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MEMORANDUM ORDER NO. 119

PROVIDING GUIDELINES FOR THE IMPLEMENTATION OF PROCLAMATION NO. 172 DATED OCTOBER 16, 1987.

WHEREAS, Proclamation No. 2476 dated January 7, 1986, excluded from the operation of Proclamation No. 423, dated July 12, 1957, which established the Fort William Mckinley (now known as Fort Andres Bonifacio) Military Reservation, situated in the Municipality of Pasig, Taguig, Pateros, Parañaque, and Pasay City, Metropolitan Manila, certain portions of land embraced therein (subject to actual survey) with a total area of 4,436,478 square meters, more or less, known and identified as the regular barangays of Lower Bicutan, Western Bicutan and Signal Village, situated in the Municipality of Taguig, Metro Manila, and declare the same open for disposition in accordance with R.A. No. 730 in relation to the provisions of the Public Land Act, as amended;

WHEREAS, Proclamation 172 dated October 16, 1987 superseded Proclamation No. 2476 which has been rendered of no force and effect; and

WHEREAS, it is deemed proper and necessary that the aforesaid Proclamation No. 172 dated October 16, 1987 should be implemented to achieve the purposes and objectives of the government as embodied in the said proclamation;

IN VIEW THEREOF, the following guidelines are hereby issued:

1. The Director of Lands is hereby authorized to proceed with the implementation of Proclamation No. 172 dated October 16, 1987 and to exercise exclusive jurisdiction over the parcels of land which are hereby excluded and declared open to disposition subject to the authority of the Policy Committee and the Committee on Awards as herein provided. The Director of Lands and the Advisory and Consultative Council for the areas subject to the proclamation shall jointly compose the Policy Committee which shall formulate and adopt such policies and rules as may be necessary to insure the efficient and effective implementation of the aforesaid proclamation and provisions of this Order and to provide solution to problems which may arise in relation thereto. The Advisory and Consultative Council which is to be duly accredited by the Presidential Commission for the Urban Poor (PCUP), shall be composed of representatives from the military as may be

designated by the Department of National Defense, the Bureau of Lands, the municipal government, the barangay, and the organization of the residents in the areas involved.

2. For the proper implementation of Proclamation No. 172 dated October 16, 1987, the Director of Lands is authorized to conduct a relocation or actual survey covering the areas embraced in the aforesaid proclamation to determine the specific location and boundaries of these areas after which visible signs must be established to indicate said boundaries. Each barangay in cooperation with the Director of the Bureau of Lands shall conduct a survey to determine the number of occupants found in these areas and the specific portions occupied by them. In conducting the relocation survey, the Director of Lands shall allow interested parties or their representatives to observe the proceedings subject to such rules, regulations and instructions as may be prescribed on the matter.

3. The Director of Lands is hereby authorized to conduct a subdivision survey over the areas embraced in Proclamation No. 172 dated October 16, 1987 in accordance with existing laws, rules and regulations, and to determine the classification, number and sizes of the lots contained therein, subject to the approval of the Secretary of Environment and Natural Resources. However, with respect to the residential, lots which may be established within the proclaimed areas, the area of each residential lot shall be that which is actually occupied but in no case shall exceed Three Hundred (300) square meters subject to reduction due to extremely meritorious grounds to be determined by the Policy Committee.

The subdivision survey authorized under this section may be undertaken by the applicant with respect to the parcel of land actually held and occupied by him or her and for which the said applicant has filed the proper application showing that the applicant is qualified to acquire the same, provided, however, that the said applicant shall submit a formal request for the purpose with the Director of Lands and such independent subdivision shall be subject to the supervision and control of the Director of Lands. In determining whether or not a request for authority to conduct an independent or separate subdivision survey may be granted, the Director of Lands shall take into consideration the objective of the government to expedite the disposition of lands covered by the aforementioned proclamations.

4. A Committee on Awards is hereby created composed of the Director of Lands as Chairperson, and with the following as members: a representative of the Military to be designated by the Department of National Defense, the Mayor

of the Municipality of Taguig, the Congressman of the Congressional district where the proclamation areas are located, a representative of the Advisory and Coordinating Council duly accredited by the Presidential Commission for the Urban Poor, a representative of the residents of the areas involved who shall be recommended by the residents and a representative of the Presidential Commission for the Urban Poor.

