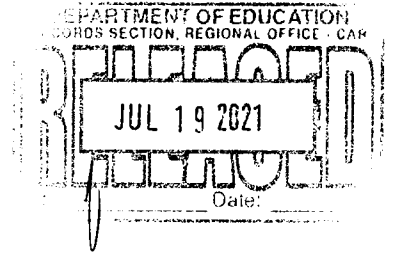




Republic of the Philippines  
**Department of Education**  
Cordillera Administrative Region



19 July 2021

**REGIONAL MEMORANDUM**

No. 301.2021

**PROCESS FLOW ON PROCESSING OF PUBLIC SCHOOL SITES FOR  
THE ISSUANCE OF TITLE DOCUMENTS SUCH AS SPECIAL  
PATENTS, PRESIDENTIAL PROCLAMATIONS, AND DEED  
OF USUFRUCT WITHIN THE ANCESTRAL DOMAIN**

To: Schools Division Superintendents  
Schools Division Office Legal Unit  
Public Elementary and Secondary School Heads  
All others concerned.

1. Education plays an essential role in the overall development effort of the nation particularly in tapping the potentials and harnessing the talents of the Filipino youth. However, this noble objective may not be fully realized in the schools, considered as their second abode, are always subjected to property disputes, frequent transfer of locations, revocations of donations of lands, and other actions initiated by private individuals to dispossess the schools of their occupancy over the school site.

2. Based on record, there are school sites within the region actually possessed, occupied or used as public school site that are yet to be titled or do not have proof of ownership or title over these lands they occupied.

3. Therefore, to enable these public schools to have legal title or ownership over these school sites and to prevent, minimize, or eliminate disputes over public school sites, the School Heads, in coordination with the Schools Division Office Legal Unit, are enjoined to initiate the application for issuance of Special Patents and/or Presidential Proclamations over the school sites being occupied.

4. For school sites within ancestral domain, the School Head shall initiate the execution of an agreement for the continuous use of the school site through a Deed of Usufruct between the indigenous peoples or communities and the Department of Education. The School Head, in coordination with the SDO Legal Unit, shall submit the following, thru channels, to the Regional Office to be forwarded to the Central Office:

- a. School Improvement Plan (SIP),
- b. School profile,





Republic of the Philippines  
**Department of Education**  
Cordillera Administrative Region

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- c. Copy of title and approved survey plan, specifying the exact location and boundaries of the school site subject of the Deed of Usufruct,
  - d. Copy of the draft Deed of Usufruct,
  - e. Favorable recommendation from the Schools Division Superintendent, and
  - f. Other documents necessary for the perfection of the said agreement such as proof of the conduct of the free and prior informed consent (FPIC) and other pertinent documents.
5. Enclosed for your guidance and reference, is the copy of **Flowchart in the Processing of Requests for Proclamations and Issuance of Special Patents over Agricultural Lands**, and copy of **Guidelines for the Processing and Issuance of Special Patents for Public School Sites under Republic Act 10023**. The electronic copy is also available at the official DepEd-CAR website at **depedcar.ph**.
6. Immediate dissemination and strict compliance with this Memorandum is directed.

**ESTELA LEON-CARIÑO EdD, CESO III**  
Director IV/Regional Director





# BRIEFER

Guidelines for the Processing and Issuance of  
Special Patents for Public School Sites under  
RA 10023



Partnership for Land Rights and Governance

**Australian  
Aid**



The Asia Foundation

Supported by Australian Embassy - The Asia Foundation Partnership in the Philippines



The Briefer is an output of the Center for Land Administration and Management of the Philippines (CLAMP) under the Land Management Bureau (LMB) and the Foundation for Economic Freedom, Inc. (FEF).

The production of this Briefer was made possible thru the partnership of the Center for Land Administration and Management in the Philippines (CLAMP)-Land Management Bureau and the Foundation for Economic Freedom, with support from the Australian Embassy and The Asia Foundation Partnership in the Philippines

**Disclaimer:**

The views, interpretations and opinions expressed in this publication do not necessarily reflect that of the Australian Embassy and The Asia Foundation.

September 2015

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**MESSAGE FROM THE  
LAND MANAGEMENT BUREAU**



On behalf of Secretary Ramon J.P. Paje of the Department of Environment and Natural Resources (DENR), we would like to express our gratitude to our partners, the Foundation for Economic Freedom (FEF), The Asia Foundation and the Australian Embassy thru the Department of Foreign Affairs and Trade (DFAT) for their assistance and support to our program of providing land tenure security.

One of the goals in LMB's partnership with FEF is the development of resource materials that will be helpful in supporting land titling activities not just of individuals and families, but also of properties of local and national governments.

At the start of this year, DENR Administrative Order No. 2015-01 was approved. The Order provides for the Guidelines for the Processing and Issuance of Special Patents for Public School Sites under RA 10023. In order to disseminate information on this, the LMB and FEF through the Center for Land Administration and Management in the Philippines (CLAMP) developed this Briefer to guide school administrators and DENR field officers on the requirements and procedures in the application, processing and issuance of Special Patents for public school sites.

We are very delighted to offer this briefer to serve as reference and field guide in the processing of this type of Special Patents.

***ATTY. EMYLYNE V. TALABIS***  
***OIC Director***



## **MESSAGE FROM THE DEPARTMENT OF EDUCATION**

It was in 2007 when the Department of Education (DepEd) first proposed a joint project with the Department of Environment and Natural Resources (DENR) for the purpose of addressing DepEd's numerous problems relating to the ownership of its school sites. The joint project aims to facilitate the titling of public school sites through the issuance of presidential proclamations and special patents to identified school sites which are exclusively utilized for educational purposes. The main purpose of the partnership was to protect the interest of public basic education and the properties of public schools from encroachment, usurpation, illegal occupation and adverse claims of ownership made by public and private entities.

In subsequent years, more and more school sites were processed in the hope of finally registering the public school sites in the name of DepEd. To date, there are about 2,000 school sites awaiting the issuance of documents of title. However, this number is but a mere fraction of the total number of schools which are still not in the name of DepEd and the possibility of adverse claims and land disputes loom large. Hence, the need to firmly establish the legal basis of DepEd's ownership over its public school sites becomes all the more urgent.

Early this 2015, the DepEd - DENR partnership finally had a breakthrough. The policy on the titling of public school sites provided in Section 4 of Republic Act No. 10023 was approved and issued as DENR Administrative Order 2015-01, the Guidelines for the Processing and Issuance of Special Patents for Public School Sites. It is expected that the process of titling public school sites will be hastened as the requisite for clearances from other government agencies have been dispensed with and the DENR - Provincial Environment and Natural Resources Officers (PENROs) are now authorized to issue the Special Patents for the public school sites.

It is in this light that DepEd foresees the achievement of the Government's goal of securing titles for all public school sites. This will result in the improvement of school facilities in pursuance of its mandate to increase the quality of education which the Filipino schoolchildren truly deserve.

We look forward to a more meaningful and fruitful partnership with DENR.

**ATTY. ALBERTO T. MUYOT**  
***Undersecretary, Legal and Legislative Affairs***



**MESSAGE FROM THE  
AUSTRALIAN EMBASSY**



The Australian Government is pleased to be part of another milestone in improving land governance in the Philippines. Australia believes that economies grow when resources, such as land, are used more productively; and this should also be underpinned by a skilled and competitive workforce. Our partnership with The Asia Foundation through the Coalitions for Change program is working to improve land governance and the implementation of the 'K to 12' education reform agenda.

Given the congestion of public schools in the Philippines, and the bigger demand for more schools and classrooms to accommodate kindergarten and senior high school, it is important that secure land is made available. However, an estimated 39,000 of the 46,000 public schools are built on sites without the necessary titles. The new rules issued in March 2015, will facilitate the titling of these schools and will go a long way to secure the delivery of public education in the Philippines.

On behalf of the Australian Embassy in Manila, I would like to thank and congratulate the Department of Environment and Natural Resources, the Foundation for Economic Freedom, and The Asia Foundation for this publication and the strong and enduring partnership that made this possible.

