

• CONCEPTS OF
DOCUMENTATION AND
TITLING

- DOCUMENTATION according to Cambridge Dictionary:
 - > official or legal documents that are needed in order to prove something
- -----
 - >the activity of recording facts relating to a particular subject:

- 1.THE ABILITY TO CRAFT A LEGAL DOCUMENT
- **NOTES:** a) Do no rely on google.com alone
- b) Keep on reading (comprehension is a must)
- c) Think of the requirements of the BIR and Administrative Bodies/Courts
- ---> Who will be responsible to pay the taxes, transfer fees, and legal fees?
- d)Secure a certified copy of the Title and/or Latest Tax Declaration

- e) Make sure that it would be notarized (check that the Notary Public is an active Member of the IBP, research also from the Supreme Court website)
- ASK YOURSELF THIS QUESTION: WHAT DOCUMENT AM I GOING TO DRAFT?
- Hint: The simpler, the better.

- **COMMON DOCUMENTS NEEDED BY
CLIENTS:**

- 1.Authority to Sell (Exclusive or non-exclusive)
- 2.Special Power of Attorney
- 3.Waiver/ Affidavit of Waiver/Affidavit of two(2) Disinterested Persons/Affidavit of Loss
- 4.Deed of Conditional Sale/ Contract to Sell
- 5.Deed of Sale (with or w/o furniture and fixtures)
- 6.Extra-judicial Partition/Extra-Judicial Settlement of Estate

- 7.Deed of Donation(Absolute or Conditional)
- 8.Lease with Option to Purchase
- 9.Lease-Purchase Agreement
- 10.Deed of Sale with Assumption of Mortgage
- 11.Deed of Undertaking
- 12.Memorandum of Agreement/Memorandum of Understanding (MOA/MOU)

- 2.Check the requirements of the BIR for payment of CGT and DST. The deadlines of paying the taxes. Extension to pay taxes with this COVID-19 mess
- **BASIC:**
- a)TIN of the parties
- b) Latest TD
- c) DOS/Deed of Transfer
- d) Certified True Copy of Title
- e)Certificate of No Improvement

- 3. The requirements of the LOCAL TREASURER'S OFFICE. Show the E-CAR from BIR. Tax Clearance requirements:
 - (a) *photocopy of Tax Declarations (Land , Improvement / Building, Condominium, Parking[if applicable])*
 - (b) *Original copy and (1) photocopy of the Deed of Absolute Sale*
 - (c) *Official Receipt of Payment of Real Property Tax and Special Education Fund Tax for the current year*

- 4. The requirements of the Register of Deeds (For New Title, CCT)
 - (1) *Original Copy & (3) photocopies of the Deed of Absolute Sale, stamped as received by the BIR*
 - *Seller's Owner's Duplicate Copy of the TCT or CCT*
 - (1) *Original Copy of the E-CAR*
 - (1) *Original Copy of the Tax Clearance*
 - *Original Copies of Official Receipts of Payments of CGT, DST, Tax Clearance Certificate, and Transfer Fee*

- *Original Copies of the Current Tax Declaration for land and improvement issued by the local assessor's office*
- If the seller or buyer is a corporation, submit the following requirements:
 - (a) *Secretary's Certificate authorizing the sale of the real property*
 - (b) *Certified True Copy of the Articles of Incorporation and By Laws of the seller or buyer corporation*

5. For the release of the new Tax Declaration (Assessor's Office), present a photocopy of the following documents:

- *DOS*
- *TCT OR CCT*
- *E-CAR*
- *Transfer Tax Receipt*
- *Latest Tax Receipt OR Tax Clearance*
- ***Additional documents may be required:***
- *Subdivision Plan, if lot is subdivided*
- *Full-color photos of the house, lot, or condominium unit*

- 6. Administrative Agencies' requirements(DENR,DAR,NICP/ Regional Trial Court)
- Concept is CONNECTION OF DOCUMENTS

- THE FOLLOWING SLIDES ARE COURTESY OF DENR

Major Land Administration and Management Laws in the Philippines

- CA 141 - Public Land Act of 1936
- Act 1120 - Friar Lands Act of 1903
- Act 2259 - Cadastral Act of 1903
- RA 6657 - Comprehensive Agrarian Reform Law (CARL) of 1987
- RA 10023 - Residential Free Patent of 2010



Other Key Legislation and Mandates on Land Administration and Management

- Act 496 – Land Registration Act of 1902
- PD 1529 – Property Registration Decree of 1978
- RA 7160 – Local Government Code of 1991
- RA 8371 – Indigenous People’s Rights Act of 1997



Classification of Lands

As to ownership

1. Private lands - those which are titled
2. Public lands - those which are not titled as well as lands of the public domain or outside the commerce of men (roads, public plaza, rivers)



PUBLIC LANDS

Alienable and/or
Disposable Lands

Non-Alienable
and/or Non-
Disposable Lands

Agricultural
Lands

Non-
Agricultural
Lands

Homestead
Patent

Free
Patent

Sales
Patent

Lease

Reservation

Free
Patent
Residential

Town
Site

Public
and/or
Semi-
Public

Timberland/
Forest lands

Mineral
Lands

National
Parks

MODES OF ACQUIRING TITLES

Administrative proceeding

Patents (DENR)

Certificate of Land Ownership Award (DAR)

Certificate of Ancestral Domains Title (NCIP)

Judicial proceeding (Court)

Decrees under judicial registration (PD 1529)



Modes of acquiring public lands

➤ Public Land Act (CA 141)

1. Free patent (Administrative Confirmation of Imperfect Title)
2. Homestead patent
3. Sales patent
4. Lease
5. Judicial Confirmation of Imperfect Title
6. Special Patent

➤ Republic Act 10023

1. Residential Free patent



Terms to understand

Confirmation of an imperfect title

In Free Patent, DENR does not grant title but it only **confirms** or **affirms** the title of the applicant who acquired vested right on the land by virtue of his 30 years possession thereof.