However, in Lot 2, Western Bicutan, a Committee to be headed by the Chief of Staff, Armed Forces of the Philippines in conjunction with the Director of the Bureau of Lands shall dispose of the said lots.

The Committee shall implement the rules and policies formulated by the Policy Committee. It shall also adopt its own rules governing its operations and proceedings provided that such rules are not inconsistent or in conflict with Proclamation No. 172 dated October 16, 1987 in the provisions of this order and the policies laid down by the Policy Committee.

The Committee on Awards shall be authorized to study, evaluate and make its recommendations on the applications to purchase the lands which have been declared open to disposition pursuant to Proclamation No. 172 dated October 16, 1987 and on the basis of its findings the Committee may approve or disapprove such applications. In the exercise of this functions, the Committee shall be guided by the following:

(1) He/She must be a bonafide resident of the proclaimed areas. To be considered a bonafide resident, the applicant must have the following qualifications:

- a) A Filipino citizen of legal age and/or a head of the family;
- b) Must have constructed a house in the area proclaimed for disposition on or before January 6, 1986 and actually residing therein; .
- c) Must not own any other residential or commercial lot in Metro Manila;
- d) Must not have been a registered awardee of any lot under the administration of the NHA, MHS, or any other government agency, nor the AFP Officer's village;
- e) Must not be a professional squatter. A professional squatter, for purposes of this Order, is one who engages in selling lots in the areas proclaimed for disposition; and

f) Has filed the proper application to purchase

In case a person who is not a bonafide resident as the term herein defined, the Committee on Awards may nevertheless give due course to the application filed by said applicant if said applicant is of legal age and is the member of the immediate family of a bonafide resident, or the head of the family who is a tenant in established residences in the area, or who has constructed a house within the proclaimed area and is actually occupying after January 7, 1986 but not later than March 5, 1987, provided further that the lot being applied for is a vacant lot or a lot which has been abandoned or a lot of which has been cancelled for a valid cause.

In the disposition of the lands under Proclamation No. 172 dated October 16, 1987, priority shall always be given to the bonafide occupants thereof. Second priority shall be given to occupants of houses constructed before March 5, 1987 in the following compounds within Western Bicutan, namely, Food Terminal Inc., Technological University of the Philippines and the Population Commission.

Bonafide residents who may have to be relocated for some reasons shall be moved to vacant areas other than farmlands within the Proclamation. Vacant lots in the proclaimed areas may be allocated as sites for schools, health centers, sports center, public markets and other government community projects.

A vacant lot for purposes of the abovementioned rule is a lot within the proclaimed areas which is not under the actual occupation and possession of any person and has not been awarded to a qualified applicant by the Committee on Awards created under the provisions of this Order. An abandoned lot is a lot which has been awarded to a qualified applicant who has abandoned the same without complying with the requirements prescribed by law and under the rules and regulations governing the disposition of such lot.

The Committee on Awards shall also determine whether or not the applicant has properly complied with the requirements prescribed by law and the rules and regulations governing the disposition of such lot.

The processing of the applications to purchase the land disposable under the aforementioned Proclamation No. 172 dated October 16, 1987, shall be conducted in accordance with procedures and requirements prescribed under the existing rules and regulations of the Bureau of Lands governing the sale of public lands in so far as such rules and regulations are not inconsistent or in conflict with the provisions of this Order. In this regard, the Committee on Awards shall adopt appropriate measures to ensure that the ocular inspection

and every case and to determine whether or not the applicant is in actual occupation, and that a final confirmatory report shall be submitted to the Committee as part of the requirements for the approval of the application.

Any person who is adversely affected by an order or decision of the Committee on Awards in connection with his or her application to purchase a parcel of land or lot within the proclaimed areas under Proclamation No. 172 dated October 16, 1987 may appeal such order or decision to the Secretary of Environment and Natural Resources within fifteen (15) days from receipt of such order or decision.

In case any of the Members of the Committee on Awards shall resign or shall be incapacitated to perform the duties of his office such Member may be replaced upon the recommendation of the local government concerned or of the residents in the proclaimed areas, as the case may be, to the Director of Lands. The Members of the Committee may be granted reasonable allowances for services rendered to the Committee upon the recommendation of the Director of Lands and with the approval of the Secretary of Environment and Natural Resources, subject to the availability of funds and the usual accounting and auditing rules and regulations.

