

**A Layman's Guide to the
Issuance of Free Patents
to Residential Lands under
Republic Act No. 10023**

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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
CENRO	Community Environment and Natural Resources
DENR	Department of Environment and Natural Resources
HUC	Highly-Urbanized City
IRR	Implementing Rules and Regulations
LIO	Land Investigation Officer
LGC	Republic Act No. 7160, "Local Government Code of 1991"
LMB	Land Management Bureau
MSA	Miscellaneous Sales Patent Application
PENRO	Provincial Environment and Natural Resources Office
PSA	Philippine Statistics Authority
RA 9225	Republic Act No. 9225, "Citizenship Retention and Re-acquisition Act of 2003"
RA 10023	Republic Act No. 10023, "An Act Authorizing the Issuance of Free Patents to Residential Lands"
RD	Register of Deeds
RTC	Regional Trial Court
SMD	Surveys and Mapping Division





ABOUT THIS GUIDE

The Philippines is home to an estimated 24 million parcels of land, only half of which are formally titled. Many Filipinos live, cultivate, and build on plots of land without such formal titles. This lack of security prevents them from using their lands as collateral to secure loans, thereby hindering business opportunities, increased employment, and economic growth.

In 2007, The Asia Foundation, along with a coalition of public advocacy organizations, legislators, and government agencies, began working towards the introduction of reforms to the administrative titling process. The fruit of this effort was Republic Act No. 10023 (RA 10023), which was approved on March 9, 2010. Under the new, simplified titling process, the number of land titles issued each year has dramatically increased from 4,000 prior to 2010 to 60,000 each year since the passage of the law.

The objective of this guide is to increase awareness of RA 10023 and its legal procedures. The guide consists of questions and answers on the residential free patent titling process, as well as template documentation which may be used for applications. We hope that by providing this practical guide, more low-income Filipinos will be able to use this procedure to formally title their lands.

Free patents: A brief background

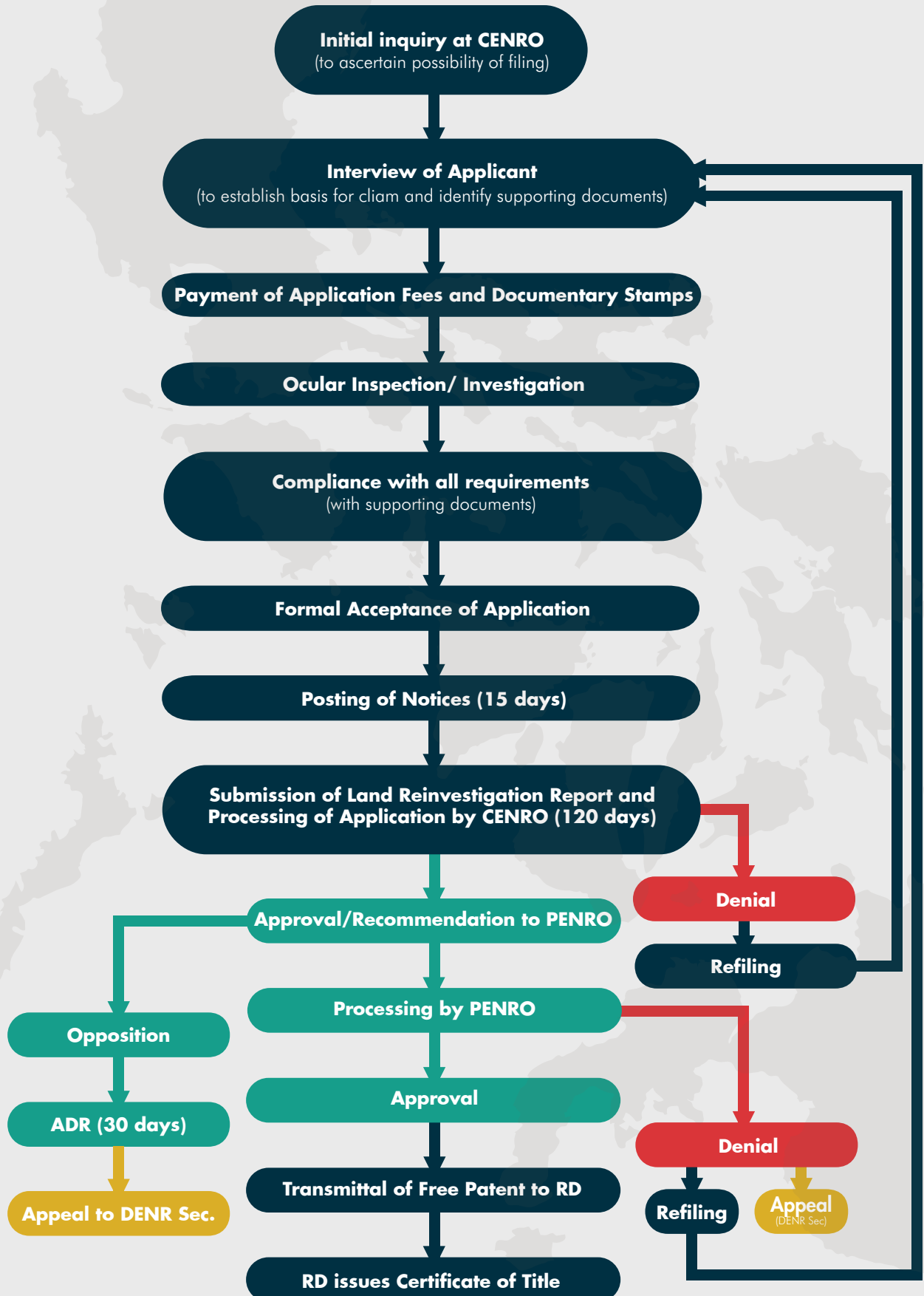
Commonwealth Act No. 141, as amended (Public Land Act) provides for a procedure for the issuance of free patents over agricultural lands. Under the said law, a free patent is a mode of disposition of public alienable and disposable lands to long time possessors and cultivators of such lands. A natural-born Philippine citizen, who is not the owner of more than twelve (12) hectares of land, may obtain a free patent if he/she, by him/herself or through his/her predecessors-in-interest, has continuously occupied and cultivated public agricultural land subject to disposition for at least thirty (30) years prior to April 15, 1990. An application for a free patent under the Public Land Act should be made no later than December 31, 2020. Under this law, free patents are issued only in respect of agricultural lands.

With the passage of Republic Act No. 10023 in 2010, the issuance of free patents is no longer limited to public agricultural lands, as residential lands may now be the subject of a free patent application. Notably, RA 10023 requires a shorter period of occupation of ten (10) years, compared to the thirty (30) years prescribed by the Public Land Act. This new law also imposes a mandatory 120 + 5-day processing period for applications to ensure a faster and more efficient titling process.