***BILL TWEDDELL***  
***Australian Ambassador to the Philippines***



## **MESSAGE FROM THE ASIA FOUNDATION**

The Asia Foundation is pleased to be a partner in this effort to improve land governance and education. Continuously in the Philippines since 1954, The Asia Foundation is helping government, local nongovernmental organizations, and private sector to strengthen democratic institutions and create sustainable growth.

Key to increasing development in the Philippines is continued strengthening of the educational system – and this briefer will help ensure that schools have titles to the land they occupy.

For over a decade, The Asia Foundation has sought to improve land governance and property rights. Under the Policy Reform Project, funded through a cooperative agreement with the United States Agency for International Development (USAID) between 2006 and 2008, the Foundation and its partners addressed key policy issues focused on securing property rights. The Economic Growth Hubs, Infrastructure, and Competitiveness Project, which ran between 2009 and 2012, also funded by USAID, helped support partners such as the Department of Environment and Natural Resources (DENR) and Foundation for Economic Freedom (FEF) to introduce and implement the Residential Free Patent Law to increase urban residents' access to titles of residential properties.

In 2011, The Asia Foundation and the Australian Government established a partnership to work on policy reforms that will improve the lives and promote prosperity by encouraging civil society, private sector, academe, and the government to develop formal and informal coalitions and contribute to transformative change. Through the Coalitions for Change program, the engagement with the DENR and FEF was expanded in 2015 to further address land governance issues. This briefer is an output of this important initiative, focusing on the needs of the Department of Education (DepEd).

We are thankful to the Australian Government, DepEd, DENR, and FEF for their commitment in improving education and land governance in the Philippines.

**STEVEN ROOD, PH.D.**  
**Country Representative**

**MESSAGE FROM THE FOUNDATION  
FOR ECONOMIC FREEDOM, INC.**

It is always a privilege to work with the Land Management Bureau (LMB) on improving land tenure security. Since 2011, we have already been working together on the implementation of RA 10023 and the establishment of DENR-LGU partnerships on public land titling.



Under the Partnership for Land Rights and Governance Project, supported by The Asia Foundation and Australian Embassy (Department of Foreign Affairs and Trade), once again, we are partners in ensuring secure and well-defined property rights thru the implementation of RA 10023 and supporting DENR-LGU partnerships on public land titling. RA 10023 proved to be a milestone in the area of property rights, and we are grateful that the concern of public schools with regard to public land titling was included under Section 4 thru DENR Administrative Order No. 2015-01 that provides for the Guidelines for the Processing and Issuance of Special Patents for Public School Sites under RA 10023.

We are very pleased with the development of this Briefer with the LMB Center for Land Administration and Management in the Philippines (CLAMP) to reach out to as many stakeholders as we can in titling school sites. To date, there is still a big number of public elementary and secondary schools without appropriate land titles and we hope to help these schools acquire ownership to their land for them to be able to concentrate on educating our young ones.

***CALIXTO V. CHIKIAMCO***  
***President***



## **School Site Special Patents**

Special patents covering public lands for use as school sites are not new. The Department of Environment and Natural Resources (DENR) under Commonwealth Act (CA) No. 141 has been issuing special patents for decades. Under the provisions of CA 141, there is a need for reservation of public lands for use as school sites through a Presidential Proclamation initially, before patent is issued.

The process of issuance of special patents under CA 141 is very tedious and time consuming. The procedure for requesting for a proclamation is repeated when requesting for the issuance of a special patent. There is also the requirement for clearances from other government agencies other than the DENR. These processes are not covered by any timeline and certain requirements and steps in the process are not within the control of the DENR.

With the enactment of Republic Act (RA) No. 10023 (refer to Appendix B), a new and more efficient process in the issuance of special patents has been introduced. This procedure is an alternative to the current process for qualified sites. Among the salient features of this new process are:

- Streamlined and cost effective, processing time is 120+5 days as maximum;
- May be issued over proclaimed or un-proclaimed lands;
- No need for clearances from Department of Health (DOH), Department of Public Works and Highways (DPWH), Department of Tourism (DOT) and other national government agencies;
- All processing at Community Environment and Natural Resources Office (CENRO) level; and
- Approval at Provincial Environment and Natural Resources Office (PENRO) level.

### **Bases of DENR ADMINISTRATIVE ORDER (DAO) NO. 2015-01 (refer to Appendix A)**

Section 4 of RA 10023 provides that public land actually occupied and used for public schools may be issued special patents.

Section 6 provides that the CENRO is mandated to process the special patent within 120 days and the PENRO to approve or disapprove within 5 days.

Section 7 provides for the authority of the DENR to promulgate Rules and Regulations to carry out the provisions of the law.

## **Scope and Coverage**

All public school sites are covered as long as they are:

- Classified as agricultural land (alienable and disposable)
- Actually possessed, occupied or used as public school site regardless of period of possession;
- All levels (eg. kinder, primary, junior high school, senior high school, tertiary, vocational); and
- All other lands devoted to and incidentally used for education and education related services such as offices, canteens, gardens, athletic fields, sports complex, sports courts, clinics, gymnasiums, car parks, science centers, nature parks and other related areas.

### **To whom will title be issued?**

Title shall be issued under the name of the Republic of the Philippines, the Department of Education (DepEd) or Commission on Higher Education (CHED) and the name of the school.

### **Filing of Request at the CENRO Office/Implementing PENRO Office (Regional Office for the National Capital Region)**

#### **a. Who can file request?**

The request for the issuance of a school site special patent may be submitted by:

- i. The Superintendent of the Division of Schools in charge of the school being applied for (it is NOT necessary to require copies of appointment papers of the Superintendent);
- ii. Any authorized officer of the DepEd Central Office (a written authorization allowing the officer to request for the issuance of a special patent MAY be required to be submitted);
- iii. Any authorized officer of the CHED (a written authorization allowing the Officer to request for the issuance of a special patent MAY be required to be submitted); and
- iv. Any authorized officer of the higher educational institution ex. State University (a written authorization allowing the Officer to request for the issuance of a special patent MAY be required to be submitted).

**b. Where to file request?**

- i. The request can be filed at the CENRO Office having jurisdiction over the school site;
- ii. The request can be filed at the Implementing PENRO Office having jurisdiction over the school site; or
- iii. The request can be filed at the DENR-NCR Regional Office for school sites in the National Capital Region.

**c. When to file request?**

The request can be filed anytime but the request will only be officially accepted, recorded, and dated upon complete filing thereof with all the necessary attachments.

**d. What to file?**

The essential documents that should form part of the special patent request file/folder are:

- i. Request for Issuance of School Site Special Patent form accomplished and sworn to under oath (annex of DAO 2015-01);
- ii. Historical background of possession (narrative on the how the school came into possession of the school site including relevant dates). This should only contain the information on how the total land area came into the possession of the school;
- iii. Recent photographs with panoramic view of the land and the improvements thereon (photographs must show the front of the school site, adjacent areas, vicinity and preferably, photos of the perimeter features including natural and man-made landmarks, identifying features settlements, fences, etc.);
- iv. Court/Land Registration Authority certification that there is no pending land registration case on the land or any portion thereof; and
- v. Copy of the approved survey.

Other documents available in support of the request MAY be included, such as maps, previous government clearances, deeds of donation, and other transfer documents, tax declarations, etc.

**e. What to do next in the CENRO Office?**

Upon submission of the request, the CENRO Office personnel assigned to receive such requests shall:

- i. Check if all the information has been supplied in the request form;
- ii. Check if all the required attachments are present and in order;
- iii. Check if it is signed by the requesting party and signed and subscribed to by an officer authorized to administer oaths;
- iv. Record the request in a logbook or database specifically allocated for special patents;
- v. Indicate the Entry No. and Request No.;
- vi. Indicate the date of acceptance of the request; and
- vii. Attach a checklist (see annex of DAO 2015-01).

**f. What if the request is not complete or there are essential documents lacking?**

If there are essential documents lacking or the information on the request form is not complete or the form has not been duly filled, then the CENRO Office personnel shall refrain from accepting the request and shall advise the requesting party to complete the essential documents or to complete all the information needed before the request is accepted.

