



Republic of the Philippines
OFFICE OF THE SECRETARY
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Administrative Order

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SUBJECT: IMPLEMENTATION OF ACQUISITION OF LAND FOR RIGHT-OF-WAY, SITE OR LOCATION FOR AGRI-FISHERIES INFRASTRUCTURE PROJECTS OF THE DEPARTMENT OF AGRICULTURE

WHEREAS, Republic Act No. 10752 (R.A. No. 10752) otherwise known as "The Right-of-Way Act" was enacted to ensure that all persons whose real property is affected by national government infrastructure projects are promptly paid just compensation for the expeditious acquisition of the required right-of-way (ROW).

WHEREAS, pursuant to Section 3 of R.A. No. 10752, the term "national government projects" shall refer to all national government infrastructure projects and its public service facilities, engineering works and service contracts, including projects undertaken by the government-owned and -controlled corporations, all projects covered by the RA No. 6957, as amended by RA No. 7718, otherwise known as the "Build-Operate-and-Transfer Law", and other related and necessary activities, such as site acquisition, supply or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair and rehabilitation, regardless of source of funding.

WHEREAS, pursuant to Section 4 of R.A. of No. 10752, the government may acquire real property needed as right-of-way, site or location for any national government infrastructure projects through donation, negotiated sale, expropriation, or any other mode of acquisition as provided by law.

WHEREAS, pursuant to Section 10 of R.A. No. 10752, the government shall provide adequate appropriations that will allow the concerned Implementing Agencies to acquire the required right-of-way, site or location for national government infrastructure projects in advance of project implementation. The appropriations shall include the funds needed to cover for activities directly related to right-of-way acquisition for the projects.

WHEREAS, Section 18 of the Implementing Rules and Regulations of R.A. No. 10752 (IRR of R.A. No. 10752) states that, "To provide clear, specific, and operational guidelines for the efficient acquisition of land for ROW for its infrastructure projects, each IA shall prepare and implement its own "Manual of Procedures for Acquisition of Land for the ROW".

WHEREAS, the Department of Agriculture (DA) is implementing agri-fisheries infrastructure projects such as, but not limited to Farm-to-Market Roads (FMRs), Small-Scale Irrigation Projects (SSIPs), Production, Postharvest and Processing Facilities, Agricultural Trading Centers, Fish Ports, and offices of the Department. These interventions are key investments of the Department in accomplishing its mandate of promoting agricultural development by providing public investments and support services.

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Pursuing the goals of the Department, implementation of agri-fisheries infrastructure projects unlikely to cause dislocation of land properties or livelihood of landowners. However, ROW for agri-fishery infrastructure projects will need to be secured which may require loss of land, crops or structures that are significant for the smallholder families or families who are non-members of the farmer's organization that will be supported by the project.

Moreover, ROW settlement and acquisition of sites for agri-fishery infrastructure projects continues to be a major challenge, causing delays in the implementation of projects and underutilization of programmed funds. Thus, it is a current budget policy that all proposed infrastructure projects should have settled ROW issues prior to funding.

WHEREAS, Section 24 of Republic Act No. 10601 (R.A. No. 10601) or the "Agricultural and Fisheries Mechanization (AFMech) Law" states that, "Pursuant to Section 46 of Republic Act No. 8435, otherwise known as the "Agriculture and Fisheries Modernization Act of 1997", a Bureau of Agricultural and Fisheries Engineering (BAFE) is hereby created as a regular bureau of the DA which shall be under the supervision of the DA Undersecretary and shall have the following functions and responsibilities:

- a. Coordinate, oversee and monitor the national planning and implementation of agri-fisheries engineering, farm-to-market road and other agri-fisheries infrastructure projects
- b. Assist in the national planning, coordination and implementation of the national agricultural and fisheries mechanization programs;
- c. Prepare, evaluate, validate and recommend engineering plans, designs and technical specifications on agri-fisheries mechanization and infrastructure projects; and
- d. Oversee and provide technical assistance to the s of the agricultural engineering divisions of the DA-Regional Field Offices (RFOs).

NOW THEREFORE, this order is issued to provide the Department of Agriculture (DA) the general guidelines including the institutional arrangements and operationalization of ROW, site, or location acquisition and settlement.


Section I RATIONALE

To address the issues on ROW, this Administrative Order has been prepared to provide the various infrastructure implementing offices under the Department of Agriculture with a clear and uniform guide on the general rules and procedures to jumpstart the institutionalization of the implementation of acquisition of ROW, site or location for agri-fishery infrastructure projects, in accordance with the provisions of RA No. 10752 and its IRR, to enhance the efficiency of implementing the said projects.

