



IN CASE THE SALE PERTAINS TO **STRUCTURES/IMPROVEMENTS/TREES AND CROPS ONLY**, THE OWNER AND THE IO SHALL EXECUTE AN AGREEMENT TO **DEMOLISH AND REMOVE IMPROVEMENT (ARDI) FOR STRUCTURES/IMPROVEMENTS AND AGREEMENT TO REMOVE IMPROVEMENT (ATRI) FOR TREES AND CROPS**, PROVIDED THAT THE OWNER HAS SUBMITTED TO THE IO DOCUMENTS TO ESTABLISH PROOF OF OWNERSHIP OF SAID STRUCTURES/IMPROVEMENTS/TREES AND CROPS (CERTIFICATION FROM BARANGAY). THE IO SHALL REMIT TO THE CONCERNED LGU ANY UNPAID TAX ON SUCH STRUCTURES/IMPROVEMENTS, TO BE DEDUCTED FROM THE NEGOTIATED PRICE.

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The original Section 2.24, Overview, reads as follows:

**"2.24 Clearing of Private Structures and Crops/Trees within the ROW**

*Objective: To clear private structures and crops/trees within the ROW after the properties are fully acquired.*

*Overview:*

*This procedure is initiated when the Title of the acquired land has been transferred in the name of the Republic of the Philippines regardless of the mode of its acquisition, except for those that are expropriated. For properties acquired through donation, clearing of ROW can be immediately carried out once the Deed of Donation is perfected, since the Deed is inclusive of all improvements in the acquired property.*

*For properties acquired through negotiated sale, through a Deed of Exchange, or through the execution of a "quit claim", or "easement agreement", clearing of ROW shall be undertaken after the Agreement to Demolish and Remove Improvements (ADRI) has been executed and agreed between the IO and the property owner. For properties acquired through negotiated sale, it is important to make sure that the ADRI is approved prior to the release of the initial 70% payment for the improvements, and that the ADRI is notarized prior to the release of the remaining 30% payment as specified in **Section 2.23** of the DRAM. For exchanged properties, the ADRI must be approved and notarized prior to the release of full payment for improvements."*

**Section 2.24 shall now be read as *Clearing of Private Structures/Improvements and Crops/Trees within the ROW*; the first paragraph of the Overview is deleted, and the second paragraph shall now read as:**

*For properties acquired **or to be acquired** through negotiated sale, through a deed of exchange, or through the execution of a "quit claim", or "easement agreement", clearing of row shall be undertaken after the agreement to demolish and remove improvements (adri) for **structures / improvements and agreement to remove improvements (atri) for crops/trees** has been executed and agreed between the io and the property owner. For properties acquired through negotiated sale, it is important to make sure that the adri **and atri** are approved prior to the release of the initial 70% payment for the **structures / improvements/crops/trees**, and that the **adri/atri** are notarized prior to the release of the remaining 30% payment, as specified in section 2.23 of the dram. For exchanged properties, the **adri/atri** must be approved and notarized prior to the release of full payment for improvements.*

Sub-Section 2 of Section 2.24 shall also be revised:

*"Procedure:*

*For structures and crops/trees on lands acquired through exchange/quit claim/easement agreement and negotiated sale*

1. x x x
2. *Make sure that the property owner understands that, if he decides to demolish and remove his own structures and improvements, he has to complete it within a specified*

*time frame, as stipulated in the ADRI; and that if he fails to do so, the IO shall undertake the task."*

**This is revised to read as follows:**

2. Make sure that the property owner understands **and agrees** that, if he decides to demolish and remove his own **structures / improvements/crops/trees**, he has to complete it within a specified time frame, as stipulated in the **adri/atri**; and that if he fails to do so, the io shall undertake the task.

Sub-Section 3 of the same shall also be revised:

- "3. Prepare the ADRI. Attach to the ADRI photographs of the structures and improvements to be demolished. Certify the authenticity of the photographs, together with one representative each from the concerned Office of the Assessor and Commission on Audit (COA)."

