



MEMORANDUM CIRCULAR NO. 04
SERIES OF 2018.

**SUBJECT: APPLICATION FOR CONVERSION WHICH ARE SUBJECT TO
PUBLIC CONSULTATION**

The requirement of conducting public consultations on certain applications for land use conversion as provided under DAR Administrative Order (A.O.) No. 5, Series of 2018 is always subject to the sound discretion either of the Secretary or the Regional Director. The inputs to be derived from the consultations shall guide the Department on the actions to be taken with the pending applications for the conversion of agricultural lands. It also ensures transparency in the entire conversion process. This Memorandum Circular is being issued in order to ensure the compliance by all concerned with this procedural requisite. The following shall guide the Department in the selection of cases which shall be subject to such consultation process, thus:

- 1.0. No application for conversion with incomplete requirements based on what is provided under Section 65 of Republic Act (R.A.) No. 6657, As Amended, other pertinent laws, and the applicable Administrative Orders of the Department, shall be processed. Incomplete applications shall not be included in those cases which are subject to public consultation unless such deficiencies are addressed and subject to compliance with the requirements of this Memorandum.
- 2.0. Only applications for conversion with complete requirements based on what is provided under Section 65 of R.A. No. 6657, As Amended, other pertinent laws, and the applicable Administrative Orders of the Department shall be subject to public consultation. Further, the application for conversion must have already undergone complete staff work by the Regional Land Use Conversion Committee (RLUCC) or the Land Use Cases Division of the Bureau of Legal Assistance (LUCD-BALA) and have already been submitted for approval to the Office of the Regional Director or to the Office of the Secretary. The RLUCC or its equivalent office shall submit the report to the Regional Director. The LUCD-BALA shall submit the report to the Office of the Secretary.

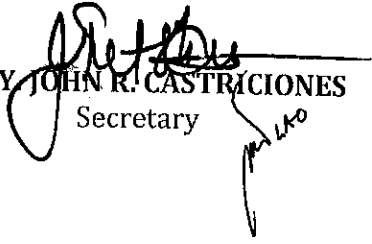
In any and all instances, the completed application for conversion must also be attendant with any of the following:

- 2.1. The application for conversion of landholding is being opposed in writing by any person or group and has been submitted to the RLUCC or the LUCD-BALA.

- 2.2. The landholding which is being applied for conversion is with occupants and such fact of occupancy has been previously established in writing in the report of the RLUC or the LUCD-BALA. The written report shall state the number of occupants, the basis for the occupancy, the activities of the occupants on the landholding and other relevant information.
 - 2.3. The application for conversion of landholding is based on a "spot zoning or reclassification" by the concerned local government unit affecting the said landholding despite the fact that its classification remains as "agricultural" in the existing Comprehensive Land Use Plan.
 - 2.4. The landholding which is being applied for conversion has been acquired without the requisite DAR Transfer Clearance or is owned by a person(s) or group(s) with an aggregate ownership of more than five (5) hectares of agricultural lands.
 - 2.5. There are structures or improvements in the landholding which is being applied for conversion which indicate premature conversion punishable under R.A. No. 8435 or illegal conversion punishable under R.A. No. 6657, As Amended.
 - 2.6. There is a written request submitted to the Office of the Secretary or the Office of the Regional Director from any person(s) or group(s) that the application for conversion of a specific landholding be the subject of public consultation.
 - 2.7. In any and all completed applications for land conversion either before the Office of the Regional Director or the Office of the Secretary which the Secretary directs to be subjected to public consultation.
- 3.0. The time, place, and manner of the holding of the public consultations shall be fixed by the RLUC or the LUCD-BALA, as the case may be. The consultation shall be presided by the concerned approving authority or by any person duly designated by the said approving authority.

This Memorandum Circular takes effect immediately and supersedes/amends all issuances inconsistent hereof.

Diliman, Quezon City, AUG 29 2018


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



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