Section II OBJECTIVES

This Administrative Order aims to:

1. Provide general guidelines on the acquisition of ROW, site or location for agri-fisheries infrastructure projects of the Department, which will serve as a guide to both property owners/Project-Affected Persons (PAPs) and Implementing Offices (IOs);

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2. Establish interim institutional arrangements to implement ROW acquisition in the Department of Agriculture; and
3. Provide guidance on the appropriation of budget for ROW acquisition and project implementation.

Section III SCOPE

The acquisition of ROW and site shall cover all agri-fisheries infrastructure projects of the Department as intended for public use or purpose that would affect private/government properties. The guidelines will apply to all DA bureaus, regional field offices, attached agencies and corporations that are implementing infrastructure projects.

Section IV DEFINITION OF TERMS

The following terms shall apply to this Administrative Order:

Implementing Agency (IA) refers to any department, commission, authority or agency of the national government, including any government-owned or -controlled corporation or state college or university, authorized by law or its respective charter to undertake national government projects. The DA as a whole is an IA.

Implementing Office (IO) refers to the DA bureaus, regional field offices, attached agencies and corporations of the Department of Agriculture as well as other stakeholders (GOCC, LGU, SUC, and private institutions) authorized to implement agricultural infrastructure projects through a memorandum of agreement or other legal contract with the Department (See Annex A for the list of IOs).

Agri-fisheries Infrastructure Project refers to the construction, improvement, rehabilitation and maintenance of agri-fisheries production and postharvest facilities, farm-to-market road, irrigation structures and other similar or related infrastructure works and services of the Department (See Annex B for the list of Agri-infrastructures).

Project-Affected-Persons (PAPs) refers to the people directly affected by land acquisition for a project through loss of part or all of their assets whether temporarily or permanently including land, houses, or other structures, crops/trees or other types of asset.

Parcellary Survey refers to the activities undertaken as a part of the Detailed Engineering Design of a project to define the proposed ROW alignment and limits, the affected lots showing the name of the owners, lot numbers, areas, technical descriptions and all structure or improvements within the ROW limits.

Replacement Cost refers to the cost necessary to replace the affected structure or improvement with a similar asset based on current market prices.

Right-of-Way (ROW) means a part or the entirety of a property, site, location, with defined physical boundaries, used or required by a government infrastructure project.

ROW Action Plan (RAP) refers to the document that defines the extent of the ROW to be acquired for a project, including, among other things, cost estimates for acquiring land, structures/improvements, crops/trees, relocation of informal settlers, entitlement survey and recommended compensation and entitlement package for owners and project-affected persons (PAPs), implementation schedule, and impact and mitigating measures for the ROW acquisition.

Site or Location refers to the land or property where the agri-fishery infrastructure project will be constructed/established.

Section V MODES OF ACQUISITION OF ROW, SITE OR LOCATION

As provided in Section 4 of RA No. 10752, the following are the regular modes of acquisition

a) Donation

To acquire ROW by requesting the property owner to donate the land needed for the implementation of agri-fisheries infrastructure projects. In accordance with Section 5 of RA No. 10752 and its IRR, the IO may explore the mode of donation of the needed portion or whole of the affected property, i.e., lots with or without improvements, by the property owner concerned, which may be a private individual/corporation or a government agency/corporation.

b) Negotiated Sale

If donation is not feasible, negotiated sale for the acquisition of the property shall be pursued based on the provisions of RA No. 10752 and its IRR. Thus, the first and final price offer shall be the sum of (i) the current market value of the land, (ii) replacement cost for structures and improvements, and (iii) the current market value of the crops and trees.

c) Expropriation

Whenever the property owner refuses or fails to accept the price offer of the IO for negotiated sale or fails and/or refuses to submit the documents necessary for payment, or when negotiation is not feasible, then the concerned IO shall initiate the expropriation proceedings by filing a verified complaint before the proper court.

The other modes of ROW acquisition are the following:

a) Acquisition of Properties under Commonwealth Act (CA) No. 14

As provided in Section 4 of the Act, in cases of lands granted through CA No. 141, dated 07 November 1936, known as the Public Land Act, and its amendments, the IO shall:

- a.1. follow the other modes of acquisition enumerated in the IRR of RA 10752, if the landowner is not the original patent holder and any previous acquisition of said land is not through a gratuitous title; or
- a.2. follow the provisions under CA No. 141 regarding acquisition of ROW on patent lands, if the landowner is the original patent holder or the acquisition of the land from the original patent holder is through a gratuitous title.



