



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 07
SERIES OF 1997

**SUBJECT: OMNIBUS RULES AND PROCEDURES GOVERNING
CONVERSION OF AGRICULTURAL LANDS TO NON-
AGRICULTURAL USES**

I. PREFATORY STATEMENT

The guiding principle on land use conversion is to preserve prime agricultural lands for food production while at the same time recognizing the need of the other sectors (housing, industry and commerce) for land, when coinciding with the objectives of the Comprehensive Agrarian Reform Law to promote social justice, industrialization, and the optimum use of land as a national resource for public welfare

To operationalize these principles, and by virtue of Republic Act (R.A.) No. 3844, as amended, Presidential Decree (P.D.) No. 27, P.D. No. 946, Executive Order (E.O.) No. 129-A and R.A. No. 6657, the Department of Agrarian Reform (DAR) has issued several policy guidelines to regulate land use conversion.

There is a need to further improve the present guidelines on land use conversion to ensure better mechanisms for the protection of prime agricultural lands and speedy processing of applications for land use conversion.

This Administrative Order consolidates all existing implementing guidelines issued by the DAR, taking into consideration, other Presidential issuances and national policies related to land use conversion.

II. LEGAL MANDATE

- A. The Department of Agrarian Reform (DAR) is mandated to "approve or disapprove applications for conversion, restructuring or readjustment of agricultural lands into non-agricultural uses," pursuant to Section 4 (j) of Executive Order No. 129-A, Series of 1987.
- B. Section 5(l) of E.O. No. 129-A, Series of 1987, vests in the DAR, exclusive authority to approve or disapprove applications for conversion of agricultural lands for residential, commercial, industrial, and other land uses.

- C. Section 65 of R.A. No. 6657, otherwise known as the Comprehensive Agrarian Reform law of 1988, likewise empowers the DAR to authorize under certain conditions, the conversion of agricultural lands.
- D. Section 4 of Memorandum Circular No. 54, Series of 1993 of the Office of the President, provides that "action on applications for land use conversion on individual landholdings shall remain as the responsibility of the DAR, which shall utilize as its primary reference, documents on the comprehensive land use plans and accompanying ordinances passed upon and approved by the local government units concerned, together with the National land Use Policy, pursuant to R.A. No. 6657 and E.O. No. 129-A."

III. DEFINITION OF TERMS

- A. Agricultural land refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land
- B. Comprehensive Land Use Plan refers to a document accompanied by maps and similar illustrations which represent the community-desired pattern of population distribution and a proposal for the future allocation of land to the various land-using activities. It identifies the allocation, character and extent of the area's land resources to be used for different purposes and includes the process and the criteria employed in the determination of the land use.
- C. Environmentally Critical Areas refer to areas declared by laws as:
- 3) areas for natural parks, watershed reserves, wildlife preserves, and sanctuaries;
 - 4) areas set aside as aesthetic potential tourist spots;
 - 5) areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
 - 6) areas of unique historic, archaeologic, or scientific interests;
 - 7) areas which are traditionally occupied by cultural communities and tribes;
 - 8) areas with critical slopes;
 - 9) areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons and volcanic activities);
 - 10) areas classified as prime agricultural lands;
 - 11) recharge areas of aquifers;
 - 12) water bodies;
 - 13) mangrove areas;
 - 14) coral reefs;
 - 15) mossy and virgin forests;
 - 16) river banks, and
 - 17) swamp forests and marshlands.

- D. Highly Restricted Areas Within Network of Protected Areas for Agricultural Development refers to the most efficient and/or prime agricultural land that can be grown to a wide range of crops with minimum to moderate level of farm management requirement, as determined by the Department of Agriculture and as appearing in the Map of the Network of Protected Areas of the DA.
- E. Land Use refers to the manner of utilization of land, including its allocation, development and management.
- F. Land Use Conversion refers to the act or process of changing the current use of a piece of agricultural land into some other use as approved by DAR.
- G. Network of Protected Areas for Agriculture (NPAA) refers to land reserved for agricultural activities. The specific types of land reserved for agricultural activities covered by the NPAA are:
- 1) All irrigated and potentially irrigable land;
 - 2) All alluvial, plain land that are highly suitable for agricultural production and/or can be devoted to food production;
 - 3) All sustainable land that are traditional sources of food;
 - 4) All crop land that support the existing economic scale of production required to sustain the economic viability of existing agricultural infrastructure and agro-based enterprises in the province or region;
 - 5) All productive land in the low-calamity risk areas that are suitable for the production of economic trees and other cash crops; and
 - 6) All agricultural land that are ecologically fragile and whose conversion will result in serious environmental problems.
- H. National Integrated Protected Areas Systems is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the extent possible.
- I. Premature Conversion of Agricultural Land is the undertaking of any development activities whose results will modify or alter the physical characteristics of the agricultural lands to render them suitable for non-agricultural purposes without an approved order of conversion from the DAR.

