



Republika ng Pilipinas  
**Pambansang Pangasiwaan ng Patubig**  
(NATIONAL IRRIGATION ADMINISTRATION)  
Lungsod ng Quezon

OFFICE ADDRESS: NATIONAL GOVERNMENT CENTER  
E. DE LOS SANTOS AVENUE  
QUEZON CITY PHILIPPINES

TELEPHONE NOS.: 97-60-71 to 78  
CABLE NIAPHIL  
TELEX 42802 NIA PM

OUR REFERENCE:

MC # 07 s. 2002

**MEMORANDUM CIRCULAR**

TO : THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS, REGIONAL/OPERATIONS MANAGERS, PROJECT MANAGERS, DEPARTMENT MANAGERS, PROVINCIAL IRRIGATION OFFICERS, IRRIGATION SUPERINTENDENTS AND ALL OTHERS CONCERNED

SUBJECT : ANNOTATION OF UNPAID IRRIGATION SERVICE FEE AS PREFERRED LIEN ON THE OCT/TCT OF DELINQUENT FARMER-BENEFICIARY

Pursuant to Section 1 of Presidential Decree 552 amending Section 2 (b) of Republic Act 3601 providing for the annotation of unpaid Irrigation Service Fee (ISF) as preferred liens on the land benefited or on the crops raised thereon, in relation to National Land Titles and Deeds Registration Authority (NALTDRA) Circular No. 93 dated December 2, 1986 directing Register of Deeds (RD) to annotate the Certificate of Title of the Delinquent Farmer-Beneficiary (DFB) as preferred lien in favor of National Irrigation Administration (NIA), the unpaid ISF upon presentation of a Petition for Registration and Annotation of Lien on Original Certificate of Title/Transfer Certificate of Title (OCT/TCT) and after all legal registration requirements are complied with, and recognizing this process as an effective means of collecting ISF back accounts, the following directives are hereby issued:

1. Irrigation System Office/Provincial Irrigation Office (ISO/PIO)
  - 1.1 All ISO/PIO with ISF back accounts shall file with the concerned Register of Deeds (RD) a petition for annotation against the DFB.
  - 1.2 That as a preparatory step to and as required in the filing of the petition, all ISO/PIO are directed to prepare a list of delinquent farmer-beneficiary and update their statements of account. They shall likewise coordinate with the respective RD of the province/city where the land affected is/are covered to secure certified true copies of OCT/TCT of DFB or research on the following: (a) OCT/TCT number, (b) name of registered owner, (c) lot number, (d) location and area of the land sought to be affected by the lien.

- 1.3 After the list of DFB have been firmed up and their statements of account updated, ISO/PIO shall then issue the first demand letter (DL) to be served to the DFB.
  - 1.4 If the DFB failed to pay his/her obligation after the first DL, ISO/PIO shall then serve the second DL. If after receipt of the second DL, the DFB fails or refuses to pay his/her obligation, ISO/PIO shall then issue the third and final DL.
  - 1.5 If despite receipt of the third and final DL, DFB still fails or refuses to settle his/her obligation, ISO/PIO shall prepare and file the petition with annexes with the concerned RD, for the annotation of the ISF back account in his/her OCT/TCT.
  - 1.6 That service of the three (3) DLs shall be by personal delivery or thru registered mail with return card.
2. Regional Office (RO)
- 2.1 It shall in coordination with ISO, prepare information dissemination program and undertake extensive information dissemination on the above subject and encourage participation of the irrigator's association in this endeavor.
  - 2.2 Shall monitor the implementation of this MC, and submit an annual progress report to Central Office (CO).
3. Attached to this MC are the pro-forma petition and 3 DLs to be used for this purpose.

For strict compliance.

22 January, 2002

  
JESUS EMMANUEL M. PARAS  
Administrator

Republic of the Philippines  
Department of Justice  
**LAND REGISTRATION AUTHORITY**  
Register of Deeds of \_\_\_\_\_

**In Re: PETITION FOR REGISTRATION  
AND ANNOTATION OF LIEN ON  
OCT/TCT NO. \_\_.**

NATIONAL IRRIGATION ADMINISTRATION  
represented by \_\_\_\_\_  
in his capacity as Regional Irrigation Manager  
*Petitioner.*

X - - - - - X

Adm. Petition No. \_\_\_\_\_

**PETITION**

COMES NOW the petitioner and before this Honorable Office,  
respectfully states:

1. That petitioner is a government-owned and controlled corporation created under and by virtue of Republic Act No. 3601 as amended by Presidential Decree No. 552 with office address at NIA Building Complex, EDSA, Diliman, Quezon City;
2. That petitioner is the agency of the government charged with the responsibility of: (1) planning, designing, conducting and/or improving all types of irrigation projects and appurtenant structures; (2) operating, maintaining and administering all national irrigation systems; and (3) supervising the operation, maintenance and repair, or otherwise, administering temporarily all communal and pump irrigation systems constructed, improved and/or repaired wholly or partially with government funds;
3. That petitioner under its charter is empowered and authorized to charge and collect from the beneficiaries of water from all irrigation systems constructed by or under its administration such fees or administration charges

as may be necessary to cover the cost of operation, maintenance and insurance and likewise to recover the cost of construction within a reasonable period of time;