Adverse Possession (OCEN) is not applicable if the land is:

1. Public Lands not subject to Disposition (Timber, National Park, Civil or Military Reservations)
2. Private Land that has been disposed and Registered under the Torrens System (Titled Lands)



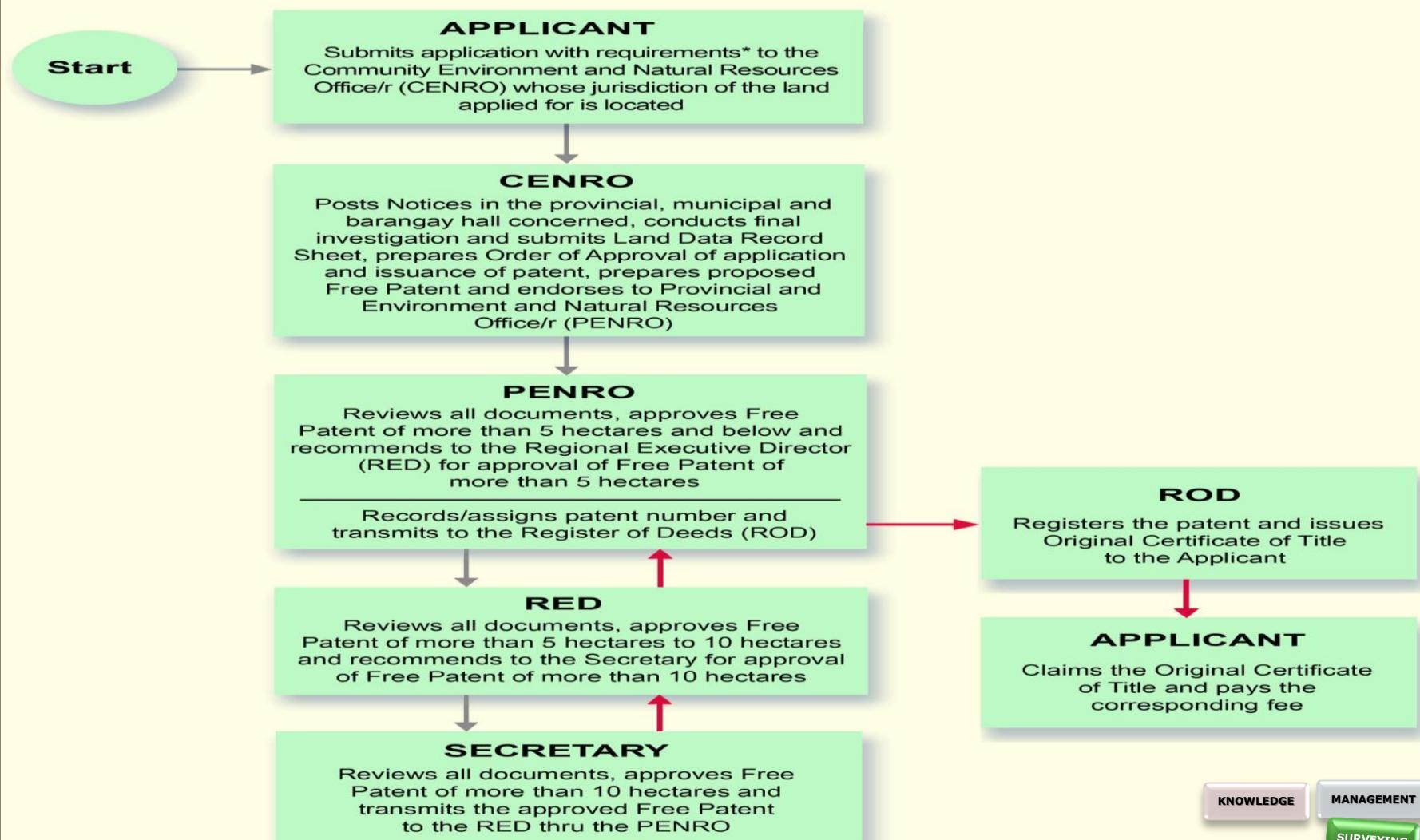
Republic Act 9176

An Act extending the period until December 31, 2020, for the filing of applications for administrative legalization (Free Patent) and judicial confirmation of imperfect and incomplete titles to alienable and disposable lands of the public domain, amending for this purpose, Commonwealth Act 141, as amended.



PROCESS FLOW FREE PATENT APPLICATION

Free Patent Application is a mode of acquiring alienable and disposable lands of the public domain for agricultural purposes thru administrative confirmation of imperfect or incomplete title to qualified occupant who has acquired vested right by virtue of open, continuous, exclusive and notorious possession thereof.