- J. Private Agricultural Lands are lands devoted to or suitable to agriculture, as defined in R.A. No. 6657 and owned by natural or juridical persons, or by the government in its proprietary capacity.
- K. Reclassification of Agricultural Lands refers to the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, commercial, as embodied in the land use plan, subject to the requirements and procedure for land use conversion. It also includes the reversion of non-agricultural lands to agricultural use
- L. Regional Agro-Industrial Growth Centers (RGCs) are specific locations in each of the country's regions outside the National Capital Region (NCR) identified for development by providing it with the full range of infrastructure/utilities needed by industries to establish operations in the countryside. The RGCs are growth centers envisioned to strengthen complementary linkages between agriculture and industry; between urban centers and rural areas; and their integration into a mutually reinforcing national system of production, distribution and exchange, and into the highly competitive international market.
- M. Regional Growth Networks/Corridors are neighboring provinces/regions which are linked together and are identified through the collaboration and cooperation of various local government units. The linking of these areas permits the comparative advantages/strengths of each area to be shared with one another, thereby ensuring the optimum utilization of resources and the development of networks/corridors and its radiation areas.
- N. Socialized Housing refers to housing programs and projects covering houses and lots or homelots only undertaken by the government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with RA 7279.
- O. Special Economic Zones refer to selected areas with highly developed or which have the potential to be developed into agro-industrial, industrial, tourist/recreational, commercial, banking, investment and financial centers. An ecozone may contain any or all of the following: industrial estates, export processing zones, free trade zones, and tourist/recreational centers.

- P. Tourism Development Areas refer to specific sites for tourism development located in areas identified as priorities in the national and regional tourism master plans as well as those designated through legislative and executive issuances as tourist spots and tourist zones which can be developed into tourism estates or integrated resort, leisure and recreation complexes, and other tourism-related facilities.
- Q. Watershed refers to a catchment area or drainage basin from which the waters of a stream or stream system are drawn.
- R. Zoning is the delineation/division of a city/municipality into functional zones where only specific land uses are allowed. It directs and regulates the use of all lands in the community in accordance with an approved or adopted land use plan for the city/municipality. It prescribes setback provisions, minimum lot sizes, building heights and bulk.
- S. Zoning Ordinance refers to a local legislation approving the development control/zoning plan and providing for the regulations and other conditions, on the uses of land including the limitation on the infrastructures that may be placed thereon within the territorial jurisdiction of a city or municipality.

IV. WHO MAY APPLY FOR CONVERSION

- A. Owners of private agricultural lands or other persons duly authorized by the landowner.
- B. Farmer-beneficiaries of the Agrarian Reform Program after the lapse of five (5) years from award, reckoned from the date of registration of their landholdings, and who have fully paid their obligations and are qualified under these rules, or persons duly authorized by them.
- C. Government agencies, including government-owned or controlled corporations.

V. COVERAGE

These rules shall cover all private agricultural lands as defined herein regardless of tenurial arrangement and commodity produced. It shall also include all untitled agricultural lands and agricultural lands reclassified by LGUs into non-agricultural uses after June 15, 1988, pursuant to Memorandum Circular (M.C.) No. 54, Series of 1993 of the Office of the President and those proposed to be used for livestock, poultry and swine-raising as provided in DAR Administrative order No. 9, Series of 1993.

VI. POLICIES AND GUIDELINES

A. General Policies

1. The State shall give priority to the provision for a rational and sustainable allocation, utilization, management and development of the country's land resources.
2. The State shall protect prime agricultural lands for food production activities, and give highest priority to the completion of the Comprehensive Agrarian Reform Program (CARP).
3. The State shall ensure food self-sufficiency and food security through efficient and sustainable use of land resources, consistent with the principles of sound agricultural development, natural resources development and agrarian reform.
4. The State shall promote the dispersal of industries nationwide to catalyze countryside development through the Regional Growth Centers (RGCs), economic zones, and growth networks/corridors.
5. The State shall promote and encourage the development of economic and socialized housing projects in order to make available adequate economic and socialized housing units for average and low-income earners in urban and rural areas.
6. The State shall institutionalize the participation of people's organizations, non-government organizations, the private sector and local communities in the formulation of a national land use plan.

B. General Guidelines

1. DAR's primary mandate is to acquire and distribute agricultural lands to as many qualified beneficiaries as possible.
2. DAR acknowledges the need of society for other uses of land, but likewise recognizes the need for prudence in the exercise of its authority to approve conversions. For this purpose, the DAR hereby adopts the following criteria as bases for the approval of applications for conversion:

- a) Agricultural lands classified or zonified for non-agricultural uses by LGUs and approved by the HLURB before June 15, 1988, shall be governed by DAR Administrative Order No. 6, Series of 1994.
 - b) Conversion may be allowed if at the time of the application, the lands are reclassified as commercial, industrial, residential or other non-agricultural in the new or revised town plans promulgated by the local government unit (LGU) and approved by the Housing and Land Use Regulatory Board (HLURB) or by the Sangguniang Panlalawigan (SP) after June 15, 1988 in accordance with Section 20 of R.A. No. 7160, as implemented by M.C. No. 54, and Executive Order No. 72, Series of 1993 of the Office of the President.
 - c) If the city/municipality does not have a comprehensive development/land use plan and zoning ordinance duly approved by the HLURB/SP but the dominant use of the area surrounding the land subject of the application for conversion is no longer agricultural, or if the proposed use is similar to, or compatible with the dominant use of the surrounding areas as determined by the DAR, conversion may be granted.
3. The following areas shall not be subject to or non-negotiable for conversion:
- a) Protected areas designated under the National Integrated Protected Areas (NIPAS), including watershed and recharged areas of aquifers, as determined by the Department of Environment and Natural Resources (DENR), pursuant to RA 7586 (1992);
 - b) All irrigated lands, as delineated by the Department of Agriculture (DA) and/or the National Irrigation Authority (NIA) under the Network of Protected Areas for Agriculture, where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the DA and the NIA, pursuant to Presidential Administrative order No. 20 (1992);

For this purpose, the Network of Protected Areas for Agriculture (as of 1991), as determined by the DA and/or NIA shall serve as guide in determining non-negotiable areas.