**g. What to do after accepting the request?**

After acceptance of the request, the CENRO shall:

- i. Request a copy of the Cadastral Map or survey plan and technical description of the lot from the Regional Office's Surveys Division and attach these to the request;
- ii. Attach the Alienable and Disposable certification; and
- iii. Cause the posting of Notice of Request for Issuance of School Site Special Patent (see annex of DAO 2015-01) at the City or Municipal Hall, Barangay Hall and School premises, preferably at the gate. It is also good practice to post at the CENRO premises.



## **h. Records and the Land Administration and Management Systems (LAMS)**

All records and pertinent documents of the request shall be included in the LAMS.

### **Timeline of processing**

Similar to residential free patents, there are only 120 days for the CENRO to process the request including filing of notices but not including approval of surveys.

The PENRO shall have five (5) days to approve or disapprove the request. Disapproval of the request will not bar the re-filing of the request.

### **Survey**

If an approved isolated survey already exists, it shall be attached as part of the request. If a cadastral survey of the area exists, then a copy of the portion of the cadastral map shall be attached to the request in lieu of an isolated survey.

If there is no approved survey, the CENRO shall issue the Survey Authority or Survey Order as the case may be.

### **Investigation**

The designated land investigator/deputy public land inspector shall conduct an ocular inspection of the school site. He/she shall conduct the investigation similar to the investigation of other types of lands. The investigator shall see to it that the land being applied for is qualified under the provisions of the law. The investigator shall use the Ocular Inspection Report for School Site Special Patent form attached as annex to DAO 2015-01.

### **Opposition**

Only oppositions based on a Certificate of Title shall be entertained. Therefore, if the oppositor does not have a Certificate of Title over the land, his opposition shall not be entertained (Ex. Oppositor claims that his family has donated the land but the land is still untitled, the opposition shall not be entertained because the land is still public land and hence, cannot be the object of a donation).

The 120-day period is interrupted if opposition is filed and shall continue upon resolution of the opposition. All oppositions shall be processed using alternative dispute resolution mechanisms and other existing rules and regulations on claims and conflicts.

## **CENRO approval**

Upon approval of the CENRO, the complete records of the case shall be transmitted to the PENRO.

## **PENRO approval**

The PENRO shall assign the special patent number using the provincial code in the Annexes of DAO 2015-01.

He/She shall have 5 days to act on the request. If the request is denied, the requesting party shall be notified of the reason and if amendment of the request is possible, he shall also be notified of the steps to be taken to remedy the situation.

The PENRO shall be responsible for the transmittal of the approved patents to the Registry of Deeds for registration.

The PENRO shall forward a photocopy of the approved request and patent to the Land Management Bureau (LMB) for monitoring and recording. This should be done through channels.

## **Pending applications**

Applications that have been processed or that are pending processing at the time of the issuance of DAO 2015-01 shall be converted to applications under the new process if possible by the CENRO or PENRO. The PENRO shall receive previous applications/request for patent issuance from the central office, LMB, and the regional offices for conversion and approval under DAO 2015-01.

The PENRO can request the downloading of all pending applications/request that are at the Central Office, the LMB or the Regional offices for conversion.

## **Forms**

All forms attached to DAO 2015-01 as annexes shall be free of any fees and charges. They can be reproduced or downloaded from the DENR website.

You may also access the digital/soft copy of RA 10023 and DAO 2015-01 at FEF's website:

[www.fef.org.ph/resources/publications/other-references](http://www.fef.org.ph/resources/publications/other-references)

# **APPENDIX A**

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Visayas Avenue, Diliman, Quezon City**

**DENR Administrative Order**  
No. 2015-01

March 4, 2015

**SUBJECT: GUIDELINES FOR THE PROCESSING AND ISSUANCE OF  
SPECIAL PATENTS FOR PUBLIC SCHOOL SITES UNDER REPUBLIC ACT  
NO. 10023**

Pursuant to Section 4 (Special Patents) and Section 7 (Implementing Rules and Regulations) of Republic Act No. 10023, otherwise known as “An Act Authorizing the Issuance of Free Patents to Residential Lands”, the following guidelines for public school sites are hereby promulgated:

***Section 1. Scope and Coverage*** - These guidelines shall cover alienable and disposable public agricultural lands actually possessed, occupied and used for public schools of all levels and classification under the supervision and control of the Department of Education (DepEd) and the Commission on Higher Education (CHED) regardless of period of possession. It shall also include all other lands devoted to providing education and education related services such as, but not limited to, those used for offices, canteens, gardens, athletic fields, sports complex, sports courts, clinics, gymnasiums, car parks, science centers, nature parks and other related areas.

School sites with existing proclamations but are still untitled are also covered under this Order for the purpose of issuance of Special Patents.

***Section 2. Definition of Terms*** - As used in this Order, the following terms shall be construed to mean as follows:

1. **Agricultural lands** - refers to such lands of the public domain subject to alienation and disposition by the State in accordance with the Public Land Act, as amended, and other related laws.
2. **Alienable and Disposable lands** - public lands that are susceptible of being disposed to qualified beneficiaries under applicable laws

and regulations providing for land disposition. It shall include all public agricultural lands that are covered by different deeds of conveyance in the name of the proposed school site but are still untitled and are not under any court process.

3. Approved plan - refers to a survey plan showing the metes and bounds of a parcel of agricultural land (alienable and disposable) and other pertinent information, verified and approved by proper DENR authority.
4. CENR Office - as used in this Order, refers to the Community Environment and Natural Resources Office or an Implementing PENR Office in provinces where there is no CENR Office.
5. CHED - Commission on Higher Education
6. DepEd - Department of Education
7. PENR Office - Provincial Environment and Natural Resources Office
8. Public use or public purposes - utilization of parcels of land exclusively by the government or any of its instrumentalities in providing services to the general public, such as, but not limited to, marketplaces; town, city, provincial, or barangay halls; hospitals, clinics and health centers; police stations, outposts, jails, and the like. It shall also refer to the utilization of parcels of land for structures which are open to the general public, including, but not limited to, public plazas, parks, resorts, roadways, recreational facilities, libraries, meeting places, playgrounds, public parking lots and the like.
9. Special Patent - a public instrument issued by the government confirming the grant by the State of the ownership over a parcel of agricultural land (alienable and disposable) in favor of a grantee.

***Section 3. To Whom Special Patent for Public Schools is Issued -***

School site Special Patents shall be issued under the name of the Republic of the Philippines, Department of Education and the name of the school as indicated in the Judicial Form.

For school sites under CHED, the title shall be issued under the Name of the School and the Republic of the Philippines.

**Section 4. Who May Request for the Issuance of a Special Patent** - The Superintendent of the Division of Schools or any authorized Officer of the DepEd Central Office may request for the issuance of a school site Special Patent.

For school sites under the jurisdiction of CHED, any authorized Officer of the CHED or the higher educational institution may request for the issuance of a Special Patent.

**Section 5. Requirements for Requesting for the issuance of a School Site Special Patent** - The following requirements are necessary for the processing of the request for issuance of the school site Special Patent:

**A. For the DepEd or CHED**

1. Request by the Superintendent of the Division of Schools or Authorized Official from the DepEd Central Office, authorized officer of CHED or higher educational institution, as the case may be, for the issuance of Special Patent;
2. Historical background of possession / occupation;
3. Recent photographs showing the panoramic view of the area as well as adjacent areas, vicinity improvements introduced, buildings, landmarks, identifying features, settlements, if any, etc.; and
4. Certification of no pending land registration application over the proposed area issued by the Regional Trial Court (RTC) having jurisdiction over the land.

**B. For the Department of Environment and Natural Resources**

1. Copy of Cadastral Map or Survey plan of the land duly approved by the concerned DENR Regional Office;
2. Copy of Technical Description of the parcel of land subject of the application; and
3. Certification that the land is classified as A and D/agricultural.

