

9th National Convention of the Organization of Socialized and Economic Housing Developers of the Philippines (OSHDP)

Cebu City
August 24, 2018

- **Streamlining** means adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government.

SIMPLIFIED REQUIREMENTS – we could claim that ours has the least documentary requirements and these are all facilitative in the evaluation of the application. We have sixteen (16) items under our Documentary Requirements:

- **DOCUMENTARY REQUIREMENTS**

1. Notarized Sworn Declaration of Application for Land Use Reclassification;
2. Proof of Ownership of Land e.g. Certified of True Copy of the Original Certificate of Title or Transfer of Certificate of Title (OCT/TCT) and/or other documents establishing ownership certified by the Registry of Deeds not later than thirty (30) days prior to filing. If at time of application, the landholding is an untitled agricultural land, the following shall be required in lieu of certified true copy of the title:
 - 2.1 Certification from DENR Community Environment and Natural Resources (CENRO) that the landholding has been classified as alienable and disposable.
 - 2.2 Certification from DENR CENRO (for administrative confirmation of imperfect title) of the Clerk of Court of regular courts (for judicial confirmation of imperfect title) that the titling process/ proceeding has commenced and there are no adverse claimants.
3. Certification from Department of Agrarian Reform (Certificate of Non-CARP Coverage) to be signed by the MARO of PARO;
4. Special Power of Attorney (if Petitioner/Applicant is other than the owner of the land or Board Resolution if the owner is a corporation (with signature of members);
5. Vicinity Map of the area with sufficient reference points;
6. Parcellary Map prepared and signed by a Licensed Geodetic Engineer indicating the Name of Owner, Title No., Area and Geographic Coordinates;

7. Zoning Certification from the HLURB signed by the Regional Officer/ Deputized Zoning Administrator on the actual zoning or reclassification on the land subject of the application on the approved and updated CLUP;
8. Clear, colored photographs of the area (5R size) taken during the field investigation including the adjoining areas with captions duly certified by a Member of RTECLUM Inspection Team;
9. Certification from NIA (Certificate of Irrigation Coverage) to be recommended by the Regional Irrigation Manager and signed by NIA Administrator;
10. Certification from SRA (Certificate of Coverage/Non-Coverage) signed by the SRA Administrator;
11. Certification from PCA (Certificate of Inspection and Verification) signed by the Regional Manager;
12. Certification from PhilFIDA, if applicable;
13. Certification from BFAR, if applicable;
14. Certification from BAI, if applicable;
15. Official Receipt of payment of filing fee and inspection fee; and
16. Field Investigation Report by the RTECLUM

- Documentary requirements Nos. 1-2; 4-6; and 8 provide reference to the applied properties. These answers the questions: “What are the properties applied” and “Who are the Applicants/Petitioners or the Authorized Representative of the application?”). So that leave us with 10 more documentary requirements;
- Documentary Requirements Nos. 12-14 are “If Applicable” only. It is not mandatory. So that it leaves us with 7 more...;
- Documentary Requirement No. 15 is not difficult to secure. That leaves us with 6 more...;

- The other six (6) requirements facilitate the technical evaluation and eventual recommendation as to the eligibility for reclassification of agricultural lands. These are documentary requirements No. 3, 9, 10 11 and 16: Certifications from the Department of Agrarian Reform (DAR) , Housing and Land Use Regulatory Board (HLURB), National Irrigation Administration (NIA), Sugar Regulatory Administration (SRA), Philippine Coconut Authority (PCA), and Field Investigation Report by RTECLUM.
- As for the mandatory submission of SRA and PCA certifications... the two agencies have their Governing Boards who decide their offices' policies. It is their respective Governing Boards who made these requirements mandatory. By the way, the PCA is under the Office of the Cabinet Secretary.

2. PROCEDURE – we have two Committees involved in the land use reclassification: 1) the Regional Technical Evaluation Committee on Land Use Matters or the RTECLUM, and the 2.) NTECLUM of which yours truly is the Chairperson.

- These two committees have distinct roles. The DA AO No. 01, series of 2017 clearly specifies the roles of these Committees. However, in very rare case, the NTECLUM also conducts its own field investigation on the properties applied. This I again emphasize, very rare occasion.

FORWARD LOOKING.....

- The law provides that *“..... and for highly technical application, the prescribed processing time shall **in no case be longer than twenty (20) working days** or as determined by the government agency or instrumentality concerned, whichever is shorter”* [(Section 9 (b) (1)].
- Our timeline for the issuance/ release of the DA certification for land use reclassification is thirty (30) working days upon receipt of complete documentary requirements and payment of required fees. However, this is longer compared with what the law requires.

- We are constrained to meet our timeline not only because of cases wherein we cannot have a meeting quorum (a gentle reminder, this is an interagency committee!) but because more so of the completeness of the documentary requirements. There were many cases that the contents of the documentary requirements does not contain the information needed by the Committee or there are inconsistent information in the submitted certifications, among others

- Further, we would like to mention that at present we are also constrained to resolve land use reclassification applications because of the requirement as per :

- (1) Memorandum Circular (MC) No. 54, Series of 1993, with subject title: *“Prescribing the Guidelines Governing Section 20 of RA 7160 Known as the Local Government Code of 1991 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses”*; and
- (2) Joint HLRB, DAR, DA, DILG Memorandum Circular, with subject title: *“Prescribing the Guidelines to Implement MC 54 (The Authority of Cities and Municipalities to Reclassify Lands Within The Limits Prescribed By Section 20 of RA 7160 Otherwise Known As The Local Government Code of 1991)”*.

These are two circulars requiring the certification from the Department of Agriculture or consultation with DA prior to the enactment of an ordinance approving the reclassification of agricultural lands to non-agricultural uses.

- To address the incompleteness of documentary requirements, we have prepared series of workshops to be conducted with the RTECLUM. This is a nationwide activity. Our activity will start early this September.
- On the compliance of LGUs to MC No. 54 and Joint Memorandum Circular of HLRB, DAR, DA, DILG, we will seek the Department of Justice Opinion. The Resolution seeking the DOJ opinion is for finalization.
- Furthermore, we would like to inform you that we are a growing committee. We are evolving and relevant to the changing time like your organization. There is a plan to amend some provisions in our present guidelines in view of the suggestions from our stakeholders.

- Lastly, may I say, the Department of Agriculture is not an adversary of housing developers. We recognize the importance of other basic needs, like housing, of our human population. But please, we ask your strong support to help us preserve the good agricultural lands for our **food security**.
- **Thank you.**