- c) All irrigable lands already covered by irrigation projects with firm funding commitments, as delineated by the DA and/or NIA; and
- d) All agricultural lands with irrigation facilities operated by private organizations.

In all cases, applications for conversion involving lands protected from and non-negotiable for conversion shall not be given due course.

4. The following areas shall be classified as highly restricted from conversion:

- a) Lands classified as 'Highly Restricted from Conversion' in the Network of Protected Areas for Agriculture as delineated by the DA, as follows:
 - a.1. Irrigable lands without irrigation projects with firm funding commitments;
 - a.2. Agro-industrial croplands, or lands presently planted to industrial crops that support the economic viability of existing agricultural infrastructure and agro-based enterprises; and
 - a.3. Highlands, or areas located in elevations of 500 meters or above and have the potential for growing semi-temperate and usually high value crops.
- b) Lands issued a Notice of Acquisition/Valuation under the agrarian reform program or subject of a perfected agreement between the landowner and the beneficiaries under the Voluntary Land Transfer (VLT) or Direct Payment Scheme (DPS) under CARP; and
- c) Areas identified as environmentally critical as determined by the DENR, pursuant to PD 1586 (1978) and its implementing rules and regulations.

Lands falling under this classification may only be converted upon compliance with existing laws and submission of the following:

- a) Social Benefit-Cost Analysis approved by the DA; and
 - b) Environmental Impact Assessment (EIA) and/or Environmental Clearance Certificate (ECC) for lands falling under 4.c) above.
1. Conversion of priority areas under Executive Order No. 124 (1993), as identified below, and under the PEZA Law, may be allowed and given priority provided these areas do not fall within the areas non-negotiable for conversion:
- a) Specific sites in regional agri-industrial centers/regional industrial centers (RAICs/RICs) identified by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA);
 - b) Tourism Development Areas (TDAs) identified by the Department of Tourism (DOT); and
 - c) Sites identified by local government units (LGUs) for socialized housing and other Socialized Housing Projects endorsed by the Housing and Urban Development Coordinating Center.
6. In all cases, farmers or prospective beneficiaries of the agrarian reform program, as identified by DAR, affected by the conversion, shall be paid disturbance compensation.

In addition, the owners and or developers of the land shall be encouraged to provide: (1) capital which will enable the affected farmers to shift to another livelihood, (2) skills training, (3) relocation sites, and give priority in employment for the farmers and their children. Investment arrangements which give affected farmers opportunity to participate in the development of the land, such as, but not limited to, joint ventures and partnerships shall be preferred.

7. To prevent circumvention of coverage under the CARP, conversion shall be granted only upon evidence that the project to be established therein is viable and beneficial to the community affected and that the land development phase of the area shall be completed within one (1) year after the issuance of the Order of

Conversion where the area is five (5) hectares or less. Should the area exceed five (5) hectares, an additional year shall be allowed for every five (5) hectares or a fraction thereof but in no case shall the completion of development extend beyond five (5) years from the issuance of the Order of Conversion.

VII. DOCUMENTARY REQUIREMENTS

A. General Requirements. Five (5) Sets of the Following:

1. Application for Conversion (Land Use Conversion (LUC) Form No. 1)
2. Special Power of Attorney, if the petitioner is other than the owner of the land.
3. True copy of Original Certificate of Title (OCT) or Transfer Certificate of Title (TCT) certified by the Register of Deeds not later than thirty (30) days prior to filing. However, if at the time of application, the landholding is an untitled agricultural land, the following shall be required in lieu of the copy of title:
 - a. DENR Certification that the landholding has been classified as alienable and disposable; and
 - b. Certification from either the Land Management Bureau (for administrative confirmation of imperfect title) or the Clerk of Court of regular courts (for judicial confirmation of imperfect title) that:
 - 1) the titling process/proceedings has commenced; and
 - 2) there are no adverse claimants.
4. Sketch Map, Vicinity Map of the land duly prepared by a licensed engineer, and Area Development Plan including Work and Financial Plan, statement of justification of economic/social benefits of the project and recent 5R photographs of the property being applied for conversion.
5. Proof of financial and organizational capability to develop the land, such as:

- a. Profile of developer, including details of past or current development projects.
 - b. Financial Statements duly authenticated by a certified public accountant.
 - c. Articles of Incorporation or Partnership, if the applicant/developer is a corporation or partnership.
6. Zoning certification from the HLURB Regional Officer on the classification of the land, citing the Ordinance under which the property was re-classified and the date of its approval. (LUC Form No. 2)
 7. Certification from the DA Regional Director and NIA Regional Manager stating the classification of the property under the Network of Protected Areas for Agriculture and irrigation coverage of the property. (LUC Form No. 3 and 4)
 8. Certification from the DENR Regional Executive Director that the area subject of conversion is not within the NIPAS and/or environmentally critical or highly restricted area for conversion. (LUC Form No. 5)
 9. Official Receipt showing proof of payment of the Filing Fee.