**Section 6. Procedure for the processing of requests.** – Requests for the issuance of Special Patents for public schools shall be filed in the CENR Office (or implementing PENR Office) that exercises jurisdiction over the area where the parcel of land subject of the request is situated. For public school sites in the National Capital Region, the request shall be submitted and processed at the DENR NCR Regional Office.

**A. At the CENR Office:**

1. Request for issuance of Special Patents shall be accompanied by the requirements mentioned in Section 5, Par. (A) hereof.
2. Posting of Notices. - Upon receipt of the request, the CENR Office concerned shall cause the posting of notices for fifteen (15) days in the municipal or city hall, barangay hall and the public school premises. The CENR Officer shall issue the certificate of posting of notice after the 15-day period has elapsed.

Office concerned shall cause the posting of notices for fifteen (15) days in the municipal or city hall, barangay hall and the public school premises. The CENR Officer shall issue the certificate of posting of notice after the 15-day period has elapsed.

3. The CENR Office is required to process the request, within a period of one hundred twenty (120) days from the date of filing of the accomplished request form in accordance with RA No. 10023. The 120-day period starts upon filing of an accomplished request for Special Patent. The period for verification with the records (e.g. to determine whether or not a patent had already been issued for the parcel in question) shall be included in the 120-day period.
4. In case the school site has no approved survey, the CENR Officer shall issue a Survey Authority/Order to DepEd or DENR Survey Unit for the survey of the parcel. In such a case, the survey and investigation under the next preceding section shall as far as practicable be accomplished simultaneously. However, the period for approval of surveys shall not be included in the 120-day period.
5. The designated land investigator shall conduct an ocular inspection on the parcel of land, subject of the request for issuance of Special Patent. He/she shall determine the eligibility of the land under the provisions of RA 10023 as well as verify the claims of the requesting

party on the land. The land investigator shall acknowledge the receipt of all documents pertaining to the request for the issuance of a Special Patent.

6. The investigation report shall contain, among others, that the land is alienable and disposable and that the land is actually possessed, occupied and used as a public school site. A statement as to the geo-hazard or environmental condition of the land shall as much as practicable be included in said report.
7. In case an opposition is filed, the 120-day period for processing shall be deemed interrupted. Only oppositions based on a Certificate of Title duly issued to the oppositor over the same parcel shall be given due course. The CENR Officer shall refrain from entertaining oppositions based on frivolous claims.
8. The CENR Officer shall fast track the resolution of all oppositions arising from the Special Patent requests through the use of alternative dispute resolution (ADR) mechanisms. The CENR Officer shall resolve the opposition or make a recommendation within 30 days from the filing of such opposition.
9. Upon approval of the CENR Officer, the request and the complete records of the Special Patent shall be forwarded to the PENR Officer for his/her approval and signature.
10. The CENR Officer shall include all records of the Special Patent in the Land Administration and Management System (LAMS).

**B. At the PENR Office:**

The PENR Officer shall have five (5) days from the receipt of the transmittal from the CENR Officer to approve or disapprove the Special Patent request. In the NCR, the Regional Director shall approve and sign the Special Patent.

In case of disapproval of the request, the same is without prejudice to the refilling thereof.

**Section 7. Patent Numbering.** - The PENR Office shall assign a unique number for every Special Patent approved and signed by him/her. Such number shall have a prefix representing special patent (SP), School site (Sch), a three-letter

provincial code (ex. Abra - ABR) and a 4 digit sequential number beginning with 0001 for every province. The list of the three-letter provincial code is attached in this Order as Annex 1.

Ex. Special Patent No. SP-Sch-ABR-0001 for the first special patent issued in the province of Abra under this Order.

**Section 8. Pending Applications.** - Pending Special Patent applications or requests for proclamations on lands actually used for educational purposes shall be automatically converted to request for issuance of Special Patents under RA 10023 unless otherwise disqualified from the provisions of the law and this Order. For this purpose, the documentary requirements submitted to support the application or request for proclamation shall, as far as practicable, be used in the application for Special Patents.

Upon the effectivity of this Order, all applications or requests for Special Patents that are under process or review at the PENROs, Regional Offices, the Land Management Bureau and the DENR Central Office shall be forwarded to the concerned CENRO or Implementing PENRO, as the case may be, for further action.

The land investigator concerned shall see to it that the application is amended accordingly and updated to comply with the requirements under RA 10023 and this Order. The CENRO shall also notify the requesting party of the new procedure for the issuance of the Special Patent.

**Section 9. Transmittal to the Registry of Deeds.** - Upon the approval of the Special Patent by the PENR Officer, he/she shall transmit the Patent to the Registry of Deeds for registration. The PENR Office shall inform the requesting party of the transmittal.

The requesting party for the issuance of the Special Patent shall bear all the necessary expenses for the registration of the Patent and the duplicate copy thereof, including the copy for submission to the Land Management Bureau (LMB) for recording purpose.


**Section 10. Monitoring.** - The PENR Office shall forward a copy of the processed request for Special Patent to the LMB through channels, for monitoring and recording.



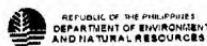
**Section 11. Separability Clause.** - If, for any reason, any section or provision of this Order is declared null and void, no other section, provision or part thereof shall be affected and the same shall remain in full force and effect.

**Section 12. Repealing Clause.** - All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed, amended and/or modified accordingly.

**Section 13. Effectivity.** - This order shall take effect fifteen (15) days after the publication thereof in a newspaper of general circulation and acknowledgment of receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

  
**RAMON J. PAJE**  
Secretary

Publication: Malaya  
March 9, 2015



Acknowledgement: ONAR, U.P. Law Center  
March 10, 2015



SENK038974

## Annex 1 List of Provincial Codes

PROVINCE	CODE
1. Abra	ABR
2. Agusan del Norte	AGN
3. Agusan del Sur	AGS
4. Aklan	AKL
5. Albay	ALB
6. Antique	ANT
7. Apayao	APA
8. Aurora	AUR
9. Basilan	BAS
10. Bataan	BAN
11. Batanes	BTN
12. Batangas	BTG
13. Benguet	BEN
14. Biliran	BIL
15. Bohol	BOH
16. Bukidnon	BUK
17. Bulacan	BUL
18. Cagayan	CAG

<b>PROVINCE</b>	<b>CODE</b>
19. Camarines Norte	CAN
20. Camarines Sur	CAS
21. Camiguin	CAM
22. Capiz	CAP
23. Catanduanes	CAT
24. Cavite	CAV
25. Cebu	CEB
26. Compostela Valley	COM
27. Cotabato	NCO
28. Davao del Norte	DAV
29. Davao del Sur	DAS
30. Davao Oriental	DAO
31. Dinagat Island	DIN
32. Eastern Samar	EAS
33. Guimaras	GUI
34. Ifugao	IFU
35. Ilocos Norte	ILN
36. Ilocos Sur	ILS
37. Iloilo	ILI

<b>PROVINCE</b>	<b>CODE</b>
38. Isabela	ISA
39. Kalinga	KAL
40. La Union	LUN
41. Laguna	LAG
42. Lanao del Norte	LAN
43. Lanao del Sur	LAS
44. Leyte	LEY
45. Maguindanao	MAG
46. Marinduque	MAD
47. Masbate	MAS
48. Mindoro Occidental	MDC
49. Mindoro Oriental	MDR
50. Misamis Occidental	MSC
51. Misamis Oriental	MSR
52. Mountain Province	MOU
53. Negros Occidental	NEC
54. Negros Oriental	NER
55. Northern Samar	NSA
56. Nueva Ecija	NUE

<b>PROVINCE</b>	<b>CODE</b>
57. Nueva Vizcaya	NUV
58. Palawan	PLW
59. Pampanga	PAM
60. Pangasinan	PAN
61. Quezon	QUE
62. Quirino	QUI
63. Rizal	RIZ
64. Romblon	ROM
65. Samar (Western Samar)	WSA
66. Sarangani	SAR
67. Siquijor	SIG
68. Sorsogon	SOR
69. South Cotabato	SCO
70. Southern Leyte	SLE
71. Sultan Kudarat	SUK
72. Sulu	SLU
73. Surigao del Norte	SUN
74. Surigao de Sur	SUR
75. Tarlac	TAR