**to read as follows:**

- 3. Prepare the **adri/atri**. Attach to the **adri/atri** photographs of the **structures/improvements/crops/trees to be demolished and removed, duly signed by the dpwh representative of the implementing office.*****

The hereunder Sub-Section 4:

- "4. If the land was acquired through a deed of exchange or through a quit claim or through an easement agreement, have the owner sign the ADRI before payment for improvements is made. If not, proceed to the next step."

**and shall read as follows:**

4. If the land **is** acquired **or to be acquired** through a deed of exchange or through a quit claim or through an easement agreement, have the owner sign the **adri/atri before payment for structures /improvements/ crops/trees is made pursuant to section 2.23 of the dram**. If not, proceed to the next step.

Sub-Section 5 shall be revised:

- "5. If the land was acquired through purchase, have the owner sign the ADRI before full payment for lot and improvements is made."*

**to read as follows:**

5. If the land **is** acquired **or to be acquired** through purchase, have the owner sign the **ADRI/ATRI** before full payment for **lot and structures/improvements /crops/trees is made pursuant to section 2.23 of the DRAM**.

Sub-Section 6 shall be revised:

- "6. Have the ADRI approved by the Project Director of the concerned PMO or PPPS for projects at the CO, or by the concerned Regional Director for other projects."

**to read as follows:**

6. Have the **ADRI/ATRI** approved by the project director of the concerned PMO or PPPS for projects at the CO, or by the concerned regional director for other projects.

Sub-Section 7 shall be revised:

- "7. If the property owner opted to let the IO undertake the demolition and removal of structures and improvements, inform him in writing about the schedule of demolition and removal of said structures and improvement. If the property owner opted to demolish and remove his own structures and improvements, wait for the time period specified in the ADRI to lapse before inspecting the site."

**to read as follows:**

7. If the property owner opted to let the IO undertake the demolition and removal of **structures/improvements/crops/trees**, inform him in writing about the schedule of demolition and removal of said **structures/improvements /crops/trees**. If the property owner opted to demolish and remove his own **structures / improvements/crops/trees**, wait for the time period specified in the **ADRI/ATRI** to lapse before inspecting the site.

Sub-Section 8 shall be revised:

- "8. If the property owner completed the demolition and removal of the structures and improvements within the specified time in the ADRI, prepare a Certification that the structures and improvements on the acquired land for ROW have been completely cleared. Give a copy of the Certification to the owner and inform him that the certification will be included in the documents to be submitted for payment of claims in **Section 2.23** of this Manual."

**to read as follows:**

8. If the property owner completed the demolition and removal of the **structures/improvements/crops/trees** within the specified time in the **ADRI/ATRI**, prepare a certification that the **structures/improvements /crops/trees** on the land **acquired or to be acquired** for row have been completely cleared. Give a copy of the certification to the owner and inform him that the certification will be included in the documents to be submitted for payment of claims in section 2.23 of this manual.

Sub-Section 9 shall be revised:

- "9. If the property owner failed to demolish and remove the structures and improvements within the specified time period in the ADRI, inform him in

writing that the IO shall undertake the demolition and complete clearing of the land on a set schedule."

**and to read as follows:**

9. *If the property owner failed to demolish and remove the **structures/ improvements/crops/trees** within the specified time period in the **ADRI/ATRI**, inform him in writing that the IO shall undertake the demolition and complete clearing of the land on a set schedule.*

Sub-Section 10 shall be amended:

- "10. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 7 or Step 9.*

**to read as follows:**

10. Demolish and remove all the **structures / improvements / crops / trees** within the land **acquired or to be acquired** for row on the date specified in the letter prepared in step 7 or step 9.