b) Exchange or Barter

Instead of being paid the money value of his property, the owner of a property needed for a ROW of a national government project may request the Department of Agriculture to exchange or barter an old abandoned government property near the project with his said property. The IO may favorably consider this mode especially when the lot being taken is the owner's only lot subject to the provisions of relevant laws and the following conditions provided in Section 9 of the RA 10752 and its IRR:

c) Easement of Right-of-Way

If the portion of a lot needed for a ROW is minimal, such that the expenses for surveying or segregating that portion from the main lot would be very much more than the value of the part of the lot needed, the IO may, if the property owner agrees, resort to the mode of Easement of ROW provided under the Civil Code. Under this mode, a ROW easement agreement shall be executed by the property owner and the IO whereby the former will grant the latter the right to use the affected portion of the lot as ROW, but the owner retains ownership of that portion of the lot. The IO shall pay the owner the value of that portion of the lot and the replacement cost of any improvements and structures on the land affected by the ROW in accordance with Section 6.6 of RA 10752 and its IRR. The mode of ROW acquisition through easement agreement may also be used in government agency-to-agency transactions, including those involving government-owned and controlled corporations.

d) Acquisition of Subsurface Right-of-Way

As provided in Section 4 of RA No. 10752, when it is necessary to build, construct, or install on the subsurface or subterranean portion of private and government owned lands owned, occupied or leased by other persons, such infrastructure as subways, tunnels, underpasses, waterways, floodways, or utility facilities as part of the government's infrastructure and development project, the government or any of its authorized representatives shall not be prevented from entry into and use of such private and government lands by surface owners or occupants, if such entry and use are made more than fifty (50) meters from the surface

e) Other modes authorized by law

**Section VI
GENERAL POLICIES**

The implementation of ROW acquisition in the Department of Agriculture shall be guided by the following policies:

1. ROW settlement shall be observed in all infrastructure projects financed by the Department of Agriculture. Implementing offices shall have ready requirements for right of way acquisitions during budget preparation phase. This is to ensure that projects are shovel ready and ready for implementation upon the approval of the General Appropriation Act.
2. The Bureau of Agricultural and Fisheries Engineering (BAFE) shall oversee the national planning, implementation and monitoring of ROW. All Implementing Offices shall establish their respective ROW Unit, which will collaborate with BAFE in implementing this Administrative Order.

3. The Implementing Offices thru its ROW/SES Unit shall formulate a ROW Action Plan (RAP) based on site validation in coordination with the concerned Local Government Unit (LGU). The RAP shall contain the description and extent of the lands, structures/improvements, and crops/trees to be acquired as ROW, the estimated costs and compensation due to the property owners and PAPs, the budget for all ROW costs including provision for inflation and contingencies, the schedule of implementation, and annual funding requirements.
4. The project affected and displaced persons will participate throughout the various stages of the planning and implementation of the infrastructure project. The project affected and/or displaced persons shall be fully informed about the program and about the provisions of the policy at consultation meetings held by the ROW/SES Unit and LGU. He/She must be informed of his/her rights for just compensation from the IO as well as his/her rights to partake of the benefits resulting from the project.
5. Where feasible, the first mode of acquisition shall be to request donation from the property owner.
6. If donation is not feasible, negotiated sale for the acquisition of the property shall be pursued based on the provisions of RA NO. 10752 and its IRR.
7. If the owner does not accept the price offer under negotiated sale within thirty (30) calendar days, the Implementing Office may initiate mode of expropriation with the appropriate court or decide to transfer the project.
8. Implementing Offices shall ensure that adequate funds for ROW settlement are provided to cover the following expenses for activities directly related to right-of-way acquisition:
 - i. Cost of parcellary surveys and appraisal of properties affected by the infrastructure projects;
 - ii. Compensation for project-affected land, structures, improvements, utilities, crops, and trees;
 - iii. Cost of development and implementation of resettlement projects;
 - iv. Related expenses of the Implementing Offices including applicable taxes and fees (e.g. capital gains tax, documentary stamp tax, transfer tax, registration fees for the transfer of titles, etc.), ECC/CNC application, conduct of FS and other relevant administrative expenses for right- of-way management like transfer of titles, and annotation of deeds.
9. The ROW settlement and acquisition cost shall be included under the DA budget proposal. Prior to the inclusion in the budget proposal and if warranted, the IO must obtain a notarized Deed of Donation/Deed of Absolute Sale, or Expropriation executed in the favor of the government.

Section VII INSTITUTIONAL ARRANGEMENT

At the national level, the Bureau of Agricultural and Fisheries Engineering (BAFE) shall oversee the implementation of this Administrative Order. For this purpose, the BAFE shall undertake the following:

- a. Prepare a Manual of Procedures detailing the implementation structures and procedures on acquisition;
- b. Ensure the creation of ROW Unit in the Implementing Offices;
- c. Evaluate the document validation and process review conducted by the ROW/SES Unit;
- d. Monitor ROW acquisition status in the implementing offices;
- e. Recommend actions on projects with problematic ROW;
- f. Provide capacity building on ROW acquisition, appraisal and valuation, among others;
- g. Review annual budgetary estimates for ROW; and
- h. Maintain database of acquired ROWs, site or location and review of conducted process for the acquisition of ROWs

The BAFE through the DA Secretary shall submit a Rationalization Plan to the Department of Budget and Management (DBM) for the creation of an organic ROW office pursuant to section 5 of Executive Order No. 366, Series of 2004.