<b>PROVINCE</b>	<b>CODE</b>
76. Tawi-Tawi	TAW
77. Zambales	ZMB
78. Zamboanga del Norte	ZAN
79. Zamboanga del Sur	ZAS
80. Zamboanga Sibugay	ZSI
81. National Capital Region	NCR

**\* Codes based on International Organization for Standardization (ISO)**

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

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**CHECKLIST OF DOCUMENTS FOR REQUEST FOR ISSUANCE OF  
SCHOOL SITE SPECIAL PATENT**

_____	Request Form
_____	Historical Background of possession or occupation
_____	Recent photographs showing the panoramic view of the area as well as adjacent areas, vicinity improvements introduced, buildings, landmarks, identifying features, settlements, if any, etc.
_____	Court/LRA certification of no pending land registration case
_____	Notice of request
_____	Certificate of Posting
_____	Ocular Investigation Report
_____	Cadastral Map or Survey Plan
_____	Technical Description
_____	Transmittal from CENRO to PENRO
_____	Judicial Form
_____	Order of Issuance of Special Patent

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

---

**REQUEST FOR ISSUANCE OF  
SCHOOL SITE SPECIAL PATENT**

Name of School: \_\_\_\_\_

Location: \_\_\_\_\_

Division of School Superintendent /

Authorized Officer: \_\_\_\_\_

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_ e-mail: \_\_\_\_\_

Lot No. \_\_\_\_\_ Pls. \_\_\_\_\_

Cad. \_\_\_\_\_

Area \_\_\_\_\_

\_\_\_\_\_  
Division Superintendent / Authorized Officer

**Attachments:**

- \_\_\_\_\_ Historical background of possession/occupation
- \_\_\_\_\_ Recent photographs with panoramic view and improvements
- \_\_\_\_\_ Court certification of no pending land registration case

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of

\_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
Officer Authorized to Administer Oath



**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

---

**NOTICE OF REQUEST FOR ISSUANCE OF  
SCHOOL SITE SPECIAL PATENT**

Notice is hereby given that \_\_\_\_\_ has filed with the CENR Office a request for the issuance of a Special Patent under the provisions of Republic Act No. 10023 or "An Act Authorizing the Issuance of Free Patents to Residential Lands" over a parcel of land situated at \_\_\_\_\_ being possessed and occupied by the school and more particularly described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

containing an area of \_\_\_\_\_ more or less.

---

Community Environment and  
Natural Resources  
Officer

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

---

**CHECKLIST OF DOCUMENTS FOR REQUEST FOR ISSUANCE OF  
SCHOOL SITE SPECIAL PATENT**

This is to certify that the 15-day posting requirement for the issuance of school site Special Patent under R.A 10023 of \_\_\_\_\_  
\_\_\_\_\_ has been completed on \_\_\_\_\_.

Posting date: \_\_\_\_\_ to \_\_\_\_\_ Posted at:  
\_\_\_\_\_ and \_\_\_\_\_

---

Community Environment and  
Natural Resources  
Officer

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

---

**OCULAR INSPECTION REPORT FOR  
SCHOOL SITE SPECIAL PATENT**

\_\_\_\_\_  
Date

This is to certify that on \_\_\_\_\_ I was on and examined the school site requested for issuance of a special patent for \_\_\_\_\_ pursuant to the provisions of R.A. 10023, situated at \_\_\_\_\_.

**Findings:**

1. The requesting School District Superintendent/ Authorized Official is \_\_\_\_\_.
2. The site requested for is within an alienable and disposable area.
3. That the school is in possession or actually occupying the entire land area being requested.
4. A copy of the Cadastral Map or Survey plan of the land duly a proved by the concerned DENR Regional Office is hereto attached.
5. A copy of the Technical Description of the parcel of land is also attached hereto.
6. That Notice of the request was duly posted.
7. The land being requested is suitable for the issuance of a school site special patent.
8. Other findings: \_\_\_\_\_

\_\_\_\_\_  
In view of the following findings, it has been satisfactorily proven by the requesting party that the land being requested is suitable for issuance of a school site special patent under R.A. 10023. It is my recommendation that the request be granted and a Special Patent be issued.

\_\_\_\_\_  
SI/LMI/DPLI

**Republic of the Philippines**  
**Department of Environment and Natural Resources**  
**Community Environment and Natural Resources Office**

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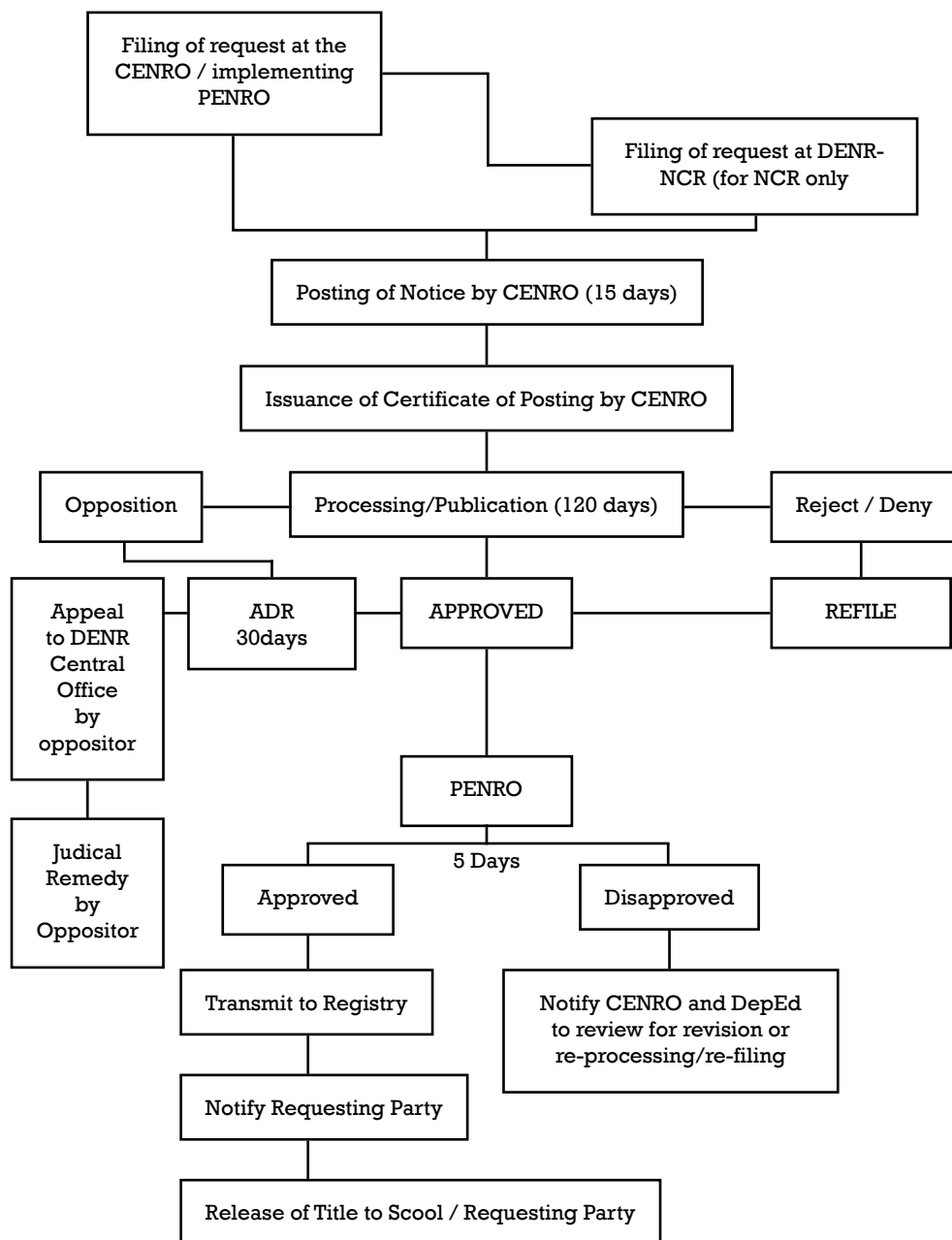
**ORDER: ISSUANCE OF  
SCHOOL SITE SPECIAL PATENT**

It appearing that in the investigation conducted by the Land Investigator/Inspector whose report was duly submitted, and the records of the request duly endorsed by the CENRO, it has been ascertained that the request of \_\_\_\_\_  
\_\_\_\_\_ over a parcel of alienable and  
disposable land situated at \_\_\_\_\_  
\_\_\_\_\_ under Special Patent Entry No. \_\_\_\_\_ has all the  
necessary prerequisites as mandated by R.A. 10023 for the grant of a school site Special  
Patent and that the notices has been posted, and that no other person or entity has proved  
a better right to the land subject of the request. It is **HEREBY ORDERED** that the Special  
Patent be prepared and issued to the school.