This sub-title of Section 2.24 shall also be revised:

*"For structures on lands acquired through donation"*

**to read as follows:**

**FOR STRUCTURES/IMPROVEMENTS ON LANDS ACQUIRED OR TO BE ACQUIRED THROUGH DONATION**

Sub-Section 11 shall be revised:

- "11. Once the Transfer of Title is perfected, prepare the ADRI. Attach to the ADRI photographs of the structures and improvements to be demolished. Certify the authenticity of said photographs, together with one representative each from the concerned Office of the Assessor and Office of the Auditor."*

**to read as follows:**

- 11. Prepare the **ADRI/ATRI** and attach photographs of the **structures / improvements/ crops/trees to be demolished and removed, duly signed by the DPWH representative.***

Also to be revised is Sub-Section 12:

- "12. Have the ADRI approved by the Project Director of the concerned PMO or the PPPS for projects at the CO, or by the concerned Regional Director for other projects."*

**and this shall read as follows:**

12. Have the **ADRI/ATRI** approved by the Project Director of the concerned PMO or the PPPS for projects at the CO, or by the concerned Regional Director for other projects.

Sub-Section 13 shall be revised:

*"13. Inform the property owner in writing, about the schedule of demolition and removal of structures and improvements."*

**and shall now read as follows:**

**13. INFORM THE PROPERTY OWNER IN WRITING, ABOUT THE SCHEDULE OF DEMOLITION AND REMOVAL OF *STRUCTURES/IMPROVEMENTS/CROPS /TREES*.**

Sub-Section 14 shall also be revised:

*"14. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 13."*

**and shall read as follows:**

**14. DEMOLISH AND REMOVE ALL THE *STRUCTURES/IMPROVEMENTS/CROPS/TREES* WITHIN THE LAND **ACQUIRED OR TO BE ACQUIRED** FOR ROW ON THE DATE SPECIFIED IN THE LETTER PREPARED IN STEP 13.**

The following sub-title of Section 2.24 shall also be revised:

*"For structures on lands acquired through expropriation"*

**to read as follows:**

**FOR STRUCTURES/IMPROVEMENTS ON LANDS ACQUIRED OR TO BE ACQUIRED THROUGH EXPROPRIATION**

Sub-Section 16 shall be revised:

*"16. Inform the property owner in writing that the IO has received the WOP and about the schedule of demolition and removal of structures and improvements."*

**to read as follows:**

**16. INFORM THE PROPERTY OWNER IN WRITING THAT THE IO HAS RECEIVED THE WOP AND ABOUT THE SCHEDULE OF DEMOLITION AND REMOVAL OF *STRUCTURES / IMPROVEMENTS /CROPS/TREES*.**

Sub-Section 17 shall be revised:

*"17. Demolish and remove all the structures and improvements within the acquired land for ROW on the date specified in the letter prepared in Step 16."*

**and shall read as follows:**

**17. DEMOLISH AND REMOVE ALL THE *STRUCTURES / IMPROVEMENTS / CROPS / TREES* WITHIN THE LAND **ACQUIRED OR TO BE ACQUIRED** FOR ROW ON THE DATE SPECIFIED IN THE LETTER IN STEP 16."**

This Section 2.27, ***Clearing of Perennial Trees and Crops within the ROW***, shall be revised:

*"Overview:*

*This procedure is initiated when the Title of the acquired lands has been transferred in the name of the Republic of the Philippines, regardless of the mode of its acquisition. Clearing of perennial trees along acquired land for ROW shall be in accordance with the current rules and regulations regarding the issuance of a "Permit to Cut" from the DENR. Perennial trees refer to forest trees that are either naturally occurring, afforested, or reforested by the LGUs, DENR, or NGOs such as grantees of Community Based Forest Management Agreement (CBFMA). These exclude privately-owned fruit-bearing trees, plantations for timber production, and the like, which are included in **Section 2.24.**"*