* Requirements:

- Duly accomplished application form
- Application filing fee of P50.00
- Approved plan and technical description of the land applied for
- Joint Affidavit of two disinterested parties
- Proof of payment of real estate taxes



REQUIREMENTS

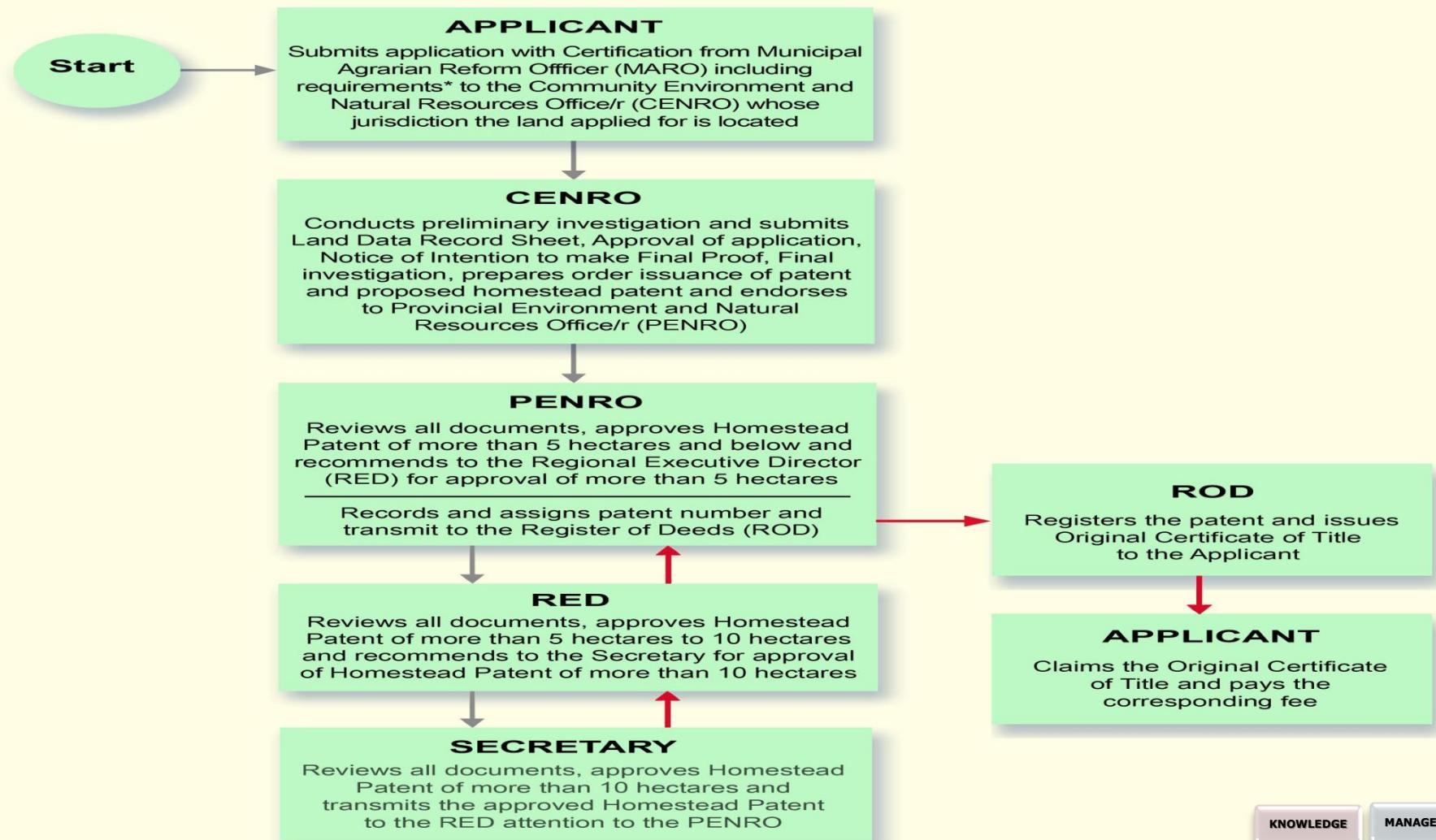
Homesteader must cultivate at least 1/5 of the land *within 6 months* from the date of approval of the application.

He must reside continuously for *at least one year* in the municipality where the land is located.



PROCESS FLOW HOMESTEAD APPLICATION

Homestead Application is a mode of acquiring alienable and disposable lands of the public domain for agricultural purposes conditioned upon continuous and personal occupancy of the area as home including cultivation and improvement of the land.



* Requirements:

- Fully accomplished application form
- Application filing fee of P50.00
- Entry fee of P5.00
- Final fee
- Approved plan and technical description of the land applied for
- Certification from the Municipal Agrarian Reform Officer that the applicant is not a CARP beneficiary
- Certification of actual occupancy and residence of the applicant by the Barangay Chairman concerned



Qualification of Applicants

QUALIFICATION	FREE PATENT	HOMESTEAD
AGE	none	18 yrs. Or head of family
CITIZENSHIP	Natural born	Filipino
LANDHOLDINGS	12 hectares	5 hectares
OCCUPATION	30 yrs.	1 year
CULTIVATION	Fully-cultivated	1/5 of the land (within 6 months)



SALES PATENT

Is a patent issued for the type of application covering lands of the public domain for agricultural purposes as stipulated in *Chapter V of the Public Land Act* and sold at public auction thru sealed bidding.

While under *Chapter IX*, it pertains to Classification and Concession of Public Lands Suitable for Residence, Commerce and Industry (Lease and Sale)

Republic Act No. 730 Direct Sale of Residential Lands without Public Bidding



5.1 Sales application for agricultural purposes

Sales Application (SA) for agricultural purposes is in Chapter V of the Public Land Act (CA 141, as amended).