---

Provincial Environment and  
Natural Resources Officer

## Flowchart for the Processing and Issurance of Special Patients for Public School Sites



SN.0000000-00

**Republic of the Philippines  
Department of Justice  
Land Registration Authority  
Registry of Deeds for the \_\_\_\_\_**

**Original Certificate of Title**

No. \_\_\_\_\_  
**SPECIAL PATENT**

*Entered in accordance with Republic Act No. 10023 and pursuant to a Special Patent issued by the Department of Environment and Natural Resources, at Quezon City, on \_\_\_\_\_ and spread in the records of the said department as follows:*

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
REGION NO. \_\_\_\_\_  
SPECIAL PATENT NO. \_\_\_\_\_**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*The Republic of the Philippines, Department of Education / Commission on Higher Education \_\_\_\_\_*

*\_\_\_\_\_ a public  
educational institution, situated at \_\_\_\_\_, Region  
\_\_\_\_\_ is hereby granted this Special Patent with an area of  
(\_\_\_\_\_) square meters, more or less and more particularly bounded and described at  
the back hereof.*

*This Special Patent shall not be disposed by the grantee without the authorization of Congress in accordance with Section 4 of Republic Act 10023.*

*Witness my hand and seal of the Republic of the Philippines this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year Two thousand and \_\_\_\_\_.*

**By Authority of the President  
of the Philippines**



*Transcribed in the "Registration Book" in the  
Province of \_\_\_\_\_ pursuant to  
the provisions of Section 103 of P.D. No. 1529, on the  
\_\_\_\_\_ day of \_\_\_\_\_ two thousand  
and \_\_\_\_\_ at \_\_\_\_\_.*

Owner's Postal Address

Register of Deeds

**TECHNICAL DESCRIPTION**

*(Continued on Page C....., Page ....., .....)*  
Register of Deeds

**MEMORANDUM OF ENCUMBRANCES**

*Entry No.* \_\_\_\_\_

*Continued on Page C.*

.....  
**Register of Deeds**



*Continued from Page B*

*(Continued on Additional Sheet....., Page ....., .....) Register of Deeds*

SN.0000000-00

Republic of the Philippines  
Department of Justice  
Land Registration Authority  
Registry of Deeds for the \_\_\_\_\_

**Original Certificate of Title**

No. \_\_\_\_\_  
SPECIAL PATENT

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SPECIAL PATENT NO. \_\_\_\_\_

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*The Republic of the Philippines, Department of Education / Commission on Higher Education \_\_\_\_\_*

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educational institution, situated at \_\_\_\_\_, Region  
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Witness my hand and seal of the Republic of the Philippines this \_\_\_\_\_ day of  
\_\_\_\_\_ in the year Two thousand and \_\_\_\_\_

By Authority of the President  
of the Philippines



Transcribed in the "Registration Book" in the  
Province of \_\_\_\_\_ pursuant to  
the provisions of Section 103 of P.D. No. 1529, on the  
\_\_\_\_\_ day of \_\_\_\_\_ two thousand  
and \_\_\_\_\_ at \_\_\_\_\_

Owner's Postal Address

Register of Deeds

TECHNICAL DESCRIPTION

(Continued on Page C....., Page ....., .....)  
Register of Deeds

**MEMORANDUM OF ENCUMBRANCES**

*Entry No.* \_\_\_\_\_

*Continued on Page C.*

.....  
**Register of Deeds**

Continued from Page B

(Continued on Additional Sheet....., Page....., .....)  
Register of Deeds

## **APPENDIX B**

**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.

**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.

Zoned residential areas located inside a delisted military reservation or abandoned military camp, and those of local government units (LGUs) or townsites which preceded Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) law, shall also be covered by this Act.

**SEC. 3. *Application.***—The application on the land applied for shall be supported by a map based on an actual survey conducted by a licensed geodetic engineer and approved by the Department of Environment and Natural Resources (DENR) and a technical description of the land applied for together with supporting affidavit of two (2) disinterested persons who are residing in the barangay of the city or municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that the applicant thereof has, either by himself or through his predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the land applied for at least ten (10) years and has complied with the requirements prescribed in Section 1 hereof.

**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.

**SEC. 5. *Removal of Restrictions.***—The restrictions regarding encumbrances, conveyances, transfers or dispositions imposed in Sections 118, 119, 121, 122 and 123 of Chapter XIII, Title VI of Commonwealth Act No. 141, as amended, shall not apply to patents issued under this Act.

**SEC. 6. *Period for Application.***—All applications shall be filed immediately after the effectivity of this Act before the Community Environment and Natural Resources Office (CENRO) of the DENR. The CENRO is mandated to process the application within one hundred and twenty (120) days to include compliance with the required notices and other legal requirements, and forward his recommendation to the Provincial Environment and Natural Resources Office (PENRO), who shall have five (5) days to approve or disapprove the patent. In case of approval, patent shall be issued; in case of conflicting claims among different claimants, the parties may seek the proper judicial remedies.

**SEC. 7. *Implementing Rules and Regulations.***—The Director of the Land Management Bureau of the Department of Environment and Natural Resources (DENR) shall promulgate rules and regulations to carry out the provisions of this Act, and shall see to it that such are gender responsive.

**SEC. 8. *Repealing Clause.***—All laws, decrees, executive orders, executive issuances or letters of instruction, rules and regulations or any part thereof inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

**SEC. 9. *Separability Clause.***—If, for any reason or reasons, any part or parts of this Act shall be declared unconstitutional or invalid by any competent court, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

**SEC. 10. *Effectivity Clause.***—This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.







Partnership for Land Rights and Governance

**Australian  
Aid**



**The Asia Foundation**

Supported by Australian Embassy - The Asia Foundation Partnership in the Philippines





**Australian  
Aid**

The Australian Embassy - The Asia Foundation Partnership in the Philippines



**The Asia Foundation**



# Guidelines Governing the Processing of Requests for Proclamations and Issuance of Special Patents Over Agricultural Lands

This publication was made with the support of the Australian Embassy - The Asia Foundation Partnership in the Philippines. The contents of this publication, however, do not necessarily reflect the views of the Australian Embassy or that of The Asia Foundation.

# SPECIAL PATENT

a public instrument issued by the government to confirm ownership over a parcel of agricultural land (alienable and disposable) by law or proclamation by the President of the Philippines

DENR, through the Land Management Bureau (LMB), issued DENR Administrative Order (DAO) No. 2016-21 *Guidelines Governing the Processing of Requests for Proclamations and Issuance of Special Patents Over Agricultural Lands*



# THINGS you should know



## PROCESSING TIME

From several years of processing, it is now limited to 120 DAYS



## SCOPE AND COVERAGE

**01**

All public agricultural (alienable and disposable) lands granted by the State in favor of a government instrumentality by law or by Presidential proclamation

**02**

Lands occupied and used by government institutions for public use or public purpose



## ISSUANCE OF PATENT

The special patent is issued in the name of the Republic of the Philippines and its agencies, branches or other instrumentalities such as government-owned and -controlled corporations, and local government units such as provinces, cities and municipalities.

