



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER NO. 06
Series of 1994

SUBJECT : Guidelines for the Issuance of Exemption
Clearances based on Sec. 3 (c) of RA 6657
and the Department of Justice (DOJ) Opinion
No. 44 Series of 1990

I. PREFATORY STATEMENT

In order to streamline the issuance of exemption clearances based on DOJ Opinion No. 44, the following guidelines are being issued for the guidance of the DAR and the public in general.

II. LEGAL BASIS

Sec. 3(c) of RA 6657 states that agricultural lands refers to land devoted to agricultural activity as defined in this act and not classified as mineral, forest, residential, commercial or industrial land.

Department of Justice Opinion No. 44 series of 1990 has ruled that with respect to the conversion of agricultural lands covered by RA No. 6657 to non-agricultural uses, the authority of DAR to approve such conversion may be exercised from the date of its effectivity, on June 15, 1988. Thus, all lands that already classified as commercial, industrial or residential before 15 June 1988 no longer need any conversion clearance.

However, the reclassification of lands to non-agricultural uses shall not operate to divest tenant-farmers of their rights over lands covered by Presidential Decree No. 27, which have vested prior to June 15, 1988.

III. FILING OF THE APPLICATION

A. Any landowner or his duly authorized representative whose lands are covered by DOJ Opinion No. 44 s. 1990, and desires to have an exemption clearance from the DAR, should file the application with the Regional Office of the DAR where the land is located.

B. The application should be duly signed by the landowner or his representative, and should be accompanied by the following documents:

1. Duly notarized Special Power of Attorney, if the applicant is not the landowner himself;
2. Certified true copies of the titles which is the subject of the application;

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3. Current tax declaration (s) covering the property;
4. Location Map or Vicinity Map;
5. Certification from the Deputized Zoning Administrator that the land has been reclassified to residential industrial or commercial use prior to June 15, 1988;
6. Certification from the HLURB that the pertinent zoning ordinance has been approved by the Board prior to June 15, 1988
7. Certification from the National Irrigation Administration that the land is not covered by Administrative Order No. 20 s. 1992, i.e., that the area is not irrigated, nor scheduled for irrigation rehabilitation nor irrigable with firm funding commitment.
8. Proof of payment of disturbance compensation, if the area is presently being occupied by farmers, or waiver / undertaking by the occupants that they will vacate the area whenever required.

IV. PROCESSING OF THE APPLICATION

A. Upon the filing of the application, the Regional Office shall conduct a joint investigation with the duly authorized representatives of the Provincial and Municipal Offices of the DAR that have jurisdiction over the property. The investigation shall be undertaken and the report prepared within thirty (30) days from the filing of the completed application. No application shall be processed whenever there are lacking documentary requirements.

B. The joint investigation report shall concentrate on the presence of potential beneficiaries in the area, the payment of disturbance compensation, the initial activities related to coverage, and other pertinent information which may be relevant in the grant or denial of the application for exemption.

The joint investigation report should also contain a certification from the MARO on whether or not the area has been placed under the coverage of Pres. Decree No. 27, or whether Certificates of Land Transfer or Emancipation Patents have been issued over said property.

C. The investigation report shall be signed by the representatives of the Regional, Provincial and Municipal Offices concerned, and forwarded to the Regional Director who shall prepare the Order for Denial or Grant of the Exemption Clearance. The draft order shall be prepared not later than fifteen (15) days

from the receipt of the investigation report.

D. The exemption folder, together with the draft order, shall be forwarded to the Legal Affairs Office of the DAR Central Office which shall review the same, and upon proper review shall forward the folder to the Office of the Secretary not later than fifteen (15) days from receipt of the folder.

E. The Secretary shall sign the Order granting or denying the exemption. A copy of the order shall be furnished to the Land Use Conversion Committee for purposes of monitoring and statistical information.

V. TRANSITORY PROVISIONS


All pending applications shall be processed conformably with the procedures outlined herein. Pending applications with lacking documentary requirements shall be completed by the applicant upon proper notice by the DAR Regional Office.

VI. REPEALING CLAUSE AND EFFECTIVITY

All administrative orders, circulars, memoranda and other issuances inconsistent herewith are deemed repealed.

This administrative order shall take effect ten days after its publication in two newspapers of general circulation.

Quezon City, Philippines, 27 May, 1994


ERNESTO D. GARILAO
Secretary

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of General Circulation:

1. PHILIPPINE STAR
2. PHILIPPINE TIMES JOURNAL

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