Administrative Implementation

Section 7 of RA 10023 imposed upon the Director of the Land Management Bureau (LMB), Department of Environment and Natural Resources (DENR) the obligation to promulgate such rules and regulations to carry out the provisions of the law. In line with this directive, DENR released Administrative Order No. 12-10 providing for Rules and Regulations for the Issuance of Free Patents to Residential Lands under Republic Act No. 10023. The Department likewise issued Memorandum Circular No. 11-10, Prescribing the Forms for the Processing of Residential Free Patent Applications under R.A. 10023 as Implemented by DENR Administrative Order No. 2010-12 dated 5 May 2010.

Processing and Issuance of Residential Free Patents under RA 10023



RA 10023:

What you need to know

what is a free patent?

Under Section 11 of the Public Land Act, a free patent is a mode of disposition of public agricultural land whereby an incomplete or imperfect title over a parcel of land is administratively legalized.

what is an incomplete or imperfect title that can be subject of a free patent application?

An incomplete or imperfect title that can be the proper subject of a free patent application under the Public Land Act is one that arises from the continuous occupation and cultivation of public agricultural lands subject to disposition.

Thus, if you have continuously occupied and cultivated a parcel of public agricultural land subject to disposition, you may be considered as holding an incomplete or imperfect title over such land.

Persons qualified to apply

Q: Who are qualified to apply for a residential free patent?

A: To apply for a residential free patent, you must:

1. be a Filipino citizen;
2. be an actual occupant of untitled residential land using it as his or her actual residence; and
3. have continuously possessed and occupied such land under a bona fide claim of ownership

Q: I am a dual citizen. Am I still qualified to apply?

A: Yes, dual citizens may apply.

CASE STUDY NO. 1

Maria, a Filipina, migrated to the US and subsequently obtained US citizenship. She wishes to retire in her childhood home in the Philippines. Can she apply for a residential free patent?

Maria may apply for a free patent if she is a dual citizen. To be qualified, she must reacquire Philippine citizenship in accordance with the provisions of Republic Act No. 9225.

Q: Who is considered an “actual occupant”?

A: An “actual occupant” is any person who is occupying, living in or staying in a structure situated on a residential land which serves as the residence of the person.

Q: How long should I have been occupying the land before I can apply for a free patent?

A: You must be able to show actual occupancy for at least ten (10) years in order to be entitled to apply for the issuance of a free patent over the untitled residential land.

Q: Should I have been personally occupying the land subject of the free patent application for at least ten (10) years?

A: No. Actual residence and continuous possession and occupation of the parcel subject of the application may either be by the applicant himself or through her or his predecessor-in-interest.

Q: Who are considered “predecessors-in-interest”?

A: A predecessor-in-interest is a person who has formerly occupied a parcel of land in the concept of an owner under a bona fide claim of acquisition of ownership, but resigns his/her right over the same in favor of the applicant. Lawful transfers of land may be effected through a contract of sale, execution sales, deeds of assignment or donation, and other similar acts of disposition.

Q: What some the examples of a predecessor-in-interest?

A: If you are occupying a parcel of land, your predecessors-in-interest include persons like your parents or brothers and sisters from whom you inherited the right to occupy the land, any person from whom you bought the right to occupy the land, or a person who gave you the right to occupy the land.

CASE STUDY NO. 2

Kath bought a parcel of land from Harvey. Harvey had previously lived in a hut on the land for 25 years. Kath has only been living in the hut for 3 months. Can she file a residential free patent application?

Yes, Kath may file. Harvey, Kath's predecessor-in-interest, has actually occupied the land for at least 10 years as required by law. A predecessor-in-interest is a person who has formerly occupied a parcel of land in the concept of an owner under a bona fide claim of acquisition of ownership, but relinquishes her or his right over the same in favor of the applicant.

Q: If I use the parcel of land for my business, am I still considered an "actual occupant"?

A: No. To be considered an actual occupant, you must be occupying, living in, inhabiting or staying in a structure, which primarily serves as your residence, situated on the parcel of land.

CASE STUDY NO. 3

Pedro owns and operates a sari-sari store on the lot across his house. He has had the store for twelve (12) years. Is he entitled to apply for a residential free patent?

No, he is not entitled to apply. For "actual occupation" to be present, the applicant must be occupying, living in, inhabiting or staying in a structure, the primary purpose of which is to serve as the residence of such person, situated on the parcel of land subject of the free patent application.

Q: I am an OFW. Can I still be considered an actual occupant?

A: Yes, OFWs may apply for free patents under the IRR of RA 10023. Persons employed in distant locations, either foreign or domestic, in public or private services, such that they are not able to stay at their place of residence for long periods of time, are considered actual occupants.

CASE STUDY NO. 4

Mario has been working in Saudi Arabia for the last 10 years. He wants to apply for a residential free patent over the lot on which his childhood home stands. His wife and children are still living in this house. Can Mario file the application?

Yes, Mario may file. The IRR of RA 10023 provides that persons employed in distant locations, either foreign or domestic, in public or private services, such that they are not able to stay at their place of residence for long periods of time, are deemed actual occupants. Moreover, "actual residence," as used in the IRR of RA 10023, may either be continuous or interrupted or intermittent.

Q: What does “actual residence” mean?

A: “Actual Residence” means that you intend to use, and are actually using, the structure on the parcel of residential land subject of your application as your place of residence.

It is not necessary that you use the residential land as your actual residence continuously. Discontinuous use of the residential land does not necessarily mean that it is no longer your actual residence. For as long as you intend to use the same as your place of residence, the residential land can still qualify as your actual residence.

Q: What is the concept of “open and continuous possession”?

A: Possession is “open” when it is visible, apparent and generally known to the community. This can be shown by actions that only the owner can do with his/her property such as constructing structures, planting crops, allowing other people to use the property or excluding other persons from using the property.

On the other hand, possession is “continuous” when it is uninterrupted except when prevented by circumstances beyond your control. Here, possession may be actual or constructive. Constructive possession means that while you are not physically present in the property, you continue to have the ability to appropriate or use the property. For example, if you allow another person to stay in the property as your lessee or if you allow another person to plant crops therein for your benefit, you will still be deemed the possessor of the land.

Q: What does a “bona fide claim of ownership” mean?

A: An applicant has a bona fide claim of ownership if he/she provides a legally acceptable proof of possession of the land. The community must recognize that the applicant is the owner of such parcel.

Q: If I am a minor (below eighteen (18) years of age), may I apply for a residential free patent?

A: Yes. Minors may apply for a residential free patent. There is no age requirement to be a qualified applicant. However, if you are below eighteen (18) years old, you have to be duly represented by your legal guardians.

1. The following may be considered legal guardians:
2. The father or mother of a minor
3. In case the applicant has no father or mother, the court may appoint a guardian of the person or property, or both, of a minor based on the following order of priority:
 - a. the surviving grandparent
 - b. the oldest brother or sister of the minor over twenty-one years of age
 - c. the actual custodian of the minor over twenty-one years of age
 - d. any other person who the court thinks would serve the best interests of the minor.