5.1.1 Checklist in the preparation and Issuance of Sales Patent

1. Sales Application with a certification of the MARO
2. Preliminary investigation report
3. Appraisal report
4. Recommendation for approval of appraisal and request for authority to sell the land at public auction thru sealed bidding
5. Approval of appraisal and grant of authority to sell the land at public auction thru sealed bidding
6. Proofs of payment of publication of Notice of Sale
7. Notice of Sale
8. Proofs of posting and publication of Notice of Sale
9. Report of bidding
10. Order of Award
11. Proof of full payment of purchase price of the land
12. Final investigation report
13. Order: Issuance of Patent
14. Sales Patent in Judicial Form No. 11 and 11-D
15. Letter of transmittal of sales patent to Register of Deeds



5.1.2 Procedural steps in processing

1. Examine the application to ascertain --

- whether the applicant is a qualified sales applicant and as a CARP beneficiary. Qualifications of a sales applicant are:**
 - a. any Filipino citizen of legal age**
 - b. any Filipino citizen not of legal age who is head of the family.**

Note: Under the provisions of the 1987 Constitution, corporations and associations are not allowed to acquire public lands thru purchase, only thru lease.

- whether the land applied for is surveyed.**
- Certification of Clerk of Court and Land Registration Authority, if the land is within a cadastral project and PSU survey.**
- whether the applicant has paid the required application fee.**
- whether the land applied for is covered by any other public land application.**
- whether the applicant is the holder of any other public land application for the same purpose.**
- whether there is a marital consent of the husband, if the applicant is a married woman.**

2. Examine the preliminary investigation report to ascertain --

 - whether the land is alienable and disposable.
 - whether the land is free from claims and conflicts.
 - the actual occupant and improvements, if any.
 - the correct lot and area.
 - whether report is duly endorsed by the CENRO concerned.
 - whether there is a Land Data Record Sheet.
3. Examine appraisal report to find out --

 - whether appraised value of the land and improvements have been determined.
 - whether report of appraisal is properly accomplished by the Appraisal Committee.
4. Simultaneously recommend approval of appraisal and request for authority to sell the land thru sealed bidding to

RED - 5 hectares and below

DENR Secretary - above 5 hectares.
5. After approval of the appraisal, collect publication expenses from the applicant if appraised value of the land is more than P240.00.

6. Upon payment of publication expenses, the Notice of Sale is prepared. Requirements regarding the notice are:

- **Notice shall be published in the Official Gazette and two newspapers of general circulation (one in English and the other in Spanish or in a local dialect) once a week for 6 consecutive weeks.**
- **Notice shall also be posted in the bulletin board of the CENRO, Provincial/Municipal/City Hall Building where the land applied for is located and on the land itself by the applicant.**
- **The bid must not be less than 10% of the appraised value of the land.**
- **The applicant has the option to equal the highest bid.**

7. Examine the report of bidding to ascertain --

- **whether the bidding was held at the place, date, and time specified in the notice.**
- **the submission of proofs of reimbursement of publication expenses, value of the existing improvements, and applicant's survey expenses if the successful bidder is other than the applicant.**
- **whether the applicant/successful bidder has paid at least 10% of the appraised value of the land and payment duly receipted.**

8. Submission of proofs of publication and posting of Notice of Sale.

- 9. Preparation and issuance of the Order of Award to applicant/successful bidder.**
- 10. Submission of proof of payment of full purchase price of land.**
- 11. Examine final investigation report to ascertain --**
 - whether the applicant has complied with the cultivation requirement.
 - whether the applicant has not violated any of the conditions of the award.
 - whether it is favorably recommended by the investigator concerned.
- 12. If all requirements have been complied with, the following are simultaneously prepared for signature and approval of the official concerned:**
 - Order of Issuance of Patent.
 - Sales Patent in Judicial Form No. 11 and 11-B.
- 13. Transmittal of the approved Sales Patent to the Register of Deeds concerned by the PENRO.**



5.2 Insular government property sales application (IGPSA) for agricultural/miscellaneous purposes

Insular Government Property Sales Application for agricultural purposes is under RA 3038 in relation to Chapter V of the Public Land Act (CA 141, as amended).

The procedural steps are the same as those in the Sales Application for agricultural purposes. The difference is that a Deed of Sale is issued to the applicant instead of a Sales Patent.

Insular Government Property Sales Application for residential purposes is under RA 3038 in relation to Chapter IX, CA 141, as amended.

The procedural steps are the same as those in the Miscellaneous Sales Application for residential, commercial, industrial, educational, and other similar purposes. The only difference is that a Deed of Sale is issued to the applicant instead of a Miscellaneous Sales Patent.

5.3 Miscellaneous sales application (MSA)

Miscellaneous Sales Application for residential, commercial, industrial, educational, charitable and other similar purposes is under Chapter IX, of the Public Land Act (CA 141, as amended).

