



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 06
Series of 2019

**Subject: CREATION OF A COLLEGIAL BODY ON LAND USE CONVERSION
AND EXEMPTION/EXCLUSION FROM CARP COVERAGE**

I. PREFATORY STATEMENT

Under Section 12 of Administrative Order (A.O.) No. 01, Series of 2002 entitled "2002 Comprehensive Rules on Land Use Conversion," the Secretary shall be the approving authority for land use conversion applications involving lands with an area larger than five (5) hectares. Likewise, under Paragraph V of A.O. No. 04, Series of 2003 entitled "*2003 Rules on Exemption of Lands from CARP Coverage under Section 3 (c) of Republic Act No. 6657 and Department of Justice (DOJ) Opinion No. 44*" and Section 5 of A.O. No. 01, Series of 2004 entitled "*2004 Rules and Regulations Governing the Exclusion of Agricultural Lands Used for Cattle Raising from the Coverage of the Comprehensive Agrarian Reform Program*," the Secretary is the approving authority for properties/lands with an area larger than five (5) hectares.

In the interest of the service and in line with the directive of the President to streamline the Conversion, Exemption and Exclusion processes for speedy resolution of the same, there is a need to create or constitute a collegial body, which shall approve or disapprove applications for conversion, exemption and exclusion and all other incidents or matters related thereto.

II. LEGAL MANDATE

Section 6, Chapter 2, Book IV of the Revised Administrative Code [Executive Order (E.O.) No. 292, Series of 1987] states that the authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary, who shall have supervision and control of the Department.

Corollary thereto, E.O. 129-A provides the Secretary with the power to promulgate rules and regulations, which was reiterated in Section 49 of R.A. No. 6657, as amended to carry out the objects and purposes of agrarian reform program.

Moreover, Section 50 of R.A. No. 6657, as amended, vested the Department of Agrarian Reform (DAR) with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

III. CREATION OF COLLEGIAL BODY

A Land Use Cases Committee (LUCC) is hereby created which shall be composed of a Chairperson, Vice-Chairperson and three (3) members for Land Use Conversion Committee, another three (3) members for Exemption Committee and another three (3) members for Exclusion Committee to be designated by the Secretary.

The LUCC shall be supported by a Land Use Cases Secretariat (LUCS), Technical Working Group (TWG), On-Site Inspection and Investigation (OSII) Teams and a Public Consultation Committee (PCC).

IV. FUNCTIONS AND AUTHORITY OF LUCC AND ITS SUPPORT GROUPS

The LUCC Chairperson, or in his absence, the Vice-Chairperson shall preside over Committee deliberation constituting a quorum. A vote of three (3) who are present during the deliberation shall be sufficient for the approval or disapproval of the application for conversion, exemption or exclusion.

After deliberation, the concerned Committee shall issue decisions, resolutions and/or orders pertaining to the following:

1. Application for Conversion pursuant to A.O. No. 01, Series of 2002, as amended;
2. Application for Extension of the development period;
3. Petition for Revocation of the conversion order;
4. Application for Exemption pursuant to DOJ Opinion No. 44 covered by A.O. No. 4, Series of 2003;
5. Application for Exclusion based on Luz Farms Case pursuant to A.O. No. 01, Series of 2004;
6. Petition for Revocation of the exemption/exclusion orders;
7. Application/Lifting of Cease and Desist Order (CDO); and
8. Appeal from the decision of the Regional Directors (RDs) relative to the aforesaid application/petition involving lands with an area of 5 hectares and below.

The Head of LUCS shall be responsible for the promulgation and issuance of Notices of Decisions, Resolutions, Orders and CDOs, as well as Certificate of finality (COF) to all concerned applicants, oppositors, parties and counsels, as the case may be. Likewise, the LUCs shall be responsible for the assignment of cases to the concerned Committee, which shall be categorized by case type (Conversion, Exemption and Exclusion). Upon approval of the LUCC Chairperson in order manage the caseload or for meritorious circumstances, the LUCS may assign cases to the Committee that may be different from its designation.

The LUCC shall be assisted by the LUCS and TWG in the deliberation, as well as in the assignment of cases. The Bureau of Agrarian Legal Assistance (BALA) Land Use Cases Division (LUCD) shall act as the TWG of LUCS.

The TWG shall be responsible, among others, for the presentation of case briefs and OSII reports during the Committee deliberation. It shall perform a complete staff

work in the pre-evaluation of the application. It shall conduct an OSII and prepare OSII reports, through the OSII Teams subject to Memorandum Circular No. 07, Series of 2011 on confidentiality.

Finally, cases cognizable by A.O. No. 05, Series of 2018, the PCC shall be responsible for the conduct of public consultation.

V. APPEAL FROM THE DECISION, RESOLUTION AND ORDERS OF THE LUCC

1. The Decisions, Resolutions and Orders of the concerned Committee is not appealable to the Secretary.
2. Any aggrieved party may file a Motion for Reconsideration (MR) within a non-extendible period of fifteen (15) days from receipt of the decision, resolution and order of the concerned Committee.
3. The filing of the MR shall suspend the running of the fifteen (15) day period to appeal. If the denied, the aggrieved party has a non-extendible period of fifteen (15) days within which to file an Appeal to the Office of the President (OP).

VI. TRANSITORY PROVISION

This A.O. shall apply to all pending, as well as subsequent applications for conversion, exemption, exclusion and to all other incidents or matters pertaining thereto as enumerated under paragraph IV hereof.

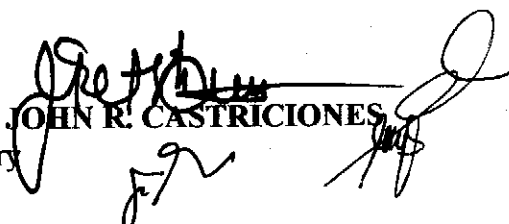
VII. AMENDMENTS

This A.O. amends the pertinent provisions of A.O. No. 1, Series of 2002, A.O. No. 4, Series of 2003 and A.O. No. 1, Series of 2004, which are inconsistent herewith. All other administrative orders, rules and regulations and other issuances made by this Department which are inconsistent herewith are hereby revoked, amended or modified, as the case may be.

VIII. EFFECTIVITY

This A.O. shall take effect ten (10) days after its publication in two (2) national newspaper of general circulation.

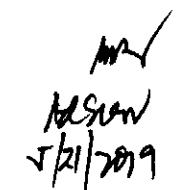
Diliman, Quezon City, MAY 20 2019


ATTY. JOHN R. CASTRICIONES
Secretary

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Office of the Secretary

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REPUBLIC OF THE PHILIPPINES


DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

CERTIFICATION

This is to certify that Administrative Order No. 06, Series of 2019 entitled “**CREATION OF A COLLEGIAL BODY ON LAND USE CONVERSION AND EXEMPTION/EXCLUSION FROM CARP COVERAGE**” was published last Thursday, 23 May 2019 in the Malaya Business Insight and Business Mirror newspapers.

Issued this 27th day of May 2019 for whatever purpose it may serve.


CLEON LESTER G. CHAVEZ
Director, Public Assistance and
Media Relations Service



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER NO. 06
Series of 2019

Subject: CREATION OF A COLLEGIAL BODY ON LAND USE CONVERSION AND EXEMPTION/EXCLUSION FROM CARP COVERAGE

I. PREFATORY STATEMENT

Under Section 12 of Administrative Order (A.O.) No. 01, Series of 2002 entitled "2002 Comprehensive Rules on Land Use Conversion," the Secretary shall be the approving authority for land use conversion applications involving lands with an area larger than five (5) hectares. Likewise, under Paragraph V of A.O. No. 04, Series of 2003 entitled "2003 Rules on Exemption of Lands from CARP Coverage under Section 3 (c) of Republic Act No. 6657 and Department of Justice (DOJ) Opinion No. 44" and Section 5 of A.O. No. 01, Series of 2004 entitled "2004 Rules and Regulations Governing the Exclusion of Agricultural Lands Used for Cattle Raising from the Coverage of the Comprehensive Agrarian Reform Program," the Secretary is the approving authority for properties/lands with an area larger than five (5) hectares.

In the interest of the service and in line with the directive of the President to streamline the Conversion, Exemption and Exclusion processes for speedy resolution of the same, there is a need to create or constitute a collegial body, which shall approve or disapprove applications for conversion, exemption and exclusion and all other incidents or matters related thereto.

II. LEGAL MANDATE

Section 6, Chapter 2, Book IV of the Revised Administrative Code [Executive Order (E.O.) No. 292, Series of 1987] states that the authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary, who shall have supervision and control of the Department.

Corollary thereto, E.O. 129-A provides the Secretary with the power to promulgate rules and regulations, which was reiterated in Section 49 of R.A. No. 6657, as amended to carry out the objects and purposes of agrarian reform program.

Moreover, Section 50 of R.A. No. 6657, as amended, vested the Department of Agrarian Reform (DAR) with the primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).

III. CREATION OF COLLEGIAL BODY

A Land Use Cases Committee (LUCC) is hereby created which shall be composed of a Chairperson, Vice-Chairperson and three (3) members for Land Use Conversion Committee, another three (3) members for Exemption Committee and another three (3) members for Exclusion Committee to be designated by the Secretary.

The LUCC shall be supported by a Land Use Cases Secretariat (LUCS), Technical Working Group (TWG), On-Site Inspection and Investigation (OSII) Teams and a Public Consultation Committee (PCC).

IV. FUNCTIONS AND AUTHORITY OF LUCC AND ITS SUPPORT GROUPS

The LUCC Chairperson, or in his absence, the Vice-Chairperson shall preside over Committee deliberation constituting a quorum. A vote of three (3) who are present during the deliberation shall be sufficient for the approval or disapproval of the application for conversion, exemption or exclusion.

After deliberation, the concerned Committee shall issue decisions, resolutions and/or orders pertaining to the following:

1. Application for Conversion pursuant to A.O. No. 01, Series of 2002, as amended;
2. Application for Extension of the development period;

3. Petition for Revocation of the conversion order;
4. Application for Exemption pursuant to DOJ Opinion No. 44 covered by A.O. No. 4, Series of 2003;
5. Application for Exclusion based on Luz Farms Case pursuant to A.O. No. 01, Series of 2004;
6. Petition for Revocation of the exemption/exclusion orders;
7. Application/Lifting of Cease and Desist Order (CDO); and
8. Appeal from the decision of the Regional Directors (RDs) relative to the aforesaid application/petition involving lands with an area of 5 hectares and below.

The Head of LUCC shall be responsible for the promulgation and issuance of Notices of Decisions, Resolutions, Orders and CDOs, as well as Certificate of finality (COF) to all concerned applicants, oppositors, parties and counsels, as the case may be. Likewise, the LUCCs shall be responsible for the assignment of cases to the concerned Committee, which shall be categorized by case type (Conversion, Exemption and Exclusion). Upon approval of the LUCC Chairperson in order manage the caseload or for meritorious circumstances, the LUCC may assign cases to the Committee that may be different from its designation.

The LUCC shall be assisted by the LUCC and TWG in the deliberation, as well as in the assignment of cases. The Bureau of Agrarian Legal Assistance (BALA) Land Use Cases Division (LUCCD) shall act as the TWG of LUCC.

The TWG shall be responsible, among others, for the presentation of case briefs and OSII reports during the Committee deliberation. It shall perform a complete staff work in the pre-evaluation of the application. It shall conduct an OSII and prepare OSII reports, through the OSII Teams subject to Memorandum Circular No. 07, Series of 2011 on confidentiality.

Finally, cases cognizable by A.O. No. 05, Series of 2018, the PCC shall be responsible for the conduct of public consultation.

V. APPEAL FROM THE DECISION, RESOLUTION AND ORDERS OF THE LUCC

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VI. TRANSITORY PROVISION

This A.O. shall apply to all pending, as well as subsequent applications for conversion, exemption, exclusion and to all other incidents or matters pertaining thereto as enumerated under paragraph IV hereof.

VII. AMENDMENTS

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VIII. EFFECTIVITY

This A.O. shall take effect ten (10) days after its publication in two (2) national newspaper of general circulation.

Diliman, Quezon City, May 20, 2019.

ATTY. JOHN R. GASTRICRIONE
Secretary



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Tunay na Pagbabago sa Repormang Agraryo

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