In practice, DENR allows a minor to be represented by any person of legal age (at least eighteen (18) years of age). the land.

Lands covered

Q: What lands may be subject of a residential free patent application?

A: All alienable and disposable lands that are zoned through an appropriate ordinance by the local government unit as residential (residential lands) may be the subject of a residential free patent application, provided that such land is not needed for public service or public use.

Q: How do I know if a parcel of land is zoned as residential?

A: Zoning of land is provided for in city or municipal ordinances. You may obtain the full text of zoning ordinances of your city or municipality through the city or municipality's official website. You may also proceed to the office of the concerned Sanggunian Panlungsod or Sangguniang Bayan concerned to obtain a copy. Sanggunian offices are usually located in the city or municipal hall.

You may also ask your local City/Municipal Planning and Development Office or Zoning Office to issue a zoning certification over the specific parcel of land you are applying for.

Q: What are alienable and disposable lands?

A: Alienable and Disposable Lands are lands of the public domain classified as agricultural that may be acquired through grant or confirmation of title.

Agricultural lands are further classified according to their use. They may be classified as:

- Residential
- Agricultural
- Commercial
- Industrial
- Mineral
- Timber

Q: How do I determine whether or not a parcel of land is alienable and disposable?

A: Public land is considered alienable and disposable if there is a Presidential Proclamation, Executive Order, or law declaring it to be so.

When you apply for a residential free patent, CENRO makes an initial verification on the status of the land (whether titled or claimed by others), as well as its classification (whether alienable and disposable or not). It will then issue a Certification of Status of Land.

Q: What are some examples of properties for public use or public service?

A: Properties for public use are those which are open to the general public, such as:

- Public plazas
- Parks
- Resorts
- Roadways
- Recreational facilities
- Libraries
- Meeting places
- Playgrounds
- Public parking lots

On the other hand, properties used for public service are lands used exclusively by the government or any of its instrumentalities in providing basic services to the general public, including:

- Marketplaces
- Town, city, provincial, or barangay halls
- Hospitals
- Clinics and health centers
- Police stations
- Outposts
- Jails

Application requirements

Q: What documents do I need to submit?

A: Your residential free patent application must include:

1. Duly accomplished application form (Annex "C");
2. Copy of DENR approved plan or copy of cadastral map showing the parcel of land applied for;
3. Copy of technical description;
4. Simplified sketch;
5. Two (2) affidavits of disinterested persons (Annex "D"); and
6. Certification of no pending land registration proceedings covering the land applied for from the Regional Trial Court (RTC).

The checklist of requirements for residential free patent applications are listed in DENR Memorandum Circular No. 11-10 (Annex "E").

CASE STUDY NO. 5

Dominique asked her sister Joyce to execute an affidavit attesting that Dominique has occupied a parcel of land for 10 years. Can Dominique submit this affidavit in support of her free patent application?

No, the affidavit must be executed by a disinterested person. A disinterested person is one who personally knows the applicant for the issuance of a residential free patent and an actual resident of the barangay where the land subject of the application is located. He must not be related to applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent. Moreover, he must have knowledge that the applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years by himself or through his predecessors-in-interest.

Q: Are there any other documents, aside from the above, which I may be required to submit?

A: Yes, if you are not the current lot occupant or the tax declarant of the subject land. Examples of these supporting documents include:

1. Extra-Judicial Settlement and Partition (Annex "F") – In case the tax declarant is deceased, this document will show how the properties of the deceased have been divided among his heirs.
2. Deed of Conveyance (Annex "G") – In case the tax declarant has transferred his interest to the subject land to the applicant, this document will evidence that title or interest in real estate has been transferred.
3. Affidavit of Self-Adjudication (Annex "H") – In cases where the tax declarant is deceased and only has one heir, this document will show that the properties of a deceased have been transferred to said heir.
4. Death Certificate – This certificate will contain the details relating to a dead person, including his name, the date of birth and the date of death.

CASE STUDY NO. 6

Martin, a resident of Manila, inherited a parcel of land belonging to his late uncle in Cebu. He wants to apply for a residential free patent. Can the PENRO require him to submit other documents aside from those included in the checklist?

Yes, the PENRO can require additional documents. In Martin's case, he may be asked to submit his uncle's death certificate, an extrajudicial settlement/partition, or affidavit of self-adjudication (if he is the only heir).

Q: What is an approved plan?

A: An approved survey plan is a plan approved by DENR Regional Office, which verifies and approves original survey plans for all purposes in order to assure that the proper standards have been complied with in the conduct of land surveys.

A survey plan shows the metes and bounds of a parcel of agricultural land and other pertinent information, verified and approved by proper DENR Authority.

Q: What is a cadastral map?

A: A cadastral map is the result of a cadastral survey, drawn to appropriate scale and showing all land parcels and important natural and man-made features within a municipality/project, for purposes of describing and recording ownership. DENR is the department tasked to execute, supervise and manage the conduct of cadastral surveys. w

Q: What is a technical description?

A: Technical description identifies land subject of a patent or title using survey/plan number, lot number, and estimating its location and size using bearings, distances, corner description, and metes and bounds.

Q: Who is a "disinterested person"?

A: A disinterested person is one who personally knows the applicant for the issuance of a residential free patent and an actual resident of the barangay where the land sought to be registered is located. He must not be related to the applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent. Moreover, he/she must know that the applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied the subject land, such that community recognizes the applicant as the owner of such parcel to the exclusion of all others., for at least ten (10) years by him/herself or through his/her predecessors-in-interest.

Limitations

Q: Can I file several applications covering different parcels of land?

A: No. Only one application is allowed per applicant.

CASE STUDY NO. 7

Gino wants to apply for two residential free patents, one for a parcel of land in Cebu and one for another parcel of land in Davao. May he successfully file both applications?

No, Gino cannot file two applications. Only one application shall be allowed per applicant.

Q: What is the maximum size of the land that can be subject of a free patent application?

A: It depends on the income classification of the local government unit where the land is located.

TYPE OF LGU	INCOME REQUIREMENT	MAXIMUM AREA
Highly-urbanized cities (HUCs)	Latest annual income of at least 50,000,000 PhP *minimum population of 200,000	200 sq. m.
Other cities	Average annual income of 20,000,000 PhP	500 sq. m.
First class municipalities	Average annual income of 55,000,000 PhP	750 sq. m.
Second class municipalities	Average annual income equal to or more than 45,000,000 PhP but less than 55,000,000 PhP	750 sq. m.
Other municipalities	Average annual income of at least 2,500,000 PhP	1,000 sq. m.