## WHERE TO FILE? A REQUEST?



### Community Environment and Natural Resources Office

Having jurisdiction over the area being requested



### Implementing Provincial Environment and Natural Resources Office

Having jurisdiction over the area being requested when there is no CENRO in the province



### Department of Environment and Natural Resources - National Capital Region

For areas within the National Capital Region (NCR)





## BASES OF DAO 2016-21

### RA 10023 Section 4

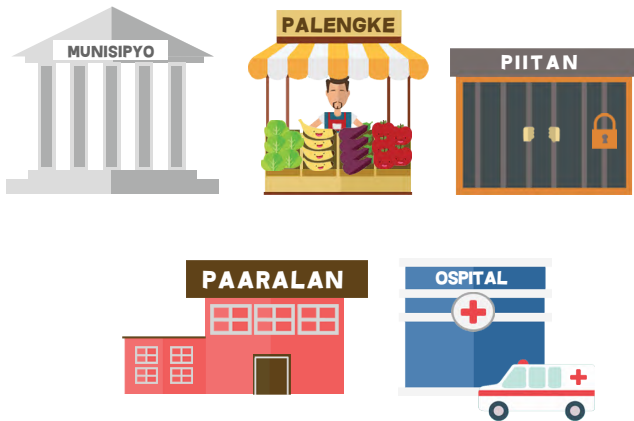
Provides that *public land actually occupied and used for public schools, municipal halls, public plazas or parks and other government institutions for public use or purpose may be issued special patents*

### RA 10023 Section 6

Mandates CENRO to process the special patent request within 120 days and the PENRO to approve it within 5 days

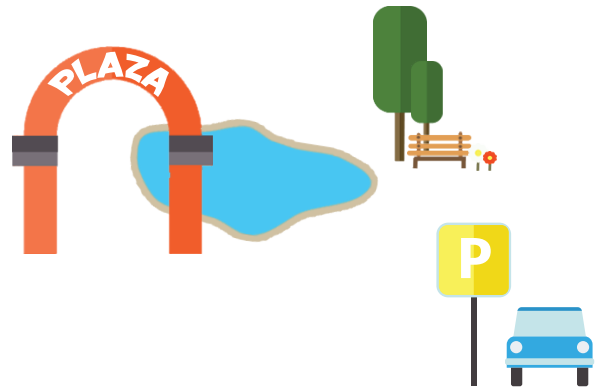
### RA 10023 Section 7

Authorizes the DENR to disseminate rules and regulations to carry out provisions of the law



## PUBLIC PURPOSE

Properties for public purpose are lands used exclusively by the government or any of its instrumentalities in providing services to the general public including: marketplace, town, city, provincial or barangay halls, hospitals and health centers, police stations, outposts, and jails.



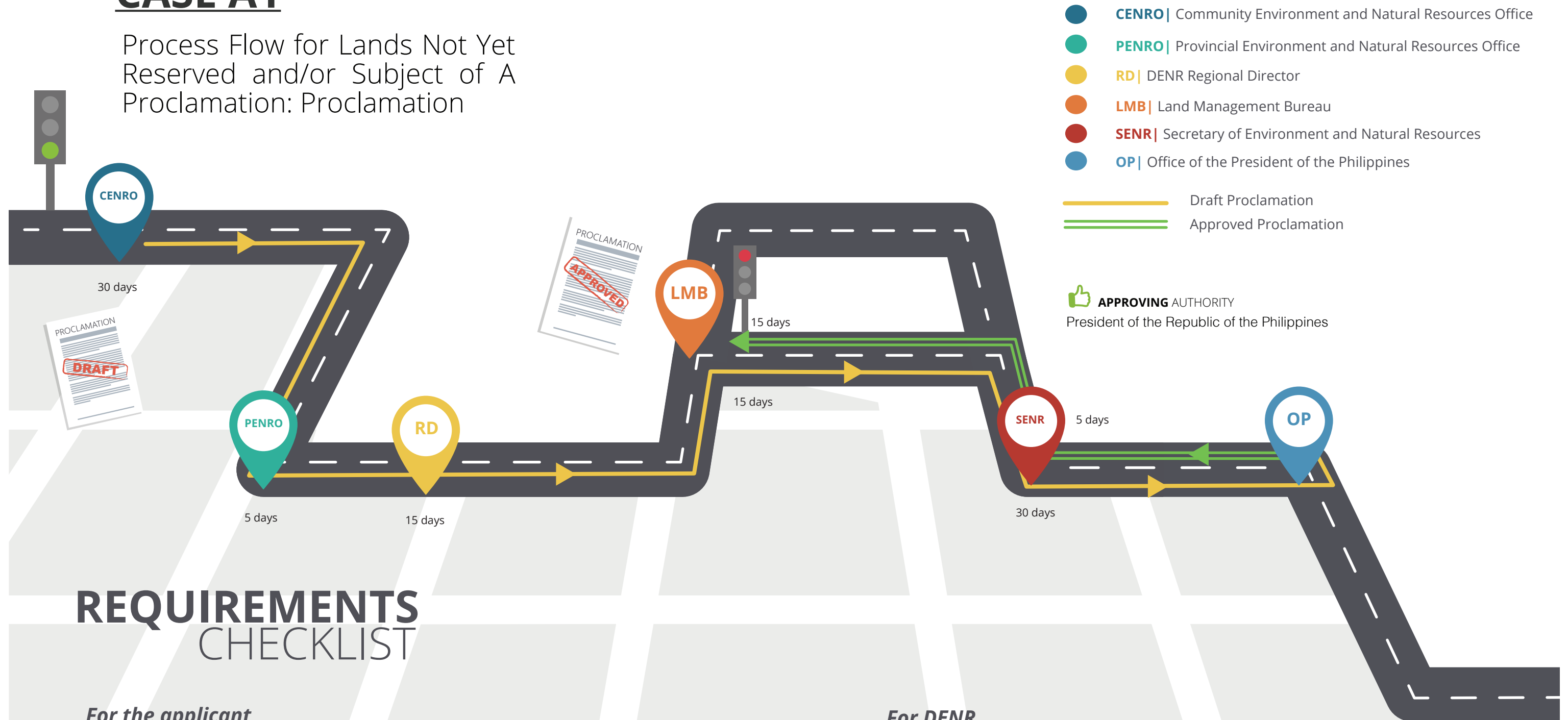
## PUBLIC USE

Properties for public use are those which are open to the general public, such as: public plazas, resorts, roadways, recreational facilities, libraries, meeting places, playgrounds, and public parking lots.

OR

# CASE A1

Process Flow for Lands Not Yet Reserved and/or Subject of A Proclamation: Proclamation



## REQUIREMENTS CHECKLIST

### For the applicant

- ✓ Written request from an authorized government official
- ✓ Approved survey plan or sketch plan of subject area (if unapproved)
- ✓ Verified Technical Description of the approved survey plan
- ✓ Geotagged photos showing panoramic view of subject area
- ✓ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority

### For DENR

- ✓ Certification of status of land classification
- ✓ Comments and recommendations from the following:
  - Provincial Health Officer
  - DPWH District Engineer
  - DepEd School Division Superintendent
  - Armed Forces of the Philippines Provincial Commander
  - Philippines Ports Authority (PPA) Provincial Manager



# CASE A2

Process Flow for Lands Not Yet Reserved and/or Subject of A Proclamation: Special Patent



## REQUIREMENTS CHECKLIST

### For the applicant

- ✓ Written request from an authorized government official
- ✓ Approved survey plan or sketch plan of subject area (if unapproved)
- ✓ Verified Technical Description of the approved survey plan
- ✓ Geotagged photos showing panoramic view of subject area
- ✓ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority

### For DENR

- ✓ Certification of status of land classification
- ✓ Comments and recommendations from the following:
  - Provincial Health Officer
  - DPWH District Engineer
  - DepEd School Division Superintendent
  - Armed Forces of the Philippines Provincial Commander
  - Philippines Ports Authority (PPA) Provincial Manager

# CASE B

## Process Flow For Lands Covered by Proclamation



## REQUIREMENTS CHECKLIST

### For the applicant

- ✓ Photocopy of the Proclamation
- ✓ Verified and certified correct Technical Description
- ✓ Approved plan or Cadastral Map
- ✓ Certification stating that there is no pending land registration case from Regional Trial Court or Land Registration Authority
- ✓ Investigation report on the status of the land and geotagged photos