Pending the submission and approval of the Rationalization Plan, each IO under shall create its own interim or ad hoc ROW/SES Unit.

The ROW/SES Unit will facilitate the acquisition of ROW including the conduct of social preparation (conduct of public consultation, identification of project affected person, inventory of affected structure, trees and property, facilitate settlement), preparation of the ROW Action Plan (RAP), parcellary and entitlement survey, verification of documents, propose budgetary estimate, facilitate payment of ROW, processing and transfer. The ROW/SES Unit shall be composed of the following staff:

1. Unit Leader
 - Oversee the overall management of the ROW acquisition activities;
 - Lead in the capacity development of the agency on ROW including the valuation and appraisal of properties;
 - Conduct periodic ROW assessment and oversee the consolidation of agency reports on the ROW implementation status;
 - Validate RAP;
 - Institute systems or mechanisms to ensure that grievance, feedback and complaints are properly documented, handled and addressed; and
 - Prepare and submit report on acquisition activities on a regular basis for submission to the Head of the Implementing office and BAFE.
2. ROW Officer/s
 - Formulate a ROW Action Plan (RAP);
 - Review the completeness, compliance and authenticity of the ownership documents (proof of ownership Certificate of Title / Tax Declaration, Deed of Sale or Donation for the site/ location including the access road, Land Classification – zoning ordinance and the processing of the transfer of ownership, and others) and to ensure that area where permanent facilities (warehouse and processing facilities) constructed are covered by



- sufficient security of tenure;
 - Prepare budgetary proposal for ROW appraisal and settlement and monitoring of financial accomplishments;
 - May serve as in-house appraiser; and
 - Monitor the status of ROW Acquisition and recommend appropriate actions.
3. Institutional Development Officer
- Facilitate social preparation including community consultations;
 - Serve as trainer or resource person in ROW related training programs for technical staff;
 - Lead in the negotiations; and
 - Act as Grievance Officer that shall conduct assessing, analyzing and resolving complaints and issues relating to the project at the lowest level possible;
4. Legal Officer (retainer/on-call)
- Advise the ROW Unit on the laws, rulings and regulations of RA No. 10752 and its IRR and relevant laws on Acquisition of land for ROW, site or location;
 - Prepare and review legal documents for the transfer of ROW;
 - Recommend legal action relevant to Acquisition of ROW;
 - Perform notary works of the legal documents.
5. Administrative Officer
- Process the legal documents required;
 - Maintenance of database of ROWs acquired and all supporting documents;
 - Preparation of documentary requirements for payment of compensation costs, taxes, fees;
 - Remittance of taxes and fees involved in ROW acquisition to the involved offices (BIR/LGU/Registry of Deeds);
 - Provide administrative assistance to the unit.

For the RFOs, the Regional Executive Directors shall designate technical staff from the RAED and FOD, through a Special Order (SO), to be deployed at the ROW/SES Unit. The remaining staff of the Unit may be organic staff of DA and detailed to the Unit on full or part time basis. Contract of service may also be engaged subject to existing rules of Civil Service Commission and the Department of Budget and Management. If the Legal service will be hired, the acquiescence of the Office of the Solicitor General (OSG) shall be served.

The BAFE, as the overall coordinator of ROW in the Department, shall ensure the creation of ROW/SES Unit in each of the Implementing Offices. It shall likewise consolidate the number of Contract of Service staff to be engaged by the Implementing Offices and forward it to the DA Secretary for appropriate approval.

The ROW/ SES Unit shall closely coordinate its activities with their respective Engineering Offices. Moreover, the ROW/SES Unit should coordinate with the concerned LGU during validation, negotiation/consultation meetings and preparation of ROW Action Plan. The LGU may also provide assistance during appraisal/valuation of site or land.

Section VIII
GENERAL PROCEDURES ON ACQUISITION OF LAND FOR ROW, SITE OR LOCATION FOR AGRI-FISHERIES INFRASTRUCTURE PROJECTS

These procedures shall be applicable to agri-fisheries infrastructure projects funded by the Department. Each Implementing Office must observe the following overall workflow for the ROW acquisition.

A. DONATION

The Implementing Office may explore the mode of donation of the needed portion or whole of the affected property, i.e., lots with or without improvements, by the property owner concerned, which may be a private individual/corporation or a government agency/corporation.