The list of cities/municipalities in the Philippines and their corresponding income classifications may be viewed at the Philippine Statistics Authority (PSA) website: http://nap.psa.gov.ph/activestats/psgc/articles/con_income.asp.

CASE STUDY NO. 8

Robert wants to file a residential free patent application over a 500-sqm. parcel of land in Quezon City. May he successfully file the application?

No, Robert cannot file. Quezon City is a highly-urbanized city. The maximum area for free patent applications is 200 square meters for HUCs.

Application process

Q: Where do I file my application?

A: You may file your application in the Community Environment and Natural Resources Office (CENRO) that has jurisdiction over the area where the parcel of land is located.

Q: I do not have all the documents required. Can I still submit my application?

A: No. An application will not be accepted/processed unless the complete requirements are submitted. However, if your application is rejected due to incomplete requirements, you are free to reapply once you have completed the requirements.

Q: How long does it take to process my application?

A: The CENRO has 120 days from date of filing to process your application. The CENRO then forwards the application to the Provincial Environment and Natural Resources Office (PENRO), which is given a non-extendible period of five (5) days from receipt of the application to approve or disapprove it.

Conflicting claims

Q: Is there a procedure to be followed in case of conflicting claims?

A: Yes. DENR has issued DENR Administrative Order No. 2016-31 which describes the procedure in the investigation and resolution of land claims and conflicts cases.

Q: Who may file a claim over unpatented land?

A: Claims and conflicts over unpatented lands may be commenced by the claimant, injured party or his/her duly authorized representative possessing a special power of attorney.

Q: Where are claims filed?

A: Claims may be filed with the CENRO that has jurisdiction over the area where the land subject of the claim is located. If the protest is in the National Capital Region (NCR), the Protest shall be filed with the Legal Division of DENR-NCR. In areas with no CENRO, the protest may be filed in the appropriate implementing PENRO.

Q: What document must the claimant file?

A: A verified Protest.

CASE STUDY NO. 9

Pedro filed his free patent application with the CENRO. Now, Jose is claiming that he has been living on the land covered by the free patent application for more than 10 years. How can Jose oppose Pedro's application?

Jose can file a verified protest with the CENRO.

Q: What are the requirements of a verified Protest?

A: It must be written in clear, simple, brief and concise language in either English or Filipino and must contain:

1. Names of the parties;
2. Their addresses;
3. Material allegations;
4. Grounds relied upon; and
5. Documentary and other forms of evidence to support the allegations.

A Protest must also be accompanied by the following documents (in 3 copies):

1. Certificate to file action from barangay concerned, if applicable;
2. Verification and Certification of Non-Forum Shopping;
3. Proof of payment of Protest Fee; and
4. A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s.

Q: What happens after the Protest is filed?

A: The Protestee or his/her duly authorized representative will be ordered to file his/her respond to the protest through an Answer within fifteen (15) days from receipt of the order from the Land Investigation Officer (LIO).

Q: What are the requirements for a valid Answer?

A: The Answer must be in writing, verified, and shall contain material facts responding to the allegations in the Protest. It must be accompanied by proof including a list of the witnesses and their individual addresses. The Answer must be filed in three (3) copies.

Q: Are there any prohibited pleadings in a Protest proceeding?

A: Yes, the following pleadings cannot be filed:

1. Motion to dismiss the Protest
2. Motion for a bill of particulars
3. Motion for extension of time to file pleadings, except to file an Answer, the extension not to exceed 15 days
4. Reply and Rejoinder
5. Dilatory motion for postponement

Q: What happens after the Protest and Answer are filed?

A: An ocular inspection will be scheduled and conducted by the LIO. Thereafter, the case will be referred to Alternative Dispute Resolution (ADR). The LIO may be designated as the mediator if there are no other qualified and trained DENR personnel available.

Q: What is Alternative Dispute Resolution (ADR)?

A: "Alternative Dispute Resolution" means any process used to resolve a dispute or controversy other than through adjudication by the competent authority having jurisdiction over the matter.

Q: What rules govern the ADR process?

A: The entire ADR process shall not be more than 30 days. Lawyers are not allowed to participate during ADR proper. If the parties agree to settle the case, the mediator or shall prepare the compromise agreement and submit the same to PENRO or the Regional Director of DENR-NCR as the case may be.

Q: Are the parties allowed to settle cordially despite the filing of a verified Protest?

A: Yes. At any time during the proceedings, the parties may agree to settle the case amicably. The mediator or LIO through CENRO shall prepare or draft the compromise agreement and submit the same to PENRO or the Regional Director of DENR-NCR as the case may be. The compromise agreement must be signed by all parties concerned. An Order of Compromise Agreement will be issued by PENRO or the Regional Director, and will have the force and effect of a final and executory decision.

Q: What are the consequences of the parties' failure to reach an amicable settlement?

A: After the inspection, if the parties fail to reach an amicable settlement, ADR proceedings will be concluded and the ADR Officer will issue a Certificate of Failure to Settle (CFS). The parties will then be required to submit their respective position papers within a non-extensible period of 30 days from the termination of the ocular inspection.

The Legal Division will be in charge of issuing a draft decision which will ultimately reviewed by the Regional Director.

Q: What can I do if the decision of the Regional Director is not favorable to me?

A: You may file a Motion for Reconsideration (MR) within 15 days from the receipt of the Decision of the Regional Director. Only one MR shall be allowed.

If still unsatisfied with the decision, any aggrieved party may take an appeal to DENR Secretary.

The DENR Secretary shall render a decision within 120 days from the date the appeal has been submitted for resolution.

Other concerns

Q: I previously filed a miscellaneous sales application. Can I convert it to a free patent application?

A: Yes, as long as you consent to the conversion and no order of award has yet been issued. You will be required to execute an Affidavit of Relinquishment of Rights (Annex "I").

Q: Can I recover the installments I previously paid under the miscellaneous sales application?

A: No. A prerequisite to conversion is the relinquishment of rights to the MSA and forfeiture of previously paid installments.

ANNEXES



ANNEX A: 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.

Section 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.

Section 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.

Section 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.

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

Section 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 this 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.

Section 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.

Section 8. Repealing Clause. - All laws, decrees, executive order, executive issuance's 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.

Section 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 of this Act shall be thereby shall continue to be in full force and effect.

Section 10. Effectivity Clause. - This Act shall take effect fifteen days (15) after its publication in two (2) national newspapers of general education.

ANNEX B: DENR Administrative Order No. 12-10**May 5, 2010****DENR ADMINISTRATIVE ORDER NO. 12-10**

SUBJECT : Rules and Regulations for the Issuance of Free Patents to Residential Lands Under Republic Act No. 10023

Pursuant to Section 7 of Republic Act No. 10023, otherwise known as An Act Authorizing the Issuance of Free Patents to Residential Lands ("RA 10023"), mandating the Director of the Land Management Bureau of the Department of Environment and Natural Resources to issue the implementing rules and regulations of this Act, the following rules and regulations specifically pertaining to residential lands are hereby promulgated:

SECTION 1. *Scope of the Implementing Rules and Regulations.* — This implementing rules and regulations, hereinafter referred to as the IRR, shall only cover applications for free patents pertaining to untitled public alienable and disposable lands which have been zoned as residential. It shall also cover zoned residential areas in proclaimed townsites reservations.