B. Additional requirements when the applicant is a beneficiary of the agrarian reform program:

1. Certification from the Director, Bureau of Land Acquisition and Distribution (BLAD-DARCO) that the applicant is the actual farmer-awardee, that at least five (5) years have elapsed since the award of the land to the awardee and that the obligations for the payment of the land have been fully paid (for DPS-VLT) (LUC Form No. 6)
2. Certification by the Land Bank of the Philippines (LBP) in the area that the farmer-awardee has fully paid his obligations with the Land Bank of the Philippines (for LBP financed lands). (LUC Form No. 7)

C. Additional Requirements for conversion of properties falling within the areas Highly Restricted for Conversion shall be a social benefit

cost analysis of the project approved by the DA and an EIA and/or ECC from the DENR

- D. An additional Requirements for conversion of Priority Areas under E.O. 124 (1993) falling under the areas Highly Restricted for Conversion shall be an endorsement from NEDA-NLUC and a social benefit cost analysis of the project approved by the DA and/or an EIA and/or ECC from the DENR

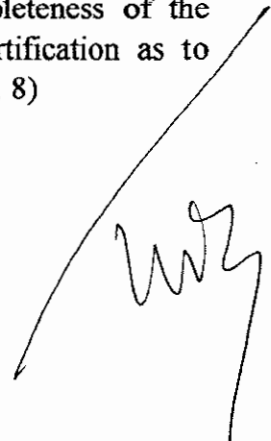
The Social Benefit Cost Analysis may be waived if the priority area falls within those highly restricted from conversion, in the exercise of sound discretion by the DAR, but the EIA or ECC shall always be required.

VIII. PROCEDURES

A. Filing of Application

1. Applicant secures the Land Use Conversion Forms from any of the following DAR Offices:
 - a. Regional Agrarian Reform Office;
 - b. Center for Land Use Policy Planning and Implementation (CLUPPI-DAR Central Office).
2. The applicant shall complete the documents required under Section VII.
3. Once the application form and pertinent documentary requirements enumerated in Section VII have been duly accomplished and completed, five (5) sets of the same shall be filed with the Regional CLUPPI or the Central Office CLUPPI, depending on who has jurisdiction, for immediate processing. Applications which are not fully supported by the required documents shall not be accepted.
4. The receiving office shall review the completeness of the application and shall give the applicant a certification as to completeness of the documents. (LUC Form No. 8)

B. Posting/Investigation/Evaluation



1. The RCLUPPI/CLUPPI shall prepare the Notice of Posting on Land Use Conversion (LUC Form No. 9) and transmit the same to the DAR Municipal Office for posting.
2. An Ocular Inspection shall be conducted on the property. The date of the inspection shall not be less than the time required for posting nor longer than five working days from the date of completion of the posting requirement.
3. The MARO shall, within two (2) days from receipt of the Notice of Posting, post the same in two conspicuous places in the municipality (e.g. municipal hall and DAR office) for a period of fifteen (15) days.
4. The MARO shall issue a Certificate of Posting within one (1) day from the lapse of the prescribed period of posting.
5. The RCLUPPI/CLUPPI shall conduct the field investigation and dialogue with the applicants and the affected farmer-beneficiaries to ascertain the information necessary for the processing of the application.
6. RCLUPPI/CLUPPI shall accomplish the investigation report within two (2) days from the date of inspection and transmit the same to the Chairperson or Executive Director of the RCLUPPI/CLUPPI.
7. Within ten (10) days from submission of the investigation report, the Chairperson RCLUPPI/CLUPPI shall deliberate on the merits of the application and recommend the appropriate action on the application. Said recommendation shall be transmitted to the Regional Director, Undersecretary concerned or the Secretary within ten (10) days from the date of deliberations.
8. Within ten (10) days from the submission of the recommendations, the approving authority shall issue his/her action on the application and the applicant shall be notified of such action.

C. Approving Authorities

1. The DAR Regional Director shall approve or disapprove the recommendations of the RCLUPPI on applications covering lands with areas of not more than five (5) hectares on a project basis.
2. The Undersecretary designated by the Secretary shall approve or disapprove the recommendations of the CLUPPI on applications for conversion of lands not exceeding fifty (50) hectares.
3. The Secretary shall approve or disapprove the recommendations of the CLUPPI on conversion applications involving more than fifty (50) hectares

For the purpose of determining the aggregate area involved, the area of the application / s, regardless of the number of land use conversion applications or folders shall mean the total area of all applications involving:

1. Properties owned by the same person/s or entity or the owners of which are represented by the same person or entity; AND
2. Properties located in the same baranggay or adjacent baranggays within the same Municipality/ies.

In cases where the subject matter of the applications is adjacent to areas where the DAR has previously issued conversion orders the test above on the determination of aggregate areas shall be applied for purposes of determining the approving authority.