If the property owner agrees to donate the property to be acquired by the IO as ROW, a deed of donation shall immediately be prepared. The deed of donation shall be simple and unconditional and contain clauses to the effect that the donation is made not to defraud the donor's creditor's and that the donor has, if necessary, reserved for himself enough property for his family's subsistence, sustenance and support in case the donor is a private individual.

The donation must be accepted by the Implementing Office, which shall be indicated in the deed.

The Implementing Office shall pay the documentary stamp tax, transfer tax and registration fees, while the donor shall pay any unpaid real property tax.

B. NEGOTIATED SALE

1. Compensation Price

As provided in Section 5 of RA NO. 10752, the IO may acquire the required property through negotiated sale, by offering to the property owner a compensation price equivalent to the sum of (i) current market value, (ii) replacement cost of structures and improvements therein; and (iii) current market value of crops and trees therein.

2. Use of Government Financial Institutions and Independent Property Appraisers

To determine the appropriate price offer for the acquisition of ROW through negotiated sale, the Implementing Office may engage the services of either of the following:

- a. Government financial institution (GFI) with adequate experience in property appraisal to be selected by the IA through a competitive process; or
- b. Independent property appraiser (IPA) accredited by either the Bangko Sentral ng Pilipinas (BSP) or professional association of appraisers recognized by BSP.

The IPA shall be procured by the Implementing Office under the provisions of RA No. 9184, pertaining to consulting services.

For this purpose, the Implementing Office shall request from BSP and the professional association of appraisers their lists of IPAs. The BSP and the professional association of appraisers shall not be accountable for any acts of the IPAs stated in the list.



Whenever applicable, priority shall be given to the engagement of the services of a GFI.

The Implementing Office may use the appraisal reports of the GFI or IPA as one of the bases of the price offer for negotiated sale, consistent with the standards for assessment under Section 12 of the IRR. For this purpose, the Implementing Office is encouraged to develop its in-house personnel capable of validating appraisal reports.

2.1 Terms of Reference for GFIs and IPAs

As basis for the engagement of the service of a GFI or IPA, the Implementing Office shall prepare the Terms of Reference (TOR) for the services. In preparing the TOR, the Implementing Office may consult the GFI in case of services to be provided by the latter.

2.2. Engagement of GFIs

If the Implementing Office decides to engage the services of a GFI, it shall enter into a Memorandum of Agreement (MOA) with the GFI in accordance with the following conditions:

- i. The GFI is capable and has adequate experience to undertake the property appraisal services required by the IO;
- ii. The GFI must actually undertake the appraisal by administration using its own in-house manpower and resources; and
- iii. The IO shall pay the GFI an appropriate fee for its appraisal services in accordance with the terms of the MOA.

2.4 Procurement of IPAs

If the Implementing Office decides to engage the services of an IPA to determine the appropriate price of a property to be offered to the property owner through negotiated sale, the IPA must meet the following criteria to qualify for the consulting services:

- i. The IPA must be in the list of the BSP or of a professional association of appraisers recognized by the BSP, provided that IPAs not yet included in the list shall not be barred from joining the procurement for such services and provided further that prior to award of the contract, such IPAs shall be required to submit a proof that they are already included in the list; and
- ii. The IPA must comply with the experience and other eligibility requirements provided in RA No. 9184 and its IRR, including the registration and license required for a Real Estate Appraiser.

3. Replacement Cost

The Replacement Cost is the price that the Implementing Office will pay the owner to replace the existing structure, asset or improvement affected by the ROW. It shall be based on the current market prices of materials, equipment, labor, contractor's profit and overhead, and all other attendant costs associated with the acquisition and installation of a similar asset in place of the affected asset.

If the affected structure has been damaged, then the Replacement Cost should be based on the pre-damaged condition of that structure. The Replacement Cost of the structure may vary from

the market value of the existing structure since the structure that would actually replace it may have a different cost at current market prices. The replacement structure has to perform the same functions and meet the performance specifications as the original structure.

The Implementing Office may engage the services of a GFI or an IPA or request the assistance of the DPWH to determine such Replacement Cost.

If the Implementing Office will directly determine the Replacement Cost of structure or improvement, the following guidelines derived from DPWH standards for estimating civil works costs will be used:

- 3.1. The Implementing Office shall prepare basic plan and performance-type specifications for the structure to be replaced, generally considering its original condition.
- 3.2. Based on the basic plan and specifications prepared in Section 6.6.a of RA NO. 10752-IRR, the Implementing Office shall prepare the Replacement Cost of the structure.

The Replacement Cost shall be composed of the Estimated Direct Cost and the Estimated Indirect Cost of the replacement structure.