SECTION 2. *Definition of Terms.* — For purposes of RA 10023, the following terms and phrases as used in this IRR are defined and understood as follows:

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

2.1.1 Those who are citizens of the Philippines at the time of the adoption of the 1987 Constitution;

2.1.2 Those whose fathers or mothers are citizens of the Philippines;

2.1.3 Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and

2.1.4 Those who are naturalized in accordance with law.

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

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

2.2.1 For purposes of this IRR, persons employed in distant locations, either foreign or domestic, in public or private service, such that they are not able to stay at their place of residence for long periods of time, are deemed actual occupants.

2.3 *Residential lands* — all lands that have been identified and zoned as residential through the appropriate ordinance by the Local Government Unit (LGU) having jurisdiction over the area. These include residential lands within areas zoned as mixed residential and commercial or mixed residential and industrial.

2.4 *Alienable and Disposable lands* — Lands of the public domain classified as agricultural that may be acquired through grant or confirmation of title.

2.5 *Townsites reservations* — proclaimed areas specifically reserved for the establishment of a new town as provided for in Chapter XI Title V of C.A. 141 or the Public Land Act as Amended.

2.6 *Highly urbanized cities (HUC)* — as defined in Republic Act No. 7610, otherwise known as the Local Government Code (LGC), cities with a minimum population of two hundred thousand (200,000) inhabitants, as certified by the National Statistics Office, and with the latest annual income of at least Fifty Million Pesos (P50,000,000.00) based on 1991 constant prices, as certified by the city treasurer. Provided that, any future changes in qualifications for classification as HUC by the concerned government agency at the time of filing of the application will prevail.

2.7 *First class municipalities* — municipalities with an average annual income of Fifty Five Million Pesos (P55,000,000.00), as provided for in Department Order No. 23-08 of the Department of Finance, dated July 29, 2008 (DO 23-08). Provided that, any future changes in qualifications for classification as first class municipality by the concerned government agency at the time of filing of the application will prevail.

2.8 *Second class municipalities* — municipalities with an average annual income equal to or more than Forty Five Million Pesos (P45,000,000.00), but not exceeding Fifty Five Million Pesos (P55,000,000.00), as provided for in DO 23-08. Provided that, any future changes in qualifications for classification as second class municipality by the concerned government agency at the time of filing of the application will prevail.

2.9 *Use for Public service* — utilization of parcels of land exclusively by the government or any of its instrumentalities in providing basic services to the general public, such as, but not limited to, market places; town, city, provincial, or barangay halls; hospitals, clinics, and health centers; police stations; outposts; jails; and the like.

2.10 *Public use* — 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.

2.11 *Disinterested person* — any person who has no claim over the parcel of land subject of the free patent application and who does not stand to benefit from titling and registration or any other transaction over such parcel of land. A person is also disinterested when her or his relation to the cause or to the parties is such that she or he has no incentive for exaggerating or giving false color to her or his statements, or for suppressing or perverting the truth or for stating what is false.

2.12 *Predecessor-in-interest* — a person who, before having lawfully transferred the parcel subject of the application to the applicant, has held and possessed the same in her or his own right and under a color of title acquired through any of the modes of acquisition recognized by the Civil Code. She or he has formerly occupied this parcel of land in the concept of an owner under a bona fide claim of ownership, but relinquishes her or his right over the same in favor of the applicant.

2.13 *Actual residence* — utilization of and presence in a residential structure on the parcel subject of the application with the intention to reside, coupled with conduct indicative of such intention, either continuous or interrupted or intermittent, as long as the applicant possesses such structure and the parcel on which it stands in the concept of an owner.

2.14 *Continuous possession and occupation* — use either by the applicant herself or himself, or through her or his predecessor-in-interest, of the parcel subject of the application in the concept of an owner. This may be actual possession or occupation, or constructive possession that provides for non-residence, but with the desire to come back as soon as practicable. The possession and occupation, whether actual or constructive, must be without interruption, except when prevented by force majeure or circumstances beyond human control, or not of intermittent character while it continues. A person who lawfully recovers possession unjustly lost, shall be deemed, for all purposes which may redound to her or his benefit, to have enjoyed it without interruption.

2.15 *Bona fide claim of acquisition of ownership* — claim for the parcel subject of the application that is legally adequate as proof of possession and as acceptable to the community to separate that particular parcel as being owned by the applicant to the exclusion of others. It means that the applicant holds the property by virtue of or through any of the modes of acquisition recognized by the Civil Code. It also refers to a state of mind which is manifested by the acts of the applicant, done with honest intention to abstain from taking an unconscionable or unscrupulous advantage of another. It is the opposite of fraud and its absence should be established by convincing evidence.

2.16 *Accomplished application* — a proper application form completely and duly filled in with the requisite information and that which does not require any additional inputs other than those already provided in the form, together with all other requirements enumerated under Section 5 of the IRR.

2.17 *CENRO* — the Community Environment and Natural Resources Office of the Department of Environment and Natural Resources (DENR) having jurisdiction over the parcel subject of the application, which shall accept the accomplished application submitted by the applicant. In the National Capital Region, the Regional Office shall perform the functions of the CENRO. Where portions of the parcel subject of the application are spread over two (2) or more areas under the jurisdiction of more than one (1) CENRO, the parcel shall be divided such that the portions shall be the subject of separate free patents applied for in the corresponding CENRO where they are located.

2.18 *PENRO*— the Provincial Environment and Natural Resources Office of the Department of Environment and Natural Resources (DENR) having jurisdiction over the parcel subject of the application, which has the power to approve or disapprove such application. In the National Capital Region, the Regional Executive Director shall perform the functions of the *PENRO*. Upon approval of the application, the *PENRO* shall issue the patent over such parcel of land.

SECTION 3. *Qualifications.* — Applicants for the issuance of a residential free patent shall possess the following qualifications, namely:

3.1 Filipino citizenship, as defined in subsection 2.1. In case of doubt, the *CENRO* or the land investigator concerned may ask for proof of citizenship such as, but not limited to, a copy of the birth certificate, passport, decree or order of naturalization, or certificate of dual citizenship.

3.2 Actual occupation, actual residence and continuous possession and occupation of the parcel subject of the application, either by herself or himself or through her or his predecessor-in-interest, under a bona fide claim of acquisition of ownership, for at least ten (10) years prior to the filing of the application.