IX. The PARC Land Use Technical Committee (PLUTC) shall remain as a policy-making body to assist the approving authorities in the decision-making process. For this purpose, the PLUTC may be called upon to provide recommendations on land use conversion applications regardless of size. The Secretary or the designated Undersecretary may convene the PLUTC for such purpose.

X. FILING FEES

All applicants shall pay the filing fees as follows:

Applications	Fixed Fee	Variable Fee
Filed with the Regional Offices of the DAR or the Regional CLUPPI regardless of size.	P1,000.00	None

Filed with the CLUPPI where the property is located in Luzon except Bicol Region	P2,000.00	Additional P10,000.00 for areas in Mindanao
		Additional P7,000 for areas in the Visayas
		Additional P4,000 for areas in Luzon

XI. SANCTIONS

A. Acts or Omissions Subject of Sanctions. The following acts or omissions, at the discretion of the designated Approving Authority shall be subject of sanctions:

1. Misrepresentation or concealment of facts or circumstances material to the grant of conversion;
2. Failure to abide by the conditions imposed in the Conversion Order;
3. Premature Development of the property;
4. Any other violation of the rules and regulations of the DAR.

B. Penalties

- 1st Offense Warning or summary disapproval of the application or cancellation of the Order of Conversion
- 2nd Offense Summary disapproval of the application or cancellation of Conversion Order and/or Blacklisting of applicant, developer or representative
- 3rd Offense Cancellation of Conversion Order and Blacklisting of the applicant, developer or representative.

Nothing herein shall prevent the DAR or any other interested person from pursuing other remedies provided for by other laws or issuances.

XII. RELEASING AND TRANSMITTAL OF SIGNED ORDER

Approved or disapproved order of application for Land Use Conversion, together with the Land Use Conversion Folders (LUCF), shall be returned to the RCLUPPI/CLUPPI for control and monitoring purposes. In turn, the RCLUPPI/CLUPPI shall forward these documents to the Records Division for safekeeping of LUCFs and distribution of copies of the order to the concerned parties.

XIII. APPEAL FROM THE ORDERS OF THE REGIONAL DIRECTOR

1. Any aggrieved party may file a Motion for Reconsideration (MR) from the decision of the Regional Director within fifteen (15) days from receipt of the order or decision.
2. The filing of the MR shall suspend the running of the period. If denied, the aggrieved party has the balance of the period to file an appeal.
3. An appeal to the Secretary shall be made in the form of a memorandum, and upon payment of P500.00 as appeal fee, to the Cashier of the Regional Office. The Regional Director may make his comments in the appeal. Once perfected, the records shall be sent to the Office of the Secretary for Resolution.

XIV. APPEAL FROM THE DECISION OF THE UNDERSECRETARY OR SECRETARY

Appeal from the Decision of the Undersecretary shall be made to the Secretary, and from the Secretary to the Office of the President or the Court of Appeals as the case may be. The mode of appeal/motion for reconsideration, and the appeal fee, from Undersecretary to the Office of the Secretary shall be the same as that of the Regional Director to the Office of the Secretary.

XV. POSTING OF DAR CONVERSION ORDER

Immediately upon approval of a conversion order, the developer/applicant shall post in a conspicuous place of the project area, a public notice stating the following: "The conversion of this landholding has been approved by the Secretary of the Department of Agrarian Reform/Undersecretary/Regional Director (depending on the approving authority) under Conversion Order No. _____ dated _____." It shall include the name of the project and area, name of the developer/landowner, and date when the development permit was granted. Failure to post such notice shall be a ground for the suspension of the development of the area and for possible cancellation of the conversion order pursuant to Section XIV hereof.

XVI. MONITORING

Compliance with the terms and conditions of this order shall be monitored as follows:

- a. The RCLUPPI shall monitor compliance by the applicant/developer, based on the terms and conditions stipulated in this Order, including the posting of the approved order as provided under Item No. XV of these guidelines. It shall submit monthly reports to the Central Office CLUPPI, of all land use conversion transactions (i.e., approved and disapproved applications including applications under process), copy furnished DARPO and DARMO.
- b. The CLUPPI shall evaluate the reports submitted by the RCLUPPI, and render quarterly reports on the status of all land use conversion applications to the Secretary, through the Designated Undersecretary

XVII. PROTEST OR OPPOSITION TO CONVERSION APPLICATION

The RCLUPPI/CLUPPI shall evaluate written protests filed by any person who may be displaced or affected by the proposed land use conversion. Findings and recommendation on the protests shall be forwarded to the approving authority, through the CLUPPI for resolution.

XVIII. TRANSITORY PROVISIONS

The provisions of this Administrative Order shall be applicable to all applications filed on or after its effectivity. All other applications filed previous to this A.O. shall be governed by the pertinent administrative order or issuances in force, at the time of the filing of the applications, and shall be processed accordingly, EXCEPT as to the procedure provided for under this Guideline which shall be made applicable to all pending applications.

