)
- l. Authenticated copy of title or decree covering the consolidated or subdivided lots
- m. Copy of antecedent plan approved by the LRA for purposes of reference for boundary data or in ascertaining the original survey number."

4. Item 4.2.3. to read:

"4.2.3 Annotate on the survey records file such as the antecedent plan **and lot data computation book** or lot description book and cadastral map of lots subject of subdivision survey: "Subdivided/ consolidated-subdivided under PSD - x x x/PCS - x x x". This will update the Land Information Register."

5. Item 4.2.10 to read:

"4.2.10 Check if the aggregate area of the resultant lots of the new survey, including road lots and open spaces is the same as the area of the antecedent survey (and the area in the title). When the boundaries are certain and no alteration thereof has been proven, the area included in such boundaries shall prevail over that which the title shows. (Government of the P.I. vs. Abaja et al, 52 Phil. 261)."

All other sections of DENR Circular 1, series of 1993 shall remain the same.

ANGEL C. ALCALA
Secretary

DENR Memorandum Circular

No. 09

May 05, 1993

**SUBJECT : Supplementary Guidelines on the
Disposition of Lands through Free Patent**

For a more effective and orderly implementation of DENR Memorandum Circular No. 12, series of 1990, which granted a period of filing applications for administrative legalization (free patent) and judicial confirmation of imperfect and incomplete titles pursuant to RA No. 6940 and DENR Administrative Order NO. 67 series of 1990 which provide guidelines for the implementation of the "Handog Titulo" Program, the following are hereby clarified for the information and guidance of all concerned:

1. **CONCEPT OF FREE PATENT.** Free patent falls within the category of unregistered private land. Under this Circular, unregistered private land shall pertain to public land occupied in varying lengths of time by persons who have acquired an incomplete or imperfect title thereto.

While these lands have been openly, continuously, exclusively and notoriously occupied by persons who are paying real estate taxes therefor, they are technically and legally still lands of the public domain.

The disposition of lands through free patents is governed mainly by the provisions of Commonwealth Act No. 141, as amended and other related laws. The Rules of Court provide useful guide in the processing and adjudication of free patent applications, such as the rules of property, testate and intestate succession, obligations and contracts. Such application of rules should be tempered to suit the policy of the DENR in expediting the issuance of land patents.

2. **LANDS ELIGIBLE FOR FREE PATENTS.** The following may be subject to the grant of free patents:
 - a. Lands of the public domain suitable and actually occupied for agricultural purposes certified as alienable and disposable by the Regional Executive Director concerned;
 - b. Lands inside "poblacion" may also be considered for free patent grants. However, such grants should take into consideration factors such as actual and physical use to which the land is mainly devoted,

improvements made thereon, its size, relative position, configuration and how it is classified for tax purposes;

- c. Lots without recorded claimants should likewise be given due course if the applicant could prove his rightful claim to the land and findings of the Investigator/Inspector so warrants..

A free patent application filed under Republic Act 6940 must have met the following requirements:

- a. the land must have been occupied and cultivated on or prior to 16 April 1960;
- b. that the land is free from claims and conflicts;
- c. the applicant has met the requirement regarding length of occupation and cultivation; and
- d. the applicant has paid the real estate tax thereon.

With regard to the length of occupation, an applicant for free patent must have continuously occupied and cultivated such land thirty (30) years prior to the effectivity of RA 6940, i.e., on or before 16 April 1960 by himself or through his predecessor-in-interest.

Cultivation, as used in this Order, does not necessarily prescribe full cultivation. Where the applicant has occupied and cultivated a bigger portion of land applied for, and has cleared the remaining portion or has left only a small portion untouched, he is entitled to a patent for the whole area. The occupation and cultivation of the land, in this case, may be by the applicant himself or through his predecessor-in-interest.

3. REQUIREMENTS FOR THE GRANT OF FREE PATENTS.

Pursuant to the provisions of Republic Act 6940, the grant of free patents shall be limited to natural-born Filipino citizens who are owners of no more than twelve (12) hectares of land. The fact that a person has a foreign-sounding name shall not be construed that such person is not a natural-born Filipino citizen. The following documents, however, must be submitted:

- a. sworn statement either in the application form or in a separate affidavit that the applicant is a natural born Filipino citizens;

- b. that he is not the owner of more than twelve (12) hectares; and,
- c. confirmation reports regarding the above made by the inspector who investigated the application..

Other documentary evidences to be submitted shall include the following:

- a. joint certification from the Department of Agrarian Reform and the Department of Environment and Natural Resources if the applicant is a beneficiary of the Agrarian Reform Program pursuant to DAR-DENR Administrative Order No. 02, series of 1987; and,
- b. joint affidavit of two disinterested persons who are residents of the place where the land applied for is located attesting to the fact that the applicant and/or his predecessor-in-interest has occupied and cultivated the land on or before 16 April 1960.

4. **AREA LIMITATION.** Areas applied for free patent should not exceed twelve (12) hectares taking into consideration the following factors:

- a. nature, location and productive potential of the land;
- b. the applicant's capacity to put the land into beneficial use;
- c. the number of people benefited; and,
- d. the state of social satisfaction in the area.

5. **NOTICES.** Notices in connection with free patent applications must be posted for two consecutive weeks in conspicuous public places. Where the notice suffer from minor flaws, the patent may be allowed provided such flaws are not serious of substantial.

6. This circular takes effect immediately and amends or modifies previous issuances inconsistent herewith.

ANGEL C. ALCALA
Secretary

Memorandum Order
No. 08
July 20, 1993

SUBJECT : Transfer of Rights Over Lands at Apo Island, Dauin, Negros Oriental

Considering that the entire Apo Island is still an unclassified public land and until the appropriate guidelines have been made by this Office, which has jurisdiction over the same, on the transfer of rights over lands located therein and on the development of the subject island for eco-tourism and the like, this Office hereby declares and orders a MORATORIUM on the transfer of rights over lands situated at Apo Island, Dauin, Negros Oriental. Henceforth, any form of alienation/transfer of any and all rights, inchoate or otherwise, involving lands at the said island is absolutely prohibited. This, however, does not in any way recognize the validity of any past or present alienations/transfers in re.

The Provincial Environment and Natural Resources Officer (PENRO) of the Province of Negros Oriental is hereby directed to strictly implement this Memorandum Order. Furthermore, he is likewise directed to require the acquisition of a permit from this office vis-a-vis any development in the area.

FOR THE INFORMATION AND COMPLIANCE OF ALL PEOPLE CONCERNED.

19 July 1993.

ANGEL C. ALCALA
Secretary