5.3.1 Checklist in the preparation and issuance of Miscellaneous Sales Patent

- 1. Miscellaneous Sales Application.**
- 2. Preliminary investigation report.**
- 3. Appraisal report.**
- 4. Comment and recommendation of District/City Engineer, Department of Public Works and Highways (DPWH) with the concurrence of the Secretary of DPWH.**
- 5. Comment of Department of Tourism if land is for beach resort purposes.**
- 6. Recommendation for approval of appraisal and request for authority to sell the land at public auction, thru oral bidding.**
- 7. Approval of appraisal and grant of authority to sell the land at public auction thru oral bidding.**
- 8. Proof of payment of publication expenses if appraised value of land is more than P240.00.**

- 9. Notice of Sale.**
- 10. Proofs of posting and publication of Notice of Sale.**
- 11. Report of bidding (oral).**
- 12. Order of Award.**
- 13. Proof of full payment of purchase price of the land.**
- 14. Final investigation report.**
- 15. Order of Issuance of Patent.**
- 16. Miscellaneous Sales Patent in Judicial Form No. 167 and 167-D.**
- 17. Letter of transmittal of Miscellaneous Sales Patent to Register of Deeds concerned, by the PENRO.**



5.3.2 Procedural steps in processing

- 1. Examine the application to ascertain --**
 - whether the applicant is qualified.
 - whether the applicant has paid the required application fee.
 - whether the land is covered by any other public land application and does not exceed the maximum area allowed by law.
 - whether the applicant is the holder of any other public land application. In the case of application for residential purposes, the applicant including his/her spouse is allowed only one lot.
 - whether there is ~~a~~ marital consent of the husband, if the applicant is a married woman.
- 2. Examine the preliminary investigation report to ascertain –**
 - whether the land is alienable or disposable.
 - whether the land is free from claims and conflicts.
 - the actual occupant and improvements, if any.
 - the correct lot and area, if surveyed.
 - whether report is duly endorsed by the head of Office concerned.

- 3. Examine appraisal report to find out --**

 - whether appraised value of the land and improvements have been determined.**
 - whether report of appraisal is properly accomplished by the appraisal committee.**
- 4. Secure comment and recommendation of the District/City Engineer, DPWH on whether the land will be needed by the Government for future public improvements.**
- 5. Refer by indorsement the comment and recommendation of the District/City Engineer to the Secretary of Public Works and Highways for his comment or concurrence.**
- 6. Comment and recommendation of the Department of Tourism if land is for beach resort purposes.**
- 7. Simultaneously recommend approval of appraisal and request for authority to sell the land thru oral bidding to the DENR Secretary if area is above 5 hectares; RED, if above 1,000 sq. m. up to 5 hectares; and PENRO, if 1,000 sq. m.**
- 8. After approval of appraisal, collect publication expenses from applicant if appraised value of the land is more than P240.00.**
- 9. Upon payment of publication expenses, the Notice of Sale is prepared. Requirements of the notice are:**

 - Notice shall be published in the Official Gazette and two newspapers of general circulation (one in English and the other in Spanish or in a local dialect) once a week for 6 consecutive weeks.**

- Notice shall also be posted in the bulletin board of the CENRO, Provincial/Municipal/City Hall Building where the land applied for is located and on the land itself by the applicant.
- The bid must not be less than 10% of the appraised value of the land.

10. Examine the report of bidding to ascertain -

- whether the bidding was held at the place, date, and time specified in the notice.
- the submission of proofs of reimbursement of publication expenses, value of existing improvements, and applicant's survey expenses if the successful bidder is other than the applicant.
- whether the successful bidder has paid at least 10% of the appraised value of the land and payment is duly receipted.

NOTE: Sealed bidding may be conducted only when the applicant has introduced improvements on the land by virtue of a permit issued by a competent authority.

11. Submission of proofs of publication and posting of Notice of Sale.

12. Preparation and issuance of Order of Award to applicant/successful bidder. Balance of the purchase price of the land is payable in 10 equal annual installments from the date of Award or may be paid in full within 10 years from the date of award
13. Submission of proof of payment of full purchase price of land
14. Examine final investigation report to ascertain whether --
 - applicant has complied with the construction requirement of the law.
 - there are no other claimants.
 - the land has been surveyed.
15. If all requirements have been complied with, the following are simultaneously prepared for signature and approval of the Official concerned:
 - Order of Issuance of Patent
 - Miscellaneous Sales Patent in Judicial Form No. 167 and 167-D
16. Transmittal of the approved Miscellaneous Sales Patent to the Register of Deeds concerned by the PENRO.

Sales Patent

1. Miscellaneous Sales Application under Chapter IX (For Residential, Commercial, Industrial, Religious and Educational Purposes)

- Public Bidding

2. Miscellaneous Sales Application under R.A. 730 (For Residential Purposes)

1,000 Sq. meters and below

- Direct Sale

More than 1,000 Sq. meters

- Public Bidding



5.4 Miscellaneous sales application for residential purposes

Miscellaneous Sales Application for residential purposes pursuant to RA 730 (implemented by Lands Administrative Order No. 19 dated November 4, 1954) as amended by PD 2004 dated December 30, 1985 (implemented by Lands General Circular No. 126 dated January 21, 1986) and in relation to Chapter IX, CA 141, as amended

“AN ACT TO PERMIT THE SALE WITHOUT PUBLIC AUCTION OF PUBLIC LANDS OF THE REPUBLIC OF THE PHILIPPINES FOR RESIDENTIAL PURPOSES TO QUALIFIED APPLICANTS UNDER CERTAIN CONDITIONS”

REPUBLIC ACT 730

- ▶ Filipino Citizen
- ▶ Of legal age
- ▶ Does not own any home lot in the City or Municipality where the land applied for is located
- ▶ Must have actually occupied in good faith the land applied for and constructed a house thereon where he/she is actually residing
- ▶ The area of the land is not more than 1,000 square meters.