XIX. PENAL PROVISIONS

Pursuant to Sections 73 and 74 of R.A. No. 6657, any person who knowingly or willfully converts any agricultural land without the approval of the DAR, shall be subject to criminal prosecution as provided for under the Joint DAR-DOJ Administrative Order No.4, S. 1993. Applications covering such areas, shall be summarily disapproved and the land shall be placed under CARP and distributed to qualified FBs.

XX. REPEALING CLAUSE

This Administrative Order repeals A.O. 12, S. 1994 and all other issuances not consistent with this order. The provisions of Memorandum Circular No. 09, Series of 1997 shall however remain valid.

XXI. EFFECTIVITY

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation.

Diliman, Quezon City, 29 October 97.



ERNESTO D. GARILAO
Secretary

Published in Two (2) National Newspapers
of general circulation:

1. BUSINESS WORLD
2. PHILIPPINE DAILY INQUIRER

Date of Publication - November 5, 1997

LUC FORM NO. 1

(To be filled-up by the applicant)

SWORN DECLARATION/APPLICATION FOR CONVERSION*

The Honorable Secretary
Department of Agrarian Reform
Quezon City

Sir :

Pursuant to DAR Administrative Order No. ____, Series of 1997, I hereby apply for the conversion of the landholding/s from agricultural to _____ use/s and submit the following information:

I. APPLICANT'S PERSONAL CIRCUMTANCES

A. Landowner
(If applicant is the landowner)

Name.....
Address
Postal Address.....
Telephone Number.....

B. Representative
(If the applicant is other than the landowner)

Name.....
Address
Postal Address.....
Telephone Number.....
Nature of Authority (To be Attached):
 SPA Board Resolution

II. LAND DEVELOPER

(To be filled-up regardless of whether or not the developer is the applicant. Please attached contract for the development of the property, if the developer is other than the applicant)

Name.....
Address
Postal Address.....
Telephone Number.....
License/Registration Number.....

* To be submitted by the applicant to the DAR Regional CLUPPI (RCLUPPI) or Central Office CLUPPI together with pertinent documentary requirements as in the attached list in five (5) copies.

III. DESCRIPTION OF LANDHOLDING/S

A. Land Title/s and Area Applied
 (Attached corresponding true copy of Land Title/s as certified by the Register of Deeds)

Registered Owner	Lot No.	OCT/TCT/ CASE NO.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.
2.
3.
4.
5.
TOTAL			

B. The area applied for conversion has not been covered or issued by any of the following CARP distribution/acquisition schemes, such as:

- Notice of Acquisition;
- Voluntary Offer to Sell;
- Application for Stock Distribution; or
- Voluntary Land Transfer

C. Existing Land Cover and Use

	Land Cover (e.g., grass, crops structures)	Land Use	Area (Has.)
i. Dominant	_____	_____	_____
ii. Others	_____	_____	_____

D. Surrounding Land Cover and Use

	Land Cover	Land Use	Area (Has.)
i. Dominant	_____	_____	_____
ii. Others	_____	_____	_____

E. Approximate Distance (in Km.) to any of the following:

Municipal Hall	Barangay Center
Public Market	Public School
National Highway	Provincial Road
Municipal Raod	Barangay Road

(Please attached Location and Vicinity Maps)

F. Tenurial Status: (Check)

- | | |
|---|--|
| <input type="checkbox"/> Tenanted | <input type="checkbox"/> Untenanted |
| <input type="checkbox"/> With Farmworkers | <input type="checkbox"/> Without Farmworkers |
| <input type="checkbox"/> With Occupants | <input type="checkbox"/> Without Occupants |

(Please attach list of affected tenants, farmworkers or occupants, if any)

G. Encumbrances: Yes None

If yes, specify type of encumbrance

If covered with several land titles, specify OCT/TCT Nos.

.....

H. Finally, no similar/previous application has been filed, in my name or in my behalf over the same or portion of the area applied for, and this application is not part of a bigger project involving other landholdings.

IV. SWORN STATEMENT

I hereby certify that all information stated above are true and correct to the best of my knowledge. It is understood that any misrepresentation on my part will be sufficient cause for denial of this application or cancellation or withdrawal of conversion approval and blacklisting of my person or my representative from any dealings with the DAR.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ___ day of _____, 199__ at _____.

Signature of Landowner/Representative

SUBSCRIBED AND SWORN to before me this ___ day of _____, 199__ at _____.
Landowner/Representative exhibiting his/her Residence Certificate No. _____ issued on _____ at _____.

Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of 199__

Attachments: List of Standard Documentary Requirements; LUC Forms that are to be filled-up by the applicant and concerned agencies.

Republic of the Philippines
HOUSING AND LAND USE REGULATORY BOARD
Office of Regional Officer

ZONING CERTIFICATION

This is to certify that the parcel(s) of land situated in Barangay(s)
..... Municipality of Province of
....., covering an area of hectares, specifically
identified as follows:

Table with 5 columns: Registered Owner, Lot No., OCT/TCT/CASE NO., Area per Title (Has.), Area Applied for Conversion (Has.). Includes a TOTAL row at the bottom.

which will be subject of the application for land use conversion of,
petitioner is/are zoned for use per Town Plan/Zoning Ordinance
of the city/municipality of, dated ratified by the
Housing and Land Use Regulatory Board/Sangguniang Panlalawigan through
..... dated in accordance with Memorandum
Circular No. 54 of 1993 and Section 20 of the Local Government Code and related
issuances.