There shall be no age requirement for applicants as long as minor applicants, aged below eighteen (18) years old, are duly represented by their legal guardians. The heirs of a deceased applicant may substitute the applicant provided that they themselves possess the required qualifications. Only one application shall be allowed per applicant.⁵³

SECTION 4. *Coverage.* — The IRR covers all residential lands that have been identified and zoned through the appropriate ordinance of the LGU concerned, provided that the land applied for is not needed for public service and/or public use.

4.1 For highly urbanized cities, the area shall not exceed two hundred (200) square meters.

4.2 For other cities, the area shall not exceed five hundred (500) square meters.

4.3 For first class and second class municipalities, the area shall not exceed seven hundred fifty (750) square meters.

4.4 For all other municipalities, the area shall not exceed one thousand (1000) square meters. In the determination of the size limitation of the parcel subject of the application, the above classifications of LGUs at the time of filing of the accomplished application shall be considered.

All *CENROs* shall secure a copy of approved zoning ordinances of cities and municipalities within their jurisdiction for identification of zoned residential areas. They shall also secure area certifications from the LGU planning offices that the areas identified and zoned as residential lands are not needed for public use or public service. The LGU zoning at the time of filing of the application shall be considered for purposes of complying with the zoning requirement.

SECTION 5. *Requirements for Applications.* — The application form accompanied by the requirements enumerated below shall constitute an accomplished application for the issuance of free patents for residential lands.

5.1 Copy of approved plan based on an actual survey conducted by a licensed geodetic engineer or copy of cadastral map showing the parcel of land applied for. For purposes of securing the approval of a survey, the application number is not necessary.

5.2 Copy of technical description of the parcel of land subject of the application. LMB form 700-2A or LMB form 700-2B may be used.

5.3 Simplified sketch of the land parcel showing the adjacent lots, corners and natural or manmade features that define the boundaries of the land.

5.4 Affidavit of two (2) disinterested persons 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 subject land for at least ten (10) years.

5.5 For isolated applications, a certification from the Regional Trial Court that there is no pending land registration case involving the land parcel being applied for.

SECTION 6. *Procedure in the CENRO for Processing Applications.* — Applications for residential free patent shall be filed in the CENRO whose jurisdiction covers the area where the parcel of land subject of the application is situated. This may also include on-site acceptance of accomplished applications by the CENRO or any of his authorized representatives. The CENRO may also authorize any public office to accept applications and to prepare applications and documents for processing.

6.1 No application shall be accepted/processed without submitting the complete requirements including the approved plan and technical description. A preliminary assessment of compliance with the qualifications and documentary requirements based on the checklist may be made before acceptance of the application and the commencement of the 120-day period.

6.2 *Posting of Notices.* — Upon receipt of an accomplished application, the CENRO concerned shall cause the posting of notices for 15 days in two (2) conspicuous places within the municipality or city, preferably in the location of its office, or any other place that can be readily seen, such as, but not limited to, public bill boards, public plazas, municipal/city/barangay halls and market places. The CENRO shall issue the certificate of posting of notice after the 15 day period has elapsed.

6.3 The CENRO is required to process the application, including the publication thereof, within a non-extendible period of one hundred twenty (120) days from the date of filing of the accomplished application. The 120-day period starts the moment that an accomplished application leaves the hands of the applicant and is turned over to the CENRO or any authorized representative thereof. The period for verification with the records (e.g., determining whether or not a patent had already been issued for the parcel in question) is included in the 120-day period. The period for approval of surveys is not included in the 120-day period. The CENRO may provide for acceptance and processing of applications by batch (by date or by geography) to comply with the 120-day processing period.

6.4 Upon approval of the CENRO, the application and the complete records of the application shall be forwarded to the PENRO for her or his approval and signature.

6.5 Should the CENRO determine that the application is incomplete in requirements, she or he shall reject the application without prejudice to re filing.

6.6 The investigator shall conduct an ocular inspection on the parcel of land applied for and shall determine the qualifications of the applicant as well as verify the claims of the applicant on the land. The land investigator is authorized to subscribe proofs, affidavits and oaths of any kind required or necessary in connection with the application for residential free patent.

6.7 In case an opposition is filed, the 120-day period for processing shall be deemed interrupted. The CENRO shall notify the applicant on the opposition and shall subject the application to the regular claims and conflict procedures of the DENR.

6.8 The CENRO shall fast track the resolution of all claims and conflicts arising from residential free patent applications within 120 days and shall notify the conflicting parties within 15 days from the date of resolution. The CENRO shall apply alternative dispute resolution (ADR) mechanisms in the resolution of claims and conflicts.

6.9 The CENRO shall establish a computerized data base and system of record keeping with respect to all public land applications and patents arising from the implementation of this Act.

SECTION 7. *Procedure in the PENRO.* — Upon the recommendation of the CENRO concerned, the corresponding PENRO shall have a non-extendible period of five (5) days from receipt of such recommendation to either approve and sign the patent or disapprove the application.

In case of approval, the PENRO shall notify the applicant within 15 days and forward the patent to the Registry of Deeds.

In case of disapproval, the PENRO shall notify the applicant within 15 days and remand the entire records to the CENRO for appropriate action.

The PENRO may disapprove the application without prejudice to re-filing on the grounds of non-compliance with documentary requirements. He/she may disapprove an application with prejudice to refiling on grounds of non-qualification of the applicant and when the land applied for should undergo claims and conflict resolution procedures.

The disapproval of the application by the PENRO may be appealed to the Secretary of the DENR through appropriate channels.

SECTION 8. *Other Pending Applications.* — Pending miscellaneous sales applications falling within the purview of RA 10023 prior to the order of award may be converted to applications for residential free patent. Provided, that the applicant is informed and his/her consent is obtained.

All pending miscellaneous sales application after the order of award and those applicants thereof who have commenced payment on any of the required equal annual installments shall be given the option to continue with the miscellaneous sales application or to convert their application into an application under RA 10023, provided that an affidavit of relinquishment of rights to the MSA and of forfeiture of previously paid installments shall be executed.

The conversion of pending Miscellaneous Sales Applications shall comply with the area limits specified in Section 4.

The CENRO shall issue an order cancelling the miscellaneous sales application and converting the MSA to a residential free patent application.

Townsite sales applications falling within the qualifications of R.A. 10023 and before the bidding has been conducted, may also be converted to residential free patent applications. Provided, that the applicant consents to the conversion and provided further, that the applicant relinquishes any other type of claim through an affidavit. And provided further, that the conversion shall comply with the area limits specified in Section 4.

SECTION 9. *Removal of Restrictions.* — The following restrictions under Chapter XIII, Title VI of Commonwealth Act No. 141 shall not be applicable to patents issued under RA 10023, to wit:

“Section 118. Except in favor of the Government or any of its branches, units, or institutions, lands acquired under free patent or homestead provisions shall not be subject to encumbrance or alienation from the date of the approval of the application and for a term of five years from and after the date of issuance of the patent or grant, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period, but the improvements or crops on the land may be mortgaged or pledged to qualified persons, associations, or corporations.