4. Acceptance or Rejection of Price Offer

As provided in Section 5 of the Act, the property owner is given thirty (30) calendar days from receipt of the written offer by the Implementing Office to decide whether or not to accept the offer as payment for his property. Upon refusal or failure of the property owner to accept such offer or if he fails and/or refuses to submit the documents necessary for payments, the IO may initiate the expropriation proceedings as provided in Section 7 of the IRR or transfer to another feasible site.

5. Owners of Structures and Improvements With No Rights to the Land

The provisions of Section 6.6 of the RA NO. 10752-IRR pertaining to the replacement cost of structures and improvements shall also apply to all owners of structures and improvements who do not have legally recognized rights to the land, and who meet all of the following criteria:

- a. Must be a Filipino citizen;
- b. Must not own any real property or any other housing facility, whether in an urban or rural area;
- c. Must not be a professional squatter or a member of a squatting syndicate, as defined in RA No. 7279, otherwise known as the "Urban Development and Housing Act of 1992;" and
- d. Must not occupy an existing government ROW.

6. Acceptance Taxes and Fees

As provided in Section 5(c) of the Act, the Implementing Office shall pay the account of the seller/owner, the Capital Gains Tax, as well as the Documentary Stamp Tax (DST), transfer tax, registration fees, while the owner shall pay any unpaid real property tax. The IO shall pay the CGT to the Bureau of Internal Revenue (BIR) based on the actual consideration stated in the Deed of Absolute Sale (DAS). In addition, the DST, transfer tax and registration fees for the



negotiated sale shall be paid by the Implementing Office in accordance with the pertinent laws and regulations.

Upon the request of the property owner, the Implementing Office shall remit to the Local Government Unit (LGU) concerned the amount corresponding to any unpaid real property tax, subject to the deduction of this amount from the total negotiated price, provided that the said amount is not more than the negotiated price.

7. Deed of Absolute Sale and Payments

As provided in Section 5(e) of the Act, the property owner and the Implementing Office shall execute a Deed of Absolute Sale after the property owner has submitted to the IA the Transfer Certificate of Title, Tax Declaration, Real Property Tax Certificate or Clearance as issued by the Treasurer of the concerned LGU and other documents necessary to transfer the title to the Republic of the Philippines. The Implementing Office shall cause the annotation of the Deed of Absolute Sale on the Transfer Certificate of Title.

In case of sale of land with structures and other improvements, the DAS shall provide a stipulation allowing the Implementing Office or its authorized representatives to demolish and remove them. The Deed of Sale shall also include a stipulation on the right of the IO to immediately enter the property and implement the project.

In case the sale pertains to structures and improvements only, as provided in Section 5(b) of the Act, the property owner and the Implementing Office shall execute an Agreement to Demolish and Remove Improvement (ADRI), provided that the former has submitted to the latter the necessary documents to establish proof of ownership of said structures and improvements, as mentioned in Section 6.8 of the IRR. Similarly, the Implementing Office shall remit to the LGU concerned the amount corresponding to any unpaid tax on such structures and improvements, subject to the deduction of this amount from the total negotiated price, provided that it is not more than the negotiated price.

Upon the execution of a Deed of Sale, the Implementing Office shall pay the property owner:

- a. Fifty percent (50%) of the negotiated price of the affected land, exclusive of the payment of unpaid taxes remitted to the LGU concerned under Section 6.9 of the IRR; and
- b. Seventy percent (70%) of the negotiated price of the affected structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned under Section 6.9 of the IRR.

Where the property owner owns both the land and structures/improvements, as provided in Section 5(g) of the Act, the Implementing Office shall, at the periods stated below, pay the property owner the remaining fifty percent (50%) of the negotiated price of the affected land, and thirty percent (30%) of the affected structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned under Section 6.9 of the IRR, provided that the land is already completely cleared of structures, improvements, crops and trees, as certified by the IO:

- a. At the time of the transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected; and
- b. At the time of the annotation of a deed of sale on the title, in cases where the land is partially affected.

Where the property owner owns only the land, as provided in Section 5(g) of the Act, the IO shall, at the periods stated below, pay the property owner the remaining fifty percent (50%) of the negotiated price of the affected land, exclusive of unpaid taxes remitted to the LGU concerned under Section 6.9 of the IRR:

- a. At the time of the transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected; and
- b. At the time of the annotation of a deed of sale on the title, in cases where the land is partially affected.

Where the property owner owns only the structures/improvements, as provided in Section 5(g) of the Act, the Implementing Office shall, at the periods stated below, pay the property owner the remaining thirty percent (30%) of the affected structures, improvements, crops and trees, exclusive of unpaid taxes remitted to the LGU concerned under Section 6.9 of this IRR, immediately after the IA has certified that the land is already completely cleared of structures, improvements, crops and trees.