Issued this day of, 199.... upon the request of
Mr./Mrs./Ms.....

Regional Officer

- Note: 1. This certification is issued relative to the requirement of DAR regarding the implementation of the Comprehensive Agrarian Reform Law and shall not be construed as a Certificate of Eligibility for Conversion;
2. This certification shall not be construed as a Locational Clearance/Certificate of Zoning Conformance or Development Permit; and
3. This shall not be construed as a certification as to the ownership by the applicant of the abovelisted parcel(s) of land.

LUC FORM NO. 3
(To be filled up by the DA)

DA Region _____

Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Office of Regional Director

This is to certify that _____ parcels of land situated in Barangay _____, Municipality of _____, Province of _____ covering an area of _____ hectares, specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT No.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.				
2.				
3.				
4.				
5.				

TOTAL _____

Pursuant to Department of Agriculture Administrative Order No. _____, Series of _____, its Network and Map of Protected Areas, and upon the conduct of actual field evaluation and verification, the subject landholding has been found to be:

1. _____

Non-negotiable for conversion

_____ Irrigated lands where water is available to support rice and other crop production, and irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the DA and the NIA, pursuant to Presidential Administrative Order 20

_____ All irrigable lands already covered by irrigation projects with firm funding commitments

2. _____

Highly Restricted from Conversion

_____ irrigable lands not covered by irrigation projects with firm
_____ funding commitments

_____ agro-industrial croplands (presently planted to industrial crops)

_____ highlands

3. _____

Eligible for Conversion

_____ potential agro-industrial lands

_____ expansion areas

_____ erodible land (agro-forestry)

_____ pasture land

_____ wetlands

Regional Director

Republic of the Philippines
NATIONAL IRRIGATION ADMINISTRATION
Office of the Regional Irrigation Manager

This is to certify that parcels of land situated at Barangay, Municipality of, Province of, covering an area of hectares, specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT/ CASE NO.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.
2.
3.
4.
5.
TOTAL			

Are found to be:

1. Within irrigated lands where water is available to support rice and other crop production;
 Outside irrigated lands and water is not available to support rice and other crop production;
2. Within areas programmed for irrigation facility rehabilitation;
3. Within irrigable lands already covered by irrigation project with firm funding commitments (i.e., there is an existing bilateral to multi-lateral agreements and/or included in the agency's program);
4. Not irrigable lands and not covered by irrigation project with firm funding commitment.
5. Others:

This certification is issued upon the request of Mr./Mrs./Ms.

.....
Given this day of, 199....

.....
Regional Manager

NOTE: When accomplished, this CEC is to be attached in the Application for land Use Conversion (LUCF) as one of the standard documentary requirements.

LUC FORM NO. 5
(To be filled up by the DENR)

DENR Region _____

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Office of Regional Executive Director

This is to certify that _____ parcels of land situated in Barangay _____, Municipality of _____ Province of _____ covering an area of _____ hectares, specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT No./ Case No.	Area per Title (Has.)	Area Applied for Conversion
1.				
2.				
3.				
4.				
5.				

TOTAL _____

FURTHER, it is certified that the landholdings applied for are:

1. _____ protected areas under the National Integrated Protected Areas (NIPAS)
2. _____ watershed and/or recharged areas of aquifers
3. _____ areas identified as environmentally critical pursuant to PD 1586 and DENR AO 96-37
4. _____ do not fall under any of the categories abovementioned (#s 1-3).

This certification is issued upon the request of Mr./Mrs./Ms. _____ Given this _____ day of _____, 199__.

Regional Executive Director

LUC FORM NO. 6
 (To be filled-up by the BLAD)

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

CERTIFICATE OF AGRARIAN REFORM PROGRAM AWARDEE

This is to certify that parcels of land situated in Barangay, Municipality of, Province of covering an area of hectares specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT/ CASE NO.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.
2.
3.
4.
5.
TOTAL			

FURTHER, it is certified that the subject land is found to be covered and distributed under the Agrarian Reform Program and awarded to the following farmer-beneficiaries.

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

(Attach list if necessary)

FURTHERMORE, at least five (5) years have lapsed since the award of the land to the abovementioned farmer-beneficiaries and the obligation of the former awardees have been:

fully paid not fully paid under LBP financing

CERTIFIED BY:

BLAD Director

NOTE:

1. This CEC shall be required when the applicant/landowner is a beneficiary of agrarian reform program;
2. Accomplished copy of this CEC is to be attached to the Land Use Conversion Folder (LUCF) as one of the additional requirements.

LUC FORM NO. 7

Republic of the Philippines
LAND BANK OF THE PHILIPPINES
 Office of the Branch/Field Manager
 Branch/Field Office _____

CERTIFICATE OF FULL PAYMENT OF ARB's OBLIGATIONS

This is to certify that..... parcels of land situated in Barangay, Municipality of, Province of covering an area of hectares, specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT/ CASE NO.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.
2.
3.
4.
5.
TOTAL			

FURTHER, it is certified that the subject landholding/petition was found to be awarded to the following agrarian reform beneficiaries, namely:

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

FURTHERMORE, the abovementioned farmer-beneficiaries of the agrarian program have fully not fully paid their obligations.