No alienation, transfer, or conveyance of any homestead after five years and before twenty-five years after issuance of title shall be valid without the approval of the Secretary of Agriculture and Commerce, which approval shall not be denied except on constitutional and legal grounds.”

“Section 119. Every conveyance of land acquired under the free patent or homestead provisions, when proper, shall be subject to repurchase by the applicant, his widow, or legal heirs, within a period of five years from the date of the conveyance.”

“Section 121. Except with the consent of the grantee and the approval of the Secretary of Natural Resources, and solely for commercial, industrial, educational, religious or charitable purposes or for a right of way, no corporation, association, or partnership may acquire or have any right, title, interest, or property right whatsoever to any land granted under the free patent, homestead, or individual sale provisions of this Act or to any permanent improvement on such land.

The provisions of Section 124 of this Act to the contrary notwithstanding, any acquisition of such land, rights thereto or improvements thereon by a corporation, association, or partnership prior to the promulgation of this Decree for the purposes herein stated is deemed valid and binding; Provided, That no final decision of reversion of such land to the State has been rendered by a court; And Provided, further, That such acquisition is approved by the Secretary of Natural Resources within six (6) months from the effectivity of this Decree.”

“Section 122. No land originally acquired in any manner under the provisions of this Act, nor any permanent improvement on such land, shall encumbered, alienated, or transferred, except to persons, corporations, associations, or partnerships who may acquire lands of the public domain under this Act or to corporations organized in the Philippines authorized therefor by their charters.

Except in cases of hereditary succession, no land or any portion thereof originally acquired under the free patent, homestead, or individual sale provisions of this Act, or any permanent improvement on such land, shall be transferred or assigned to any individual, nor shall such land or any permanent improvement thereon be leased to such individual, when the area of said land, added to that of his own, shall exceed one hundred and forty-four hectares. Any transfer, assignment, or lease made in violation hereof, shall be null and void.”

"Section 123. No land originally acquired in any manner under the provisions of any previous Act, ordinance, royal order, royal decree, or any other provision of law formerly in force in the Philippines with regard to public lands, terrenos baldios y realengos, or lands of any other denomination that were actually or presumptively of the public domain, or by royal grant or in any other form, nor any permanent improvement on such land, shall be encumbered, alienated, or conveyed, except to persons, corporations or associations who may acquire land of the public domain under this Act or to corporate bodies organized in the Philippines whose charters authorize them to do so: Provided, however, That this prohibition shall not be applicable to the conveyance or acquisition by reason of hereditary succession duly acknowledged and legalized by competent courts; Provided, further, That in the event of the ownership of the lands and improvements mentioned in this section and in the last preceding section being transferred by judicial decree to persons, corporations or associations not legally capacitated to acquire the same under the provisions of this Act, such persons, corporations, or associations shall be obliged to alienate said lands or improvements to others so capacitated within the precise period of five years; otherwise, such property shall revert to the Government."

SECTION 10. Separability Clause. — If, for any reason, any section or provision of this Implementing Rules and Regulations 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 11. Repealing Clause. — All orders, circulars, memoranda and other issuances inconsistent herewith are hereby repealed and/or amended accordingly.

SECTION 12. 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 from the Office of the National Administrative Register.

ANNEX C: Application for Residential Free Patent

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

Application for Residential Free Patent

Application No.: _____ Entry No.: _____

Name of Applicant: _____

Address: _____

Citizenship: _____ Civil Status: _____

Age: _____ If minor, name of legal guardian: _____

Date of Birth: _____ Place of Birth: _____

Location of residential land applied for: _____

Lot No.: _____ Pls.: _____

Land Area: _____ Cad.: _____

Applicant's predecessor-in-interest (if any): _____

Date of entry by applicant or predecessor-in-interest upon the residential land applied for:
 (on or about) _____.

I declare, under the penalties of perjury, that my total land holdings are not more than 12 hectares and that this application has been made in good faith and to the best of my knowledge all information contained herein are true and correct.

 Applicant's Name and Signature

SUBSCRIBED AND SWORN TO before me this ____ day of _____
 at _____.

 Officer Authorized to Administer Oath

ANNEX D: Affidavit of Disinterested Person

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____)
MUNICIPALITY/CITY OF _____) S.S.

**AFFIDAVIT
(IN SUPPORT OF RESIDENTIAL FREE PATENT APPLICATION)**

I, _____ Filipino, single/married, of legal age and a resident of _____ after having been duly sworn to, do hereby depose and state:

1. That I personally know _____ who has filed an application for residential free patent over a piece of land located at _____;
2. That I am an actual resident of Barangay _____ of the City/Municipality of _____ and that I know the land applied for very well;
3. That I personally know that the said applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years by himself or through his predecessors-in-interest.
4. That I am not related to the applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent; and
5. That to the best of my knowledge, belief and information, he has the qualifications to apply for a residential free patent under R.A. 10023.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____ in the place above first written.

Affiant

CTC No. _____
Issued on _____ at _____

SUBSCRIBED AND SWORN TO before me on the date and place stated above.

Officer Authorized to Administer Oath

ANNEX E: Checklist of Requirements for Residential Free Patent Application**FOR APPLICANTS**

- Application Form
- Copy of DENR Approved Plan
- Copy of Technical Description
- Simplified Sketch
- Two (2) Affidavits of Disinterested Persons
- Certification of No Pending Land Registration Proceedings covering the land applied for from the Regional Trial Court

**FOR CENRO PERSONNEL
(FOR APPROVAL OF APPLICATION AND TRANSMITTAL TO PENRO)**

- Application Form with complete attachments
- Certification that the land applied for is classified as agricultural (Alienable and Disposable)
- Certification that the land applied for is not needed for public use or purpose from the LGU Planning and Development Office
- LGU Zoning Ordinance showing that the land subject of the application is zoned as a residential area
- Certificate of posting of Notice of Application
- Investigation and Ocular Inspection Report
- Order of issuance of residential free patent
- Accomplished judicial form
- Transmittal to PENRO

ANNEX F: Extrajudicial Settlement and Partition

EXTRA-JUDICIAL SETTLEMENT OF ESTATE

We, _____, of legal age, _____, with residence address
insert name of heir indicate whether single, married or widowed
at _____ and _____
insert address insert name of heir
of legal age, _____, with residence address at _____
Indicate whether single, married or widowed insert address
_____, respectively on our own volition, declare as follows:

1. That we are the sole heirs of the deceased _____ who died on _____
insert name of deceased insert date of death
at _____.
insert place of death
2. A copy of the death certificate of the deceased is attached hereto as Annex A.
3. That said deceased died intestate, without any last will or testament, and without any outstanding debts in favor of any person or entity;
4. That the deceased left a certain parcel of land more particularly described as follows:

insert Technical Description of Property

5. That pursuant to Section 1 of Rule 74 of the Rules of Court of the Philippines, and both being with full capacity to contract, we do hereby adjudicate unto ourselves the land described above, in equal shares.