5. Pursuant to Proclamation No. 172 dated October 16, 1987 and in accordance with the provisions of Act No. 3038 and Republic Act No. 730, in relation to the provisions of the Public Land Act, as amended, such part or parts of the areas, which, under the aforesaid proclamations, are declared open to disposition, or are used or ear-marked for public or quasi-public purposes, or are occupied by permanent military installations and facilities, shall be excluded from such disposition.

Except in favor of the Government or any of its branches or agencies, all lands disposed of under the provisions of the aforesaid Proclamation No. 172 dated October 16, 1987 shall not be subject to alienation or encumbrance except for housing loan purposes for a period of ten (10) years from the date of the issuance of the title nor shall they be liable to the satisfaction of any debt other than Housing Loans contracted prior to the expiration of ten years-period provided for herein, and before twenty-five (25) years after the issuance of title, no alienation, transfer, or conveyance of any land disposed of under the provisions of the aforesaid proclamation shall be valid without the approval of the Secretary of Environment and Natural Resources upon the recommendation of the Director of Lands, which approval shall not be denied except on legal and constitutional grounds.

6. With reference to the farmlands situated within the proclaimed areas under Proclamation No. 172 dated October 16, 1987 the persons who are in actual occupation and possession and have been cultivating the aforesaid farmlands shall be given priority in the purchase of these farmlands provided that such persons are qualified under the provisions of the Public Land Act to apply for purchase of agricultural public lands. Awards of farmlands shall not exceed one hectare. It is hereby declared that as a matter of policy the aforesaid farmlands shall not in any manner be reduced or converted for commercial or other purposes, particularly in a manner which will adversely affect the rights and interest of the farmers who are now cultivating these farmlands.

7. In the sale of lands which are open to disposition under the provisions of Proclamation No. 172 dated October 16, 1987 the selling price of the residential lots shall be FIFTEEN PESOS (P15.00) per square meter, as determined by the Land Administrative Order of the Department of Environment and Natural Resources and provided further that no lot shall be sold at a price lower than P500.00. Payments for the lots may be made in cash or in ten (10) equal annual installments. In the case of agricultural lands, the selling price shall be determined by the policies and procedures laid down by the Department of Agrarian Reform.

8. The Director of Lands shall have the authority to order the cancellation of the award and the revocation of the sale if the person to whom the land has been awarded and sold fails to pay the purchase price as stipulated in the contract of sale, or fails to pay at least two or more installments, notwithstanding the fact that proper demand has been made to secure such payment, or if it is shown that the award made in favor of such person was secured through fraud and misrepresentations, or if such person has committed a violation of the terms and conditions of the award made in his favor. In such a case, all previous payments made by the awardee or purchaser shall be forfeited in favor of the government and all improvements made on the land shall belong to the government, unless such improvements can be removed without impairing the value of the land and without any expenses on the part of the government.

The order of cancellation of the award and the revocation of the contract of sale may be appealed by the person who is adversely affected by the said order to the Secretary of Environment and Natural Resources within fifteen (15) days from the receipt thereof.

The Committee on Awards retains the power to award anew any lot subject of a previous award which has been cancelled.

9. In cases involving conflicts of claims over the lands embraced in the aforementioned Proclamation No. 172 dated October 16, 1987, the Policy Committee shall formulate rules and regulations of solving the same. The Policy Committee shall adopt and enforce appropriate measures to prevent the occurrence of incidents involving conflict of claims in the aforementioned proclamation.

In this connection, it shall be the duty and responsibility of the Policy Committee to adopt and enforce adequate and effective measures to prevent the entry of squatters and other unauthorized persons in the areas covered by Proclamation No. 172 dated October 16, 1987 and the making of illegal constructions or structures in the areas, and the Director of Lands shall cause the removal of such illegal constructions or structures as may be found in the aforesaid proclaimed areas, subject to the existing laws, rules, regulations applicable on the matter. In the performance of the duty and responsibility herein stated, the Director of Lands may avail of the services of the law-enforcement agencies, including the military, by making the proper request for the purpose.

10. All orders, issuances, and rules and regulations which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

This Memorandum Order shall take effect immediately.

By authority of the President:


CATALINO MACARAIG, JR.
Acting Executive Secretary

Manila, October 16, 1987