This certification is issued upon the request of Mr./Mrs./Ms.

.....
...Given this ___ day of _____, 199__.

.....
Branch/Field Manager

NOTE:

1. This CEC shall be required when the applicant is a beneficiary of agrarian reform program;
2. Accomplished copy of this CEC shall be attached to the Land Use Conversion Folder (LUCF) as one of the additional requirements.

LUC FORM NO. 8

(To be filled-up by Receiving Officer)

CHECKLIST
FOR APPLICATION FOR LAND USE CONVERSION OF
ALL PRIVATE AGRICULTURAL LANDS

A. PETITIONER

1. Name of Applicant: _____
(Signatory in the Sworn Declaration/Application for Conversion)
2. Date of Filing of Petition: _____
3. Proposed Use of the Land: _____
4. Total Area Applied for Conversion (in hectare):
Location: _____
5. Name of Developer: _____
Address: _____
Tel. No. _____
If the developer is not the applicant, specify proof of authority to develop the land _____

B. LANDHOLDING INFORMATION

Evidence of Ownership				
1) Name of Registered Landowner/s	Title No./Case No.	Tax Declaration No.	Date of Registration	Area Per Title
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(Use other sheet if necessary)

- 2) If land is tenanted: (Check)
 - proof of payment of disturbance compensation (acknowledgement receipt by tenant/farmworker), attested by BARC or Brgy. Chairman and MARO; or

proof of undertaking to pay disturbance compensation (duly notarized agreement signed by tenant/farmworker and applicant, embodying undertaking of applicant to pay disturbance compensation)

C. STANDARD DOCUMENTARY REQUIREMENTS SUBMITTED
(Original copy only)

Type of Document	Name of Issuing Officer	Date	Remarks
___ 1. Application of conversion (LUCC Form No. 1)	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 2. SPA (if applicant not owner)	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
___ 3. Photocopy of TCT/OCT Certified by ROD/Court certification/DENR Certification	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
___ 4. Sketch Map	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 5. Vicinity Map	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 6. Area Development Plan	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 7. Work and Financial	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 8. Justification	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.
..... 9. 5 R Photos	_____	__/__/__	<input type="checkbox"/> sufficient <input type="checkbox"/> not suff.

-10. Proof of financial _____ / / [] sufficient
and organizational _____ [] not suff.
capability to develop
the land, such as
as:
- [] Profile of developer
including details of
past or current
development projects
 - [] Financial Statements
duly authenticated by
a certified public
accountant
 - [] Articles of Incorporation
or Partnership, if the
applicant/developer is
a corporation or
partnership
- ___ 11. HLRB Certification _____ / / [] sufficient
Regional Officer [] not suff.
(LUC Form No. 2)
- ___ 12. DA Certification _____ / / [] sufficient
(LUC Form No. 3) [] not suff.
- ___ 13. NIA Certification _____ / / [] sufficient
(LUC Form No. 4) [] not suff.
- ___ 14. DENR Certification _____ / / [] sufficient
(LUC Form No. 5) [] not suff.
- ___ 15. Applicaiton Fee _____ / / [] sufficient
[] not suff.
- ___ 16. (If the applicant is an FB _____ / / [] sufficient
of the CARP) CEC from the [] not suff.
DAR that the applicant is
the actual farmer-awardee,
and at least five (5) years
have lapsed since the award
of the land to him (LUC
Form No. 6) and full payment

___ 17. (If the applicant is an FB _____ / / [] sufficient
of the CARP) CEC issued [] not suff.
by the LBP that FB has
fully paid his obligation
(LUC Form No. 7)

___ 18. EIA/ECC _____ / / [] sufficient
[] not suff.

.....19. Social-Benefit Cost _____ / / [] sufficient
Analysis from DA [] not suff.

D. COMMENTS:

Prepared by:

Name : _____
Designation: _____
Date : _____

LUC FORM NO. 9

(To be filled-up by the RCLUPPI/CLUPPI
and to be posted by the MARO)

Application No.....
Date Applied

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM

**NOTICE OF POSTING
ON LAND USE CONVERSION**

Hereby given that _____ has filed with
DAR an Application for Land Use Conversion over parcels of land situated in
Barangay, Municipality of,
Province of covering an area of hectares,
specifically identified as follows:

Registered Owner	Lot No.	OCT/TCT/ CASE NO.	Area per Title (Has.)	Area Applied for Conversion (Has.)
1.
2.
3.
4.
5.
TOTAL			

The above parcel/s are sought to be converted from agricultural to
..... use.

Any person with valid objection to the said application for land use conversion
may file his/her objection/protest thereto, in writing, addressed to the Chairman of the
CLUPPI through the Municipal Agrarian Reform Officer, not later than fifteenth
(15th) day from the Period of Posting. The Period of Posting shall be completed after
fifteenth (15) days or on

.....
Chairman, RCLUPPI/CLUPPI

Posted by:
MARO

Date:

NOTE: Accomplished copy of this Notice is to be attached in the Application for
Land Use Conversion while duplicate copies shall be posted at the
Barangay Hall, Municipal Hall and in conspicuous premises of the land
sought to be converted.