IN WITNESS WHEREOF, we have hereunto set our hands, this _____ at _____, Philippines.

By: _____ By: _____
Name: _____ Name: _____

SIGNED IN THE PRESENCE OF:

Insert name of witness
Witness

Insert name of witness
Witness

ACKNOWLEDGEMENT

Republic of the Philippines)
 _____) S.S.

BEFORE ME, a notary public for and in the City of _____, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Extra-Judicial Settlement of Estate and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this _____ day of _____, 20__ at _____.

Notary Public

Doc. No. _____;
 Page No. _____;
 Book No. _____;
 Series of 20____.

ANNEX G: Deed of Conveyance

DEED OF CONVEYANCE

This Deed of Conveyance, made and entered into this ___ day of _____, 20__ at _____, by and between:

_____, Filipino Citizen, of legal age, _____, with
insert name of seller indicate whether single, married or widowed
residence and postal address at _____, (the "Seller");
insert address

- and -

_____, Filipino Citizen, of legal age, _____, with
insert name of buyer indicate whether single, married or widowed
residence and postal address at _____, (the "Buyer");
insert address

WHEREAS, the Seller is legal and beneficial owner of a parcel of land located in _____, with an area of _____ square meters, more or less, more particularly described as follows:

(Insert Technical Description of Property)

WHEREAS, the Seller has offered to sell, convey, assign and transfer all his/her rights, title and interest over the above property and the Buyer hereby accepts the conveyance, assignment and transfer in accordance with the terms herein set forth.

NOW, THEREFORE, for and in consideration of the foregoing premises and the sum of _____ PHILIPPINE CURRENCY, which the Seller hereby acknowledges to have received from Buyer, the Seller hereby absolutely sells, conveys, assigns and transfers unto the Buyer, all of his/her rights, title and interest to the aforementioned property, together with all improvements found thereon, free from all liens and encumbrances of whatever nature including real estate taxes as of the date of this deed.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date and place first above written.

By: _____
Name: _____
insert name of seller

By: _____
Name: _____
insert name of seller

WITH MY MARITAL CONSENT:

By: _____
Name: _____
insert name of seller's spouse

By: _____
Name: _____
insert name of seller's spouse

SIGNED IN THE PRESENCE OF:

insert name of witness
Witness

insert name of witness
Witness

ACKNOWLEDGEMENT

Republic of the Philippines)
 _____) S.S.

BEFORE ME, a notary public for and in the City of _____, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Deed of Conveyance and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this _____ day of _____, 20__ at _____.

Notary Public

Doc. No. _____;
 Page No. _____;
 Book No. _____;
 Series of 20____.

ANNEX H: Affidavit of Self-Adjudication

AFFIDAVIT OF SELF-ADJUDICATION

I, _____, of legal age, _____, with residence address
insert name of heir indicate whether single, married or widowed
at _____ after having been duly sworn
insert address
in in accordance with law, depose and state:

1. That I am the sole heir of the deceased _____ who died on _____
insert name of deceased insert date of death
at _____.
insert place of death
2. A copy of the death certificate of the deceased is attached hereto as Annex A.
3. That said deceased died intestate, without any last will or testament, and without any outstanding debts in favor of any person or entity;
4. That the deceased left a certain parcel of land more particularly described as follows:

insert Technical Description of Property

5. That pursuant to Rule 74, Sec. 1 of the Rules of Court, I hereby adjudicate unto myself the above-described real estate by means of this Affidavit and hereby files the same with the Register of Deeds of _____ with the request that the said adjudication be made effective without judicial proceeding as prescribed by the aforementioned provision of the Rules of Court.

IN WITNESS WHEREOF, we have hereunto set our hands, this _____ at _____, Philippines.

By: _____
Name: _____

SIGNED IN THE PRESENCE OF:

Insert name of witness
Witness

Insert name of witness
Witness

ACKNOWLEDGEMENT

Republic of the Philippines)
 _____) S.S.

BEFORE ME, a notary public for and in the City of _____, personally appeared:

Name	Valid Government Issued and Identification	Date and Place of Issue

known to me to be the same persons who executed the foregoing Affidavit of Self-Adjudication and acknowledged to me that the same is their free and voluntary act and deed.

WITNESS MY HAND AND SEAL, on this _____ day of _____, 20__ at _____.

Notary Public

Doc. No. _____;
 Page No. _____;
 Book No. _____;
 Series of 20____.

ANNEX I: Affidavit of Relinquishment of Rights

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF _____)
MUNICIPALITY/CITY OF _____) S.S.

AFFIDAVIT OF RELINQUISHMENT OF RIGHTS

I, _____ Filipino, single/married, of legal age and a resident of _____ after having been duly sworn to, do hereby depose and state:

1. That I have been advised of the provisions of Republic Act No. 10023 or "An Act Authorizing the Issuance of Free Patents to Residential Lands";
2. That I have a subsisting Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application evidenced by _____ ;
3. That I wish to avail of the provisions of Republic Act No. 10023 and convert my Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application into a Residential Free Patent Application;
4. That I hereby relinquish all my rights to the Miscellaneous Sales Application/ Townsite Sales Application/ Sworn application and forfeit all previously paid installments in favor of the government;
5. That I have read and fully understood this affidavit of relinquishment of rights, which is hereby given and made willingly and voluntarily and with full knowledge of rights under the law.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, _____ in the place above first written.

Affiant

CTC No. _____
Issued on _____ at _____

SUBSCRIBED AND SWORN TO before me on the date and place stated above.

Officer Authorized to Administer Oath

THE PARTNERS

THE ASIA FOUNDATION

The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia.



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, and market-oriented reforms.



SYCIP SALAZAR HERNANDEZ & GATMAITAN

SyCip Salazar Hernandez & Gatmaitan (SyCipLaw), founded in 1945, is one of the largest and leading law firms in the Philippines. Although its work centers on business activity, the firm has offered a broad and integrated range of legal services that cover such areas as family relations, constitutional issues, and other matters of law unrelated to commerce.



THOMSON REUTERS FOUNDATION

The Thomson Reuters Foundation is a global leader in supporting free, independent journalism, human rights, women's empowerment and the rule of law. TrustLaw is the Thomson Reuters Foundation's global pro bono legal programme. It connects high-impact NGOs and social enterprises working to create social and environmental change with the best law firms and corporate legal teams to provide them with free legal assistance.



LAND MANAGEMENT BUREAU

The Land Management Bureau is a Philippine government agency under the Department of Environment and Natural Resources responsible for administering, surveying, managing, and disposing alienable and disposable lands and other government lands not placed under the jurisdiction of other government agencies.