### For DENR

- ✓ Certification of status of land classification

# CASE C

## Process Flow for Lands Actually Occupied for Public Use and Public Purpose



## REQUIREMENTS CHECKLIST

### For the applicant

- ✓ Written request endorsed by the head of the entity or LGU concerned
- ✓ Approved survey plan or cadastral map
- ✓ Verified Technical Description of the approved survey plan
- ✓ Geotagged photos showing panoramic view of subject area
- ✓ Certification stating that there is no pending land registration case

### For DENR

- ✓ Certification of status of land classification

# BENEFITS OF *Special Patent*

*The issuance of Special Patents for the titling of government lands are expected to provide the following benefits to LGUs, NGAs and other government institutions.*

01

Secures tenure over public property thereby reducing possibility for land grabbing, illegal settlement/ possession and deceitful occupation

02

Provides new economic opportunities especially for LGUs

03

Determines the exact metes and bounds of the property

04

Determines status of properties necessary for the management, planning and budgeting for the highest and best use of the property

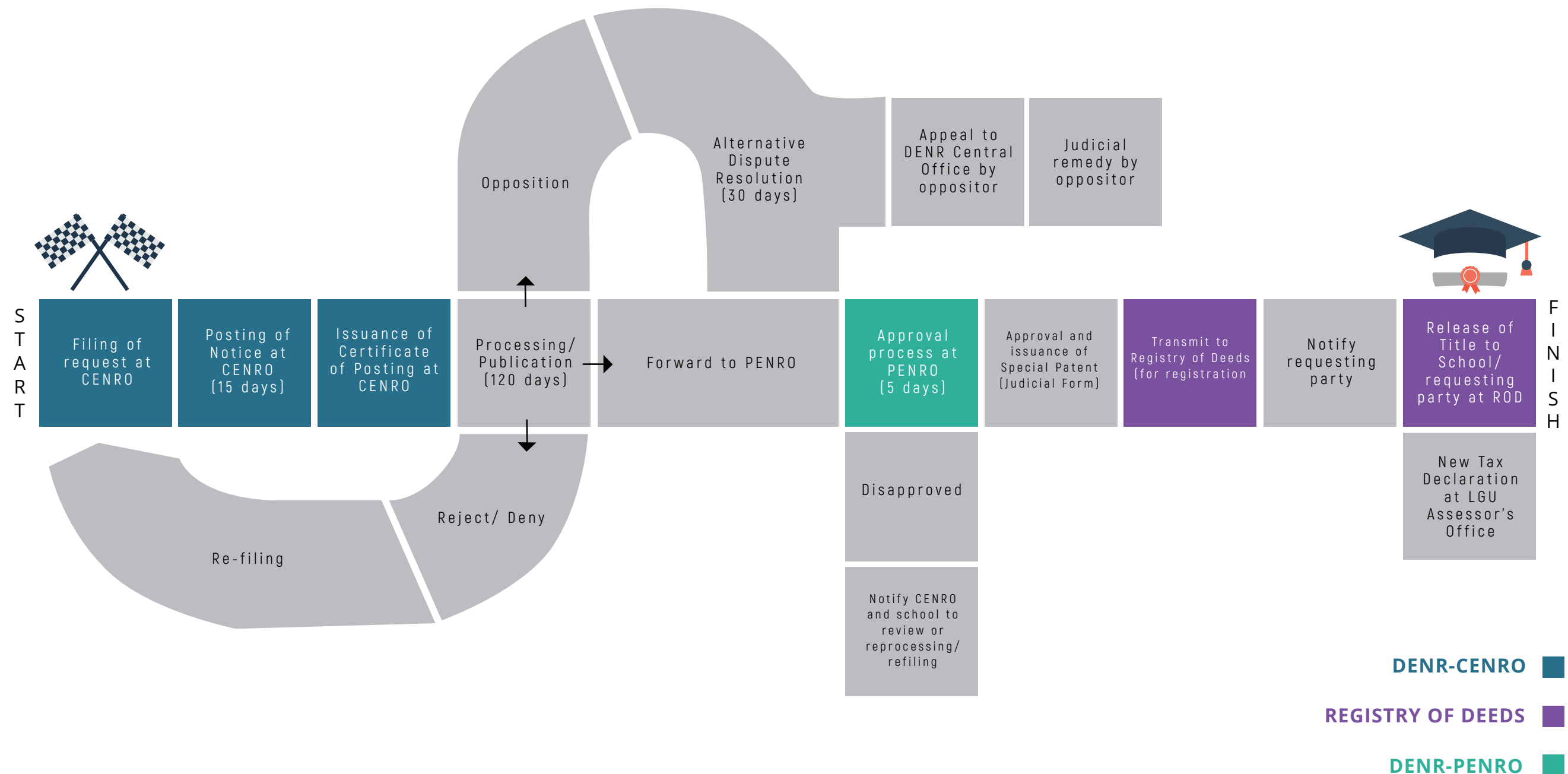
05

Defines the property for proper accounting and enforcement of rights

06

Quiets doubts on the ownership of the property saving the government time, money and effort in taking care of public property

DENR AO 2015-01, *“Guidelines for the Processing and Issuance of Special Patents for Public School Sites Under Republic Act No. 10023”*, provides for an easy, fast and affordable process of having Special Patents issued on untitled lands actually possessed and occupied by public schools.





# CHECKLIST

## WHAT TO BRING TO CENRO WHEN YOU REQUEST FOR A SPECIAL PATENT ON SCHOOL SITES?



Accomplished Request Form for Issuance of School Site Special Patent (Annex of DAO 2015-01, available at the CENRO and online)



Historical background of possession (narrative on how the school came into possession of the land being applied for including relevant dates). This should contain the information on how the total land area was acquired by the school.



Recent photographs showing the panoramic view of the area as well as adjacent areas, vicinity improvements introduced, buildings, landmarks, identifying features, settlements, fences, etc.



Court/Land Registration Authority certification that there is no pending land registration case on the land or any portion thereof; and



Copy of approved survey and technical description

# REMEMBER!

All lands of public schools state universities and colleges are covered as long as they are:

- Devoted to and incidentally used for education and education related services such as offices, canteens, gardens, athletic fields, sports complex, sports courts, clinics, gymnasiums, car parks, science centers, nature parks and other related areas.
- Actually possessed, occupied or used as school site regardless of period of possession
- Classified as agricultural land (alienable and disposable)

Partnership for Land Rights  
and Governance Project



The Asia Foundation

The Australian Embassy - The Asia Foundation Partnership in the Philippines

Contact us:

FOUNDATION FOR ECONOMIC FREEDOM  
Rm 105 PSSC Bldg. Commonwealth Ave., Quezon City  
Telefax: (02) 4532375  
Email: [fef@fef.org.ph](mailto:fef@fef.org.ph)  
Website: [www.fef.org.ph](http://www.fef.org.ph)  
Facebook: [FoundationforEconomicFreedom](https://www.facebook.com/FoundationforEconomicFreedom)  
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Engr. Bernardo Ibe, DENR-LMB

MAY 2017



## **Department of Environment and Natural Resources**

The Department of Environment and Natural Resources is the primary government agency responsible for the conservation, management, development, and proper use of the country's environment and natural resources including lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

### **Foundation for Economic Freedom**

The Foundation for Economic Freedom is a public advocacy organization dedicated to advancing the cause of economic and political liberty, good governance, secure and well-defined property rights, market-oriented reforms and consumer protection.

### **Coalitions for Change**

The Australian Embassy in the Philippines and The Asia Foundation, through its Coalitions for Change (CfC) flagship program, hopes to effect policy reform by encouraging civil society, the private sector, the academe, and the government to work together and contribute to transformative change. CfC works on development concerns that are consistent with the government's agenda: improving education outcomes, reducing vulnerabilities to disaster, ensuring peace and stability in Mindanao, promoting economic growth , and advocating for effective governance.