4. That it is likewise provided under its charter that unpaid irrigation fees or administration charges shall be preferred liens, first upon the land benefited and then on the crops raised thereon, which liens shall have preference over all other liens except for taxes on the land, and such preferred liens shall not be removed until all fees or administration charges are paid or the property is levied upon and sold by the National Irrigation Administration for the satisfaction thereof (*Sec. 1, PD 552 amending Sec. 2(b) RA 3601*);

5. That in relation to the immediately preceding paragraph, the National Land Titles and Deeds Registration Administration, now the Land Registration Authority, issued NALTDRA(LRC) Circular No. 93, dated December 2, 1986 directing all Register of Deeds and Branch Register of Deeds to annotate on the Certificate of Title of the farmer-beneficiary as a preferred lien in favor of the NIA the unpaid irrigation fee due on the land covered thereby, upon presentation by the said agency of a Petition for Registration and Annotation of lien on OCT/TCT and after all legal registration requirement are complied with;

6. That the rate of Irrigation Service Fee (ISF) is in cavan per hectare payable in cash or in kind. If paid in cash, the cash equivalent is computed based on the number of kilos multiplied by the prevailing government support price of palay.

7. That \_\_\_\_\_ a registered owner/tenant of lot number \_\_\_\_\_ located at \_\_\_\_\_ having an area of \_\_\_\_\_ as evidenced by TCT/OCT No. \_\_\_\_\_ is a farmer-beneficiary of irrigation water within the service area of \_\_\_\_\_ irrigation system;

8. That the said \_\_\_\_\_ has, as of \_\_\_\_\_ an outstanding obligation with the petitioner for unpaid ISF in the amount of \_\_\_\_\_ (P \_\_\_\_\_) inclusive of interest and penalties broken down hereunder as follows:

CROPPING YEAR	SEASON	NO. OF KILOS	PREVAILING GOV'T SUPPORT PRICE (As of the filing of this Petition)	CASH EQUIVALENT	INTEREST/ PENALTIES	TOTAL

9. That submitted herewith are the following papers in support of this petition:

- |                                   |   |         |
|-----------------------------------|---|---------|
| a) List of Delinquent Water User  | - | Annex A |
| b) Statement of Account           | - | Annex B |
| c) Final Demand Letter            | - | Annex C |
| d) Certified True Copy of OCT/TCT | - | Annex D |

### PRAYER

WHEREFORE, it is respectfully prayed that this Honorable Office annotate on the certificate of title of the said farmer-beneficiary as a preferred lien in favor of petitioner the above mentioned unpaid ISF due on the land covered thereby and that such preferred lien should not be removed or cancelled until the said obligation is fully paid or the said property is levied upon and sold by petitioner for the satisfaction thereof.

## VERIFICATION

\_\_\_\_\_, after having been duly sworn to in accordance with law, deposes and says:

1. That he is the petitioner in the foregoing Petition ;
2. That he caused the preparation of the same;
3. That he has read all the allegations made therein;
4. That all the statements therein contained are true and correct to the best of his knowledge;
5. That all the annexes therein attached are likewise true and correct (or, are authentic copies of the original concerned).

\_\_\_\_\_, \_\_\_\_\_, 2001.  
place date

(Petitioner)  
(Address)

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 2001,  
affiant exhibited to me his Community Tax Certificate No. \_\_\_\_\_  
issued on \_\_\_\_\_ 2001, at \_\_\_\_\_,  
Philippines.

NOTARY PUBLIC

Until \_\_\_\_\_ 2001  
PTR No. \_\_\_\_\_  
Issued at \_\_\_\_\_  
On \_\_\_\_\_

Doc. No.\_\_\_\_  
Page No.\_\_\_\_  
Book No. \_\_\_\_  
Series of 2001

# FIRST DEMAND LETTER

(LETTERHEAD)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Dear \_\_\_\_\_,

Our record shows that as of \_\_\_\_\_ you have  
Irrigation Service Fee back accounts in the amount of \_\_\_\_\_  
(P \_\_\_\_\_) inclusive of interest and penalties.

May we request for the immediate full settlement of the above-mentioned  
amount.

Thank you and warm regards.

Very truly yours,

\_\_\_\_\_  
(IS/PIE)

## SECOND DEMAND LETTER

(LETTERHEAD)

\_\_\_\_\_  
(date)

Dear \_\_\_\_\_,

With reference to our letter dated       (date of first demand letter)      , we would like to remind you again of your overdue account with us in the amount of \_\_\_\_\_ (P\_\_\_\_\_ ) inclusive of interest and penalties.

We look forward to receiving your payment within ten (10) days from receipt of this letter.

Very truly yours,

\_\_\_\_\_  
(IS/PIO)



## THIRD DEMAND LETTER

(LETTERHEAD)

\_\_\_\_\_  
(date)

Dear \_\_\_\_\_,

We did not hear from you in spite of our previous letters. In this connection final demand is made upon you to settle your obligation within ten (10) days from receipt hereof, otherwise I will be constrained to file a petition with the Register of Deeds for the annotation on your OCT/TCT your unpaid ISF as preferred lien in favor of the National Irrigation Administration.

Very truly yours,

\_\_\_\_\_  
(IS/PIO/Deputized Prosecutor)