- a. At the time of the transfer of title in the name of the Republic of the Philippines, in cases where the land is wholly affected; and
- b. At the time of the annotation of a deed of sale on the title, in cases where the land is partially affected.

The Implementing Office shall pay the CGT to the BIR within thirty (30) working days after (a) the release of the initial payments specified above or (b) the notarization of the Deed of Sale, whichever is earlier. The Implementing Office shall also pay the DST within five (5) working days after the close of the month when the Deed of Sale is notarized.

8. Outstanding Claims for ROW Payments

In accordance with Section 5 of the Act, the provisions of Section 6.1 of the RA-10752-IRR shall also apply to outstanding claims for right-of-way payments, except that the amount to be offered shall be the price at the time of taking of the property, including legal interest until fully paid, subject to the transitory provision in Section 19 of the IRR.

9. Special Cases

In case of untitled lands being acquired through negotiated sale, the Implementing Office shall compensate the owner using the procedures in Section 6 of the IRR, provided that the landowner shall present:

- a. Tax Declaration showing his and his predecessors' open and continuous possession of the property for at least thirty (30) years;
- b. Certification from the Department of Environment and Natural Resources (DENR) that the land is alienable and disposable; and
- c. Other documents that may show proof of ownership. In case of failure to establish ownership over the land, but where improvements are introduced thereon, the apparent property owner may be entitled to compensation for the said improvements subject to Section 6.8 of the IRR.

C. EXPROPRIATION

Whenever it is necessary to acquire real property for the ROW, site or location for any national government infrastructure through expropriation, which includes, among other, the case in Section 6.7 of the IRR where within thirty (30) working days, the property owner refuses or fails to accept the price offer of the Implementing Office for negotiated sale or fails and/or refuses to submit the documents necessary for payment, or when negotiation is not feasible, then the appropriate IO, through the Office of the Solicitor General (for national agencies), the Office of the Government Corporate Council (for government-owned and controlled corporations), or their deputized government or private legal counsel, shall initiate the expropriation proceedings by filing a verified complaint before the proper court.

Section IX TRANSITORY PROVISIONS

All Implementing Offices under DA shall establish its ROW/SES Unit within three (3) months after the effectivity of this Administrative Order. Similarly, the BAFE shall issue the "DA Manual of Procedures for Acquisition of Land for the ROW" within the same period.

Section X EFFECTIVITY

This Order shall take effect upon approval of the DA Secretary and shall supersede other issuances that are inconsistent herewith

APPROVED BY:



WILLIAM D. DAR, PhD.
Secretary

DEPARTMENT OF AGRICULTURE
PUNONG KATUNGGALAN NG MATAAS NA LALAKIPAN NG MATAAS NA LALAKIPAN
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Annex A.

LIST OF IMPLEMENTING OFFICES OF THE DEPARTMENT OF AGRICULTURE

I. Regional Field Offices (RFOs)

- a. Cordillera Administrative Region (CAR)
- b. Region I (Ilocos Region)
- c. Region II (Cagayan Valley)
- d. Region III (Central Luzon)
- e. Region IVA (CALABARZON)
- f. Region IVB (MIMAROPA)
- g. Region V (Bicol Region)
- h. Region VI (Western Visayas)
- i. Region VII (Central Visayas)
- j. Region VIII (Eastern Visayas)
- k. Region IX (Zamboanga Peninsula)
- l. Region X (Northern Mindanao)
- m. Region XI (Davao Region)
- n. Region XII (SOCCSKSARGEN)
- o. Region XIII (Caraga)
- p. Bangsamoro Autonomous Region of Muslim Mindanao (BARMM)

II. Bureaus

- a. Bureau of Soils and Water Management
- b. Bureau of Animal Industry
- c. Bureau of Fisheries and Aquatic Resources
- d. Bureau of Plant Industry

III. Attached Agency

- a. Philippine Center for Postharvest Development and Mechanization
- b. Philippine Fiber Industry Development Authority
- c. Philippine Fisheries Development Authority

Annex B.

