



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

Administrative Order No. 01
Series of 2019.

SUBJECT: STREAMLINING THE PROCESSING OF APPLICATIONS FOR LAND USE CONVERSION UNDER DAR ADMINISTRATIVE ORDER NO. 1, SERIES OF 2002

Under Section 65 of Republic Act (R.A.) No. 6657, as amended, Executive Order No. 129-A, and Paragraph (13), Section 3, Title XI of the Revised Administrative Code of 1987 (E.O. No. 292) the DAR is mandated to approve or disapprove applications for land use conversion of agricultural lands to non-agricultural uses. In order to streamline the processing of such applications and to ensure the speedy disposition of the same, certain provisions of DAR Administrative Order (A.O.) No. 1, Series of 2002 are hereby amended or clarified as follows:

SECTION 1. Personal Filing of Application for Conversion.

All application for conversion and its supporting documents shall be personally filed by the applicant who is the landowner or the duly authorized representative.

SECTION 2. Basis of Authority of Representative.

A duly authorized representative is one who is empowered by the landowner to apply for conversion by virtue of a Special Power of Attorney (SPA) or a Board Resolution/Secretary Certificate, if the applicant is a juridical person, which specifically mandates the said representative to file the application and submit the supporting documents in accordance with Section 65 of R.A. No. 6657, as amended, and its implementing rules. This provision clarifies Section 9 of the DAR A.O. No. 1, Series of 2002.

SECTION 3. Authentication of Application and Supporting Documents.

An application for conversion must be duly verified by the landowner or the duly authorized representative as to the truthfulness and correctness of all information contained therein. It must also contain a Certification by the same that all supporting documents have been issued by the proper agencies or offices. This provision amends Section 10.3 of the DAR A.O. No. 1, Series of 2002.

SECTION 4. Non-acceptance of Incomplete Application.

Strictly no application shall be accepted, docketed and processed unless the documentary requirements for conversion grant are complete and sufficient in form and substance. This provisions amends Section 10 of DAR A.O. No. 1, Series of 2002.

SECTION 5. The Agrarian Reform Beneficiary as Applicant for Conversion.

When the agricultural land which is the subject of the Application for Conversion has been acquired under R.A. No. 6657, its conversion shall be allowed only if the applicant is the agrarian reform beneficiary thereof and the applicant upon conversion shall fully pay the price of the land. This provision amends Sections 8.4, 10.23 and 10.24 of DAR A.O. No. 1, Series of 2002.

SECTION 6. Acceptance of Electronic Copy (E-copy) of Land Title.

The electronic copy of an Original or Transfer Certificate of Title shall henceforth be used as basis for identifying the landholding and its registered owner(s) subject of the application in lieu of a certified true copy of that title, except for the following provinces and cities: Sulu (Jolo), Batanes (BASco), Cagayan (Tuao), Basilan (Isabela), Cadiz City, Negros Occidental, Silay City, Negros Occidental, Dapitan City and Province of Tawi-Tawi (Bongao). This provision amends Section 10.4 of DAR A.O. No. 1, Series of 2002.

SECTION 7. Local Government Unit (LGU) Reclassification.

Reclassification is different from Conversion.

Reclassification is the act of specifying how agricultural land shall be utilized for non-agricultural uses as embodied in the land use plan of the LGU based on Section 20 of R.A. No. 7160. Conversion is the act of changing the actual use of agricultural land into other uses as approved by the DAR in accordance with Section 65 of R.A. No. 6657, as amended.

Agricultural lands that are reclassified to non-agricultural uses do not *ipso facto* allow the landowner thereof to use the same for such purpose.¹

The submission of the Certificate of Reclassification by the Housing and Land Use Regulatory Board (HLURB) in applications for conversion shall only be required if the landholding is situated in Highly-Urbanized or Independent Component Cities and the conversion is from an agricultural use to a non-agricultural use.

In lieu of the HLURB certification, the Sangguniang Bayan/Panlungsod Zoning Ordinance and the Sangguniang Panlalawigan Resolution approving said Zoning Ordinance shall be submitted in applications for conversion in case of landholdings situated in Component Cities and Municipalities and the conversion is from an agricultural use to a non-agricultural use.

In both instances, the concerned local government unit must have the proper Certificate of Eligibility for Reclassification of agricultural lands issued by the Department of Agriculture (DA) in accordance with D.A. A.O. No. 1, Series of 2017. The DA Certificate must be attached to the HLURB Certificate or the LGU Resolution, as the case may be, to prove that there is a valid reclassification.

¹ CREBA vs. DAR (G.R. No. 183409, 18 June 2010)

SECTION 8. Department of Agriculture Certification is a Requirement for Application for Land Use Reclassification.

Matters pertaining to the state of the agricultural activity on the landholding as well as whether the same is irrigated or irrigable have already been passed upon by the concerned LGU during the process of reclassification in accordance with Section 20 of R.A. No. 7160 and Office of the President (O.P.) M.C. No. 54, Series of 1993. Thus, the DA Certificate on such matters will not be required upon an Application for Conversion of a landholding from agricultural use to non-agricultural use. This provision amends Section 10.16 of DAR A.O. 1, Series of 2002.

SECTION 9. The Department of Environment and Natural Resources (DENR) Environmental Compliance Certificate (ECC) is a Post-Condition for Application for Land Use Conversion.

The DENR-ECC shall no longer be part of the requirements for the processing of the Application for Land Use Conversion. The DENR-ECC shall constitute part of the conditions for the validity of the Conversion Grant when the subject land is within an Environmental Critical Area (ECA), or will involve the establishment of an Environmental Critical Project (ECP). The failure to secure the DENR-ECC shall constitute as a ground for the revocation of the conversion grant. This provision amends Section 10.18 of DAR A.O. No. 1, Series of 2002.

SECTION 10. Clearance for Resettlement Areas Due to Declared Calamities.

A conversion grant shall no longer be necessary if the land shall be actually, directly and exclusively used as a resettlement area or relocation site of persons displaced by a nationally declared calamity provided that the Regional Director determines that the area is not within the SAFDZ, the land is neither irrigated nor irrigable, and that there are no tenants on the land. The concerned Regional Director must issue a Clearance Certificate once the said determination is made. The Regional Director shall monitor the activity and shall render an initial report to the DAR Secretary within ten (10) days from the commencement thereof and a final report, not later than five