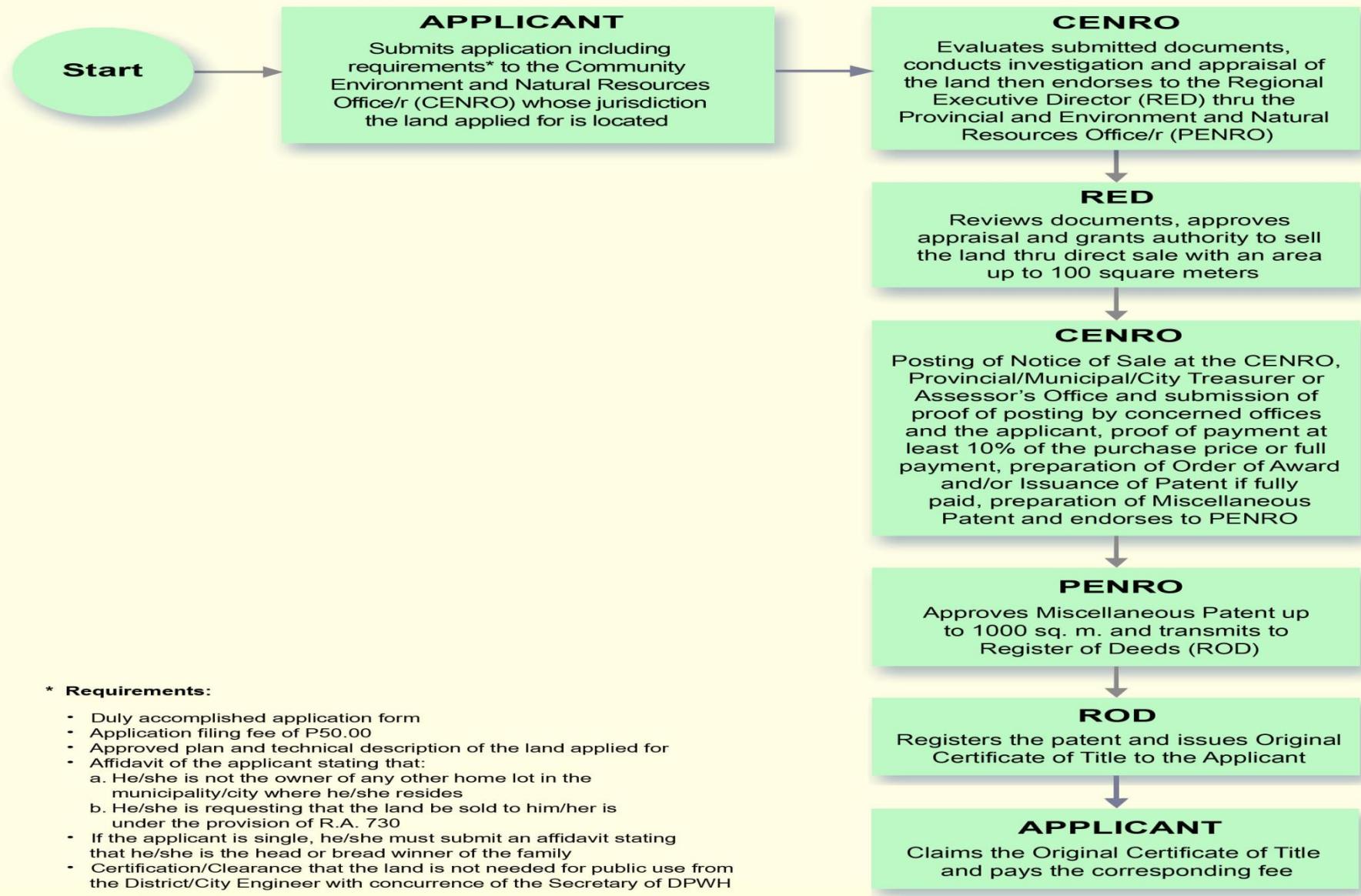
5.4.1 Checklist in the preparation and issuance of Miscellaneous Sales Patent (RA 730)

1. Miscellaneous Sales Application.
2. Preliminary Investigation Report with Land Data Record Sheet.
3. Appraisal Report.
4. Affidavit of applicant requesting direct sale (without public auction).
5. Report of Investigation regarding request for direct sale.
6. Comment and recommendation of the District/City Engineer, DPWH.
7. Comment or concurrence of the Secretary of Public Works and Highways.
8. Recommendation for approval of appraisal and request for authority to sell the land thru direct sale to the PENRO.
9. Approval of appraisal and grant of authority to sell the land thru direct sale by the PENRO if area is 1,000 sq. m.
10. Notice of Sale.
11. Proofs of posting of notice.
12. Order of Award.
13. Proof of full payment of purchase price of land.
14. Order of Issuance of Patent.
15. Miscellaneous Sales Patent in Judicial Form No. 167 and 167-D.
16. Letter of transmittal of Miscellaneous Sales Patent to Register of Deeds concerned, by the PENRO.

PROCESS FLOW

MISCELLANEOUS SALES APPLICATION UNDER REPUBLIC ACT NO. 730 (Miscellaneous Sales Patent)

Miscellaneous Sales Application is the application to purchase alienable and disposable lands of the public domain for residential purposes and the corresponding patent is called the Miscellaneous Sales Patent.



5.5 Townsite sales application (TSA) for residential purposes

Townsite Sales Application for residential purposes is under Chapter XL, CA 141, as amended (established Townsite).

The procedural steps are the same as those in Miscellaneous Sales Application for residential, commercial, industrial, educational, and other similar purposes. The difference is in the submission of bid wherein the minimum bid is $\frac{2}{3}$ instead of 10% of the appraised value of the land.



SPECIAL PATENT

Q: *What is a Special Patent:*

A: It is a patent issued to grant , cede and convey in full ownership alienable and disposable lands of the government upon promulgation of a special law or act of Congress or a proclamation by the President of the Republic, authorizing the Secretary of Environment and Natural Resources to issue such patent.

Q: *Who may Qualify to Apply?*

A: Any Filipino citizen of legal age, or any government corporation, province, municipality or other branches/ subdivisions of the government.



Requirements in the Issuance of Special Patent

1. Formal/official request for the issuance of a Special Patent
2. Approved plan & technical descriptions of the land being applied for
3. Copy of the Executive Order, Presidential Proclamation or Special Law authorizing the issuance of a Special Patent or Deed of Sale / Conveyance or other Contracts conveying ownership of land duly approved
4. Comments and recommendations of the RED/RTD concerned
5. Completed Staff Work (CSW)



Q: *What are the Steps in Processing a Special Patent?*

- A:**
1. Survey of the land applied for;
 2. Filing of request/application for a special patent;
 3. Evaluation and review of the documents submitted by the RED or RTD;
 4. Endorsement of the request for the issuance of a special patent by the RED/RTD concerned to the Secretary, DENR, thru the LMB Director;

Note:

In the case of an individual applicant, the investigation, appraisal reports, approval of appraisal and payment of the purchase price thereof are duly evaluated before submission to the DENR Secretary thru the LMB Director.



5. Refer to the Geodetic Surveys Division, LMB for verification and validation of the approved plan and technical description of the land applied for;
6. Preparation of the Special Patent
7. Transmittal of the prepared special patent to the DENR Secretary for his approval and signature.

Special Patent is signed by the President or by the DENR Secretary when authorized by law or proclamation.



REPUBLIC ACT NO. 10023 (RESIDENTIAL FREE PATENT)



Republic of the Philippines
Congress of the Philippines
Metro Manila
Fourteenth Congress
Third Regular Session.

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 10023]

AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Qualifications.* — Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act: *Provided*, That in highly urbanized cities, the land should not exceed two hundred (200) square meters; in other cities, it should not exceed five hundred (500) square meters; in first class and second class municipalities, it should not exceed seven hundred fifty (750) square meters; and in all other municipalities, it should not exceed one thousand (1,000) square meters: *Provided, further*, That the land applied for is not needed for public service and/or public use.

Coverage

- Untitled residential lands
- Townsite areas;
- Delisted and abandoned military camps/reservations within zoned residential areas
- Public schools, municipal halls, public plazas or parks, and other government institutions for public purpose- special patents located in public lands;

SEC. 2. Coverage. – This Act shall cover all lands that are zoned as residential areas, including townsites as defined under the Public Land Act: *Provided*, That none of the provisions of Presidential Decree No. 705 shall be violated.

SEC. 4. Special Patents. – Notwithstanding any provision of law to the contrary and subject to private rights, if any, public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents under the name of the national agency or LGU concerned: *Provided*, That all lands titled under this section shall not be disposed of unless sanctioned by Congress if owned by the national agency, or sanctioned by the sanggunian concerned through an approved ordinance if owned by the LGU.

Modes of Disposition

- Free Patents = untitled residential lands, town sites and delisted military camps (in zoned residential areas);
- Special Patents = public schools, public parks, municipal halls and other government properties/assets in public lands
 - public use or public purposes

Criteria for Residential FPs (1)

- Filipino citizen (natural-born and naturalised)

Filipino Citizen – as enumerated in Article IV Section I of the 1987 Constitution, the following are citizens of the Philippines:

- 2.1.1 Those who are citizens of the Philippines at the time of the adoption of the 1987 Constitution;
- 2.1.2 Those whose fathers or mothers are citizens of the Philippines;
- 2.1.3 Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
- 2.1.4 Those who are naturalized in accordance with law.

In addition, a person with dual citizenship as provided for in Republic Act No. 9225 and its implementing rules and regulations shall be considered a Filipino citizen.

(As per DAO-2010-12 - IRR of RA10023)

Criteria for Residential FPs (2)

- Actually resided on and continuously possessed and occupied for at least 10 years

Actual occupant – any person who, either by herself or himself or through her or his predecessor-in-interest, is occupying, living in, inhabiting or staying in a structure, the primary purpose of which is to serve as the residence of such person, situated on the parcel of residential land subject of the free patent application. This is subject to the requirements under subsections 2.11, 2.12 and 2.13 below.

- No age limit;
- Patent subject to constitutional limits on total lands acquired = 12 hectares

Limits of Areas for Residential FPs

- Highly-urbanised cities = 200 sqm
 - Other cities = 500 sqm
 - 1st -2nd class municipalities = 750 sqm
 - all other municipalities = 1,000 sqm
-
- land is not needed for public service/use
 - zoned as residential areas (by LGU) and conforming to PD 705 (Forestry Code);
 - delisted camps/townsites =zoned residential prior to NIPAs Law

Documentary Requirements

- Affidavit of two disinterested persons confirming 10 year occupancy
- Application should be supported by a map based on actual survey (either cadastral or other types of survey) by licensed GE approved by the DENR
- Map should contain both technical and physical description
- Zoned residential area by LGU (certification from city/municipal planning office or zoning ordinance)

Depart
Commun

APPLICA

De
Com:

Application No.:

reside
duty :

Name of Applicant:

Address:

Citizenship:

Age: _____ If:

Date of Birth:

Location of residence:

Lot No.: _____

Land Area: _____

Applicant's prede-

Date of entry by

land applied for:

I declare, I
are not more than
good faith and to
are true and cor-

APPL

- Application Form with complete attachments
- Certification that the land applied for is classified as agricultural (alienable and disposable)
- Application Form with complete attachments
- Certification that the land applied for is not needed for public use or purpose from the LGU Planning and Development Office
- Copy
- LGU zoning ordinance showing that the land subject of the application is zoned as residential area
- Simplified Application Form
- Certificate of posting of Notice of Application
- Two (2) copies of the application form
- Investigation and Ocular Inspection Report
- CTC 1
- Issue
- Order of issuance of residential free patent
- land application
- Accomplished Judicial Form
- application
- Transmittal letter to PENRO

Processing of FP Applications

- Applications at the CENRO level- to be processed within 120 days including notices
- Forward to PENRO
- PENRO must act within 5 days

Restrictions for Residential FPs

- **NONE :**
- Land can be immediately used for commerce or financial lending services

The Agricultural Free Patent Reform Act of 2019 or R.A. 11231 (*effective March 2019*) **removes the restrictions on agricultural free patents under Commonwealth Act (C.A.) No. 141 or Public Land Act of 1936.** The restrictions removed by the law are as follows:

- >Five (5) year prohibition on encumbrance and alienation (Sec. 118 of C.A. 141);
- >Five (5) year right to repurchase (Sec. 119 of C.A. 141), and
- >Prohibition on corporation, association, or partnership to acquire or own an agricultural free patent (Sec. 121 of C.A. 141).

Restrictions of Special Patents (1)

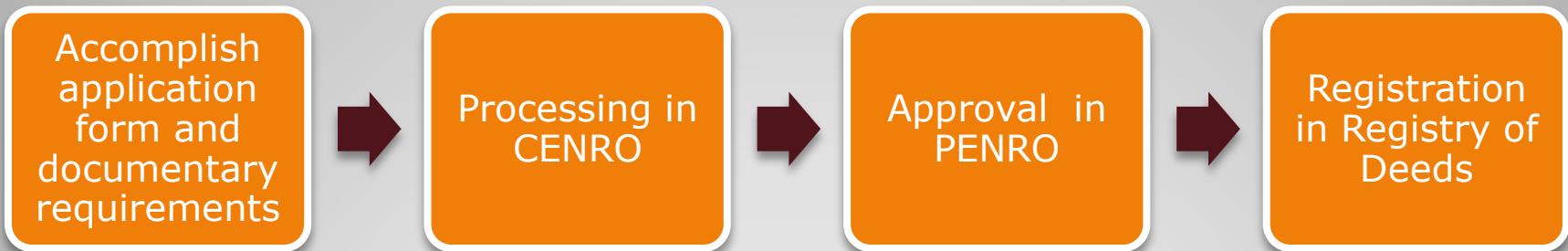
- Patents issued under the name of DepEd (for public schools), LGU (for municipal halls, public plazas or parks) and concerned agency (for other government institutions)
- Used for public service or public use (*DAO 2010-12*)

Restrictions of Special Patents (2)

- Cannot be disposed/sold or (leased) without authority from Congress if NGA or the Sanggunian through an ordinance if LGU property



Process Flow



Application

Copy of DENR approved Plan

Copy of technical description

Simplified sketch

Two affidavits of disinterested person

Certification of no pending land registration proceedings from the RTC

Processing at the CENRO

Application form with complete attachments

A and d certification

Certification fro LGU that land is not needed for public use/purpose

Zoning ordinance/zoning certification from LGU

Posting and Certificate of posting

Investigation/ocular inspection and report

Order if Issuance of patent

Transmittal to PENRO

Approval at PENRO

Review and approval of Patent

Transmittal to Register of deeds

Registry of Deeds

Registration of Patent

Distribution to title owner

Disposition of Alienable and Disposable Public Lands

Land Classification

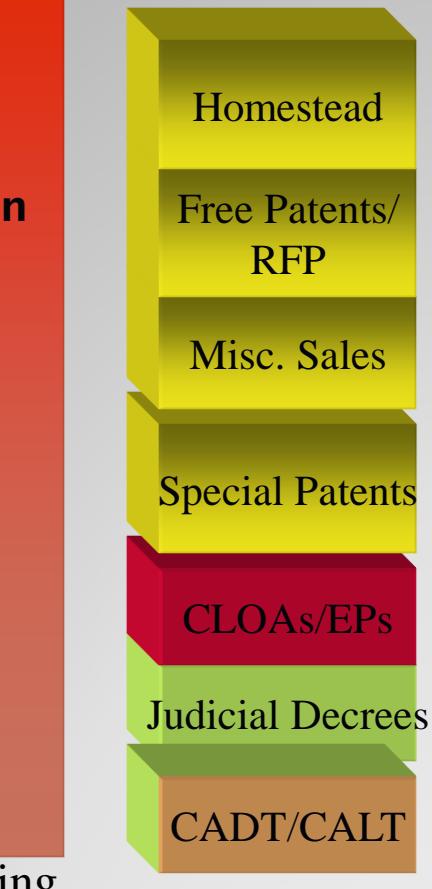
Geodetic Controls

Cadastral

Parcellary Surveys

Survey and Mapping

DENR



DENR/DAR/NCIP
COURT/LRA

Titling

Original Registration

Register of Deeds

Subsequent Registration

Register of Deeds