**and to read as follows:**

***CLEARING OF PERENNIAL TREES AND CROPS ALONG THE LAND ACQUIRED OR TO BE ACQUIRED FOR ROW SHALL BE IN ACCORDANCE WITH THE CURRENT RULES AND REGULATIONS REGARDING THE ISSUANCE OF A "PERMIT TO CUT" FROM THE DENR. PERENNIAL TREES REFER TO FOREST TREES THAT ARE EITHER NATURALLY OCCURRING, AFFORESTED, OR REFORESTED BY THE LGUS, DENR, OR NGOS SUCH AS GRANTEES OF COMMUNITY BASED FOREST MANAGEMENT AGREEMENT (CBFMA). THESE EXCLUDE PRIVATELY-OWNED FRUIT-BEARING TREES, PLANTATIONS FOR TIMBER PRODUCTION, AND THE LIKE, WHICH ARE INCLUDED IN SECTION 2.24.***

Sub-Section 1 of Section 2.27 shall also be revised:

*"1. Request a registered Forester from the concerned Community Environment and Natural Resources Office (CENRO) to undertake inventory of the trees to be cut, particularly in terms of volume and type of species. Obtain a copy of the inventory of trees."*

**and shall read as follows:**

***1. REQUEST A REGISTERED FORESTER OR ANY AUTHORIZED PERSONNEL FROM THE CONCERNED REGIONAL OFFICE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR) OR COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE (CENRO) OR PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE (PENRO) WITH DPWH OFFICIAL REPRESENTATIVE TO UNDERTAKE INVENTORY OF THE TREES TO BE CUT, PARTICULARLY IN TERMS OF VOLUME AND TYPE OF SPECIES. OBTAIN A COPY OF THE INVENTORY OF TREES. AS FOR THE CROPS, REQUEST A REGISTERED AGRICULTURIST FROM THE CONCERNED MUNICIPAL AGRICULTURE OFFICE (MAO) OR CITY AGRICULTURE OFFICE (CAO) WITH DPWH OFFICIAL REPRESENTATIVE TO UNDERTAKE INVENTORY OF CROPS TO BE CLEARED, IN TERMS OF AREA AND TYPE OF CROPS. OBTAIN A COPY OF THE INVENTORY OF CROPS.***

Sub-Section 2 of the same shall also be revised:

*"2. Submit the inventory to the DENR-CENRO and apply for a Permit to Cut. The concerned CENRO shall then conduct its own validation and come up with a field report containing the findings of the team, particularly the volume of trees to be cut."*

**and to read as follows:**

- 2. SUBMIT A COPY OF THE INVENTORY OF TREES TO THE DENR REGION OR CENRO OR PENRO AND APPLY FOR A PERMIT TO CUT. THE CONCERNED DENR OFFICE SHALL COME UP WITH A TALLY SHEET REPORT PER AFFECTED CLAIMANT, PARTICULARLY THE TOTAL NUMBER OF AFFECTED TREES TO BE CUT, DULY SIGNED BY THE DENR REGIONAL REPRESENTATIVE, DENR-CENRO REPRESENTATIVE, OR DENR-PENRO REPRESENTATIVE AND DPWH REPRESENTATIVE. CONSEQUENTLY, AS PER CROPS, SUBMIT A COPY OF THE INVENTORY OF CROPS TO THE CONCERNED DA-MAO OR DA-CAO. THE CONCERNED DA OFFICE SHALL THEN COME UP WITH A TALLY SHEET REPORT PER AFFECTED CLAIMANT, PARTICULARLY THE TOTAL AREA OF AFFECTED CROPS TO BE CLEARED, DULY SIGNED BY THE DA-MAO REPRESENTATIVE OR DA-CAO REPRESENTATIVE AND DPWH REPRESENTATIVE.**

Sub-Section 7 shall be added which shall read as follows:

- 7. PICTURES SHALL BE TAKEN BEFORE, DURING AND AFTER THE CUTTING/CLEARING OF TREES AND CROPS, AND SIGNED BY THE DPWH REPRESENTATIVE.**

***All other provisions of the DRAM inconsistent with the above provisions is hereby deemed revised and/or repealed accordingly.***

This Order shall take effect immediately.

  
**MARK A. VILLAR**  
Secretary

13.1 ANP/AGB

Department of Public Works and Highways  
Office of the Secretary



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