INFRASTRUCTURES

- I. Commodity Transport Infrastructure
 - a. Farm-to-Market Road
 - b. Tramline
- II. Irrigation Facilities
 - a. Check Dam
 - b. Diversion Dam (DD)
 - c. Drip Irrigation
 - d. Hydraulic Ram Pump
 - e. Irrigation Canal
 - f. Pump Irrigation System for Open Source (PISOS)
 - g. Rock Fill Dam
 - h. Shallow Tube Well (STW)
 - i. Small Farm Reservoir (SFR)
 - j. Small Water Impounding Project (SWIP)
 - k. Solar-Powered Irrigation System (SPIS)
 - l. Spring Development (SD)
 - m. Sprinkler Irrigation
 - n. Wind Pump
- III. Production Facilities
 - a. Crops
 - i. Budwood Garden
 - ii. Clonal Garden
 - iii. Foundation Scion Grove
 - iv. Greenhouse
 - v. Nursery
 - vi. School Garden
 - vii. Seed Storage
 - b. Livestock
 - i. Broiler Housing for Broiler Production
 - ii. Cattle Ranch
 - iii. Dairy Cattle Housing
 - iv. Goat and Sheep Housing
 - v. Layer Housing for Layer Production
 - vi. Milking Parlor
 - vii. Multiplier Farm
 - viii. Swine Housing
 - c. Fisheries
 - i. Brackishwater Fishpond and Hatchery
 - ii. Freshwater Fishpond and Hatchery
- IV. Processing Facilities (Drying, Processing and Storage)
 - a. Crops
 - i. Banana Chips Processing Center
 - ii. Cacao Fermentation Facility
 - iii. Cacao Processing Center
 - iv. Calamansi Juice Processing Center
 - v. Cashew Nuts Processing Center
 - vi. Cassava Granule Drying Center (CGDC)
 - vii. Coffee Processing Center
 - viii. Coffee Roasting Center
 - ix. Cold Storage
 - x. Coconut Processing Center
 - xi. Drying Center
 - xii. Durian Pastries Processing Center
 - xiii. Fiber Processing Center
 - xiv. Grain Silo
 - xv. Guyabano Juice Processing Center
 - xvi. Mango Chips/Dried/Pickled Processing Center
 - xvii. Mango Juice Processing Center
 - xviii. Mangosteen Jam Processing Center
 - xix. Multi-Purpose Drying Pavement
 - xx. Onion Hanger Storage
 - xxi. Packinghouse
 - xxii.
 - xxiii.
 - xxiv.
 - xxv.
 - xxvi.
 - xxvii. Palay shed
- xxviii. Passionfruit Processing Center
- xxix. Pili nut/Pili Oil Processing Center
- xxx. Pineapple Dried Processing Center
- xxxi. Pineapple Juice Processing Center
- xxxii. Rambutan Wine Processing Center
- xxxiii. Rice Processing Facilities (RPC)
- xxxiv. Root Crop Chips Processing Center
- xxxv. Root Crop Flour Processing Center
- xxxvi. Rubber Crumb Processing Center
- xxxvii. Rubber Sheet Processing Center
- xxxviii. Strawberry Jam/Wine Processing Center
- xxxix. Sugar Mill
 - xl. Vegetable Chips Processing Center
 - xli. Vegetable Flour Processing Center
 - xlii. Vegetable Juice Processing Center
 - xliii. Vegetable Processing Center
 - xliv. Vegetable Semi-processed Processing Center
 - xl. Village Type Corn Postharvest Processing Center (VTCPPC)
- xlvi. Warehouse
 - b. Livestock and Dairy
 - i. Cold Storage
 - ii. Dairy Processing Center
 - iii. Feed Mill Center
 - iv. Lairage
 - v. Poultry Dressing Plant
 - vi. Slaughterhouse
 - c. Fisheries
 - i. Canning Center
 - ii. Cold Storage
 - iii. Drying and Smoking Center
 - iv. Processing Center
- V. Renewable Energy Facilities
 - a. Biogas Plant
 - b. Biomass Plant
 - c. Solar Farm
 - d. Windmill
- VI. Organic Agriculture Facilities
 - a. Botanical Concoction Center
 - b. Fertilizer Processing Center
 - c. Vermi-Composting Shed
- VII. Waste Management Structure
 - a. Liquid Waste Treatment Plant
 - b. Solid Waste Treatment Plant
- VIII. Fisheries Facilities
 - a. Community Fish Landing Center
 - b. Ice Making Center
 - c. Port Complex
- IX. Marketing Facilities
 - a. Buying Station
 - b. Livestock Auction Market
 - c. Public Market
- X. Laboratory and Research Centers
 - a. Animal Disease Diagnostic Laboratory
 - b. Crop Protection Center
 - c. Feed Chemical Analysis Laboratory
 - d. Fisheries Laboratory
 - e. Plant Tissue Culture Laboratory
 - f. Plant Disease Diagnostic Laboratory
 - g. Soil Laboratory
- XI. Quarantine and Checkpoint Areas
 - a. Crop and Crop Products Quarantine Zone
 - b. Livestock and Livestock Products Quarantine Zone
- XII. Other Facilities
 - a. Farm Workshop and Machinery Shed
 - b. Regional Field Office
 - c. Research and Experimental Station