



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

ADMINISTRATIVE ORDER No. 05
Series of 2018

**SUBJECT: CONDUCT OF PUBLIC CONSULTATIONS IN LAND USE
CONVERSION APPLICATIONS.**

PREFATORY STATEMENT

The conversion of agricultural lands may in certain cases be imbued with public interest. The outcome does not only necessarily affect the applicant(s) or the protestant(s) in an application for conversion. The conversion of agricultural lands may affect the public and the future generations of the Filipino people.

Agricultural land use conversion is defined as the process of changing the use of agricultural land to non-agricultural land uses. (Section 4, Republic Act [R.A.] No. 8435 otherwise known as the Agriculture and Fisheries Modernization Act of 1997). Land use conversion refers to the act or process of changing the current physical use of a piece of agricultural land into some other use or for another agricultural use other than the cultivation of the soil, planting of crops, growing of trees, including harvesting of produce therefrom as approved by the DAR. (Article 1, Section 2, Paragraph 2.12 of DAR Administrative Order No. 1, Series of 2002).

Section 22 of R.A. No. 9700 provides for the basic requirements for land use conversion:

Section 65 of Republic Act No. 6657, as amended, is hereby further amended to read as follows: "SEC. 65. Conversion of Lands. — After the lapse of five (5) years from its award, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have a greater economic value for residential, commercial or industrial purposes, the DAR, upon application of the beneficiary or the landowner with respect only to his/her retained area which is tenanted, with due notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: Provided, That if the applicant is a beneficiary under agrarian laws and the land sought to be

converted is the land awarded to him/her or any portion thereof, the applicant, after the conversion is granted, shall invest at least ten percent (10%) of the proceeds coming from the conversion in government securities: Provided, further, That the applicant upon conversion shall fully pay the price of the land: Provided, furthermore, That irrigated and irrigable lands, shall not be subject to conversion: Provided, finally, That the National Irrigation Administration shall submit a consolidated data on the location nationwide of all irrigable lands within one (1) year from the effectivity of this Act.

Failure to implement the conversion plan within five (5) years from the approval of such conversion plan or any violation of the conditions of the conversion order due to the fault of the applicant shall cause the land to automatically be covered by CARP."

Paragraph K of Section 4 of Executive Order (E.O.) No. 129-A provides that the DAR is authorized to approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses. Paragraph L, Section 5 of E.O. No. 129-A further provides that the DAR has the exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, and other land uses as may be provided by law.

The procedure laid down in DAR Administrative Order No. 1, Series of 2002 (2002 Comprehensive Rules on Land Use Conversion) basically involves a process of application. It is incumbent on the part of the applicant to prove compliance with the legal substantive and procedural requirements. The public posting of billboards and notices in conspicuous places of the municipalities where the property is found as required by the said Administrative Order is the sole procedural requirement which ensures that persons affected by the proposed land use conversion may file a protest. This form of notice may not be sufficient to ensure that the public is properly notified about the application.

The procedure may be supplemented with the holding of a public consultation in order to solicit public sentiment and ensure transparency in the approval or disapproval of certain applications for the conversion of agricultural lands.

SECTION 1. CONDUCT OF PUBLIC CONSULTATION

The Secretary or the concerned Regional Director may call for a public consultation before acting on an application for land use conversion. Resource persons from the public and/or the private sectors may be invited by the Secretary or the Regional Director during the public consultation. The holding of the public consultation is to ensure that any interested person may be given the opportunity to present comments or air views or sentiments about the application for land use conversion. Such views, comments, or sentiments may be utilized as a guide in the processing of the application for

conversion by the Secretary or the Regional Director. The inputs derived from such public consultations do not necessarily bind the Secretary or the Regional Director in the action on the pending application(s) for land use conversion.

SECTION 2. CONTENTS OF NOTICE OF PUBLIC CONSULTATION.

The Notice shall contain the following information:

- A. The case title and name of applicant(s)/developer(s) and oppositor(s);
- B. The nature of conversion or project to be undertaken;
- C. The location, area, and title of the land;
- D. The name of the registered owner(s);
- E. The date, time, and venue of the public consultation; and
- F. The advice that any person may submit any written position paper regarding the application.

SECTION 3. MANNER OF POSTING OF NOTICE.

The Notice shall be in such a form and manner that any person shall be timely and effectively informed about the conduct of the public consultation. The Notice of Public Consultation shall be in English and/or the local dialect in the area(s) where the property is located. It shall be posted conspicuously at least ten days prior to the conduct of the public consultation in the following areas:

- A. The Barangay Hall of the Barangay(s) where the property is situated;
- B. The Municipal or City Hall of the territory where the land is situated;
- C. The DAR Provincial and Municipal Offices of the provinces and municipalities where the land is situated; and
- D. Other conspicuous areas where the property is situated.

SECTION 4. RESPONSIBLE OFFICES FOR COMPLIANCE WITH NOTICE REQUIREMENTS.

Compliance with the requirements for the Contents of the Notice under Section 2 of this Order, as well as with the requirements for the form and manner of the posting of the Notice under Section 3 of this Order shall be the responsibility of the Regional Land Use Conversion Committee (RLUCC) for conversion applications falling within the jurisdiction of the Regional Director or the Land Use Cases Division of the Bureau of Agrarian Legal Assistance (LUCD-BALA) for conversion applications falling within the jurisdiction of the Secretary.

SECTION 5. DOCUMENTATION OF THE PUBLIC CONSULTATION.

The proceedings of the public consultation shall be documented. It shall be recorded by video. There shall be a written record of the minutes of the public

consultation. Both the video recording and the minutes shall be undertaken by the DAR Land Use Cases Division (LUCD) and the Public Assistance and Media Relations Service (PAMRS).

SECTION 6. SEPARABILITY CLAUSE.

Any judicial pronouncement declaring as unconstitutional any provision or portion of this Administrative Order shall not affect the validity of the other provisions herein.

SECTION 7. EFFECTIVITY CLAUSE

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

July 12, 2018, Diliman, Quezon City.


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



ISU-18-03370

Published in two (2) National Newspaper
of General Circulation

1. The Manila Times
2. Business World

Date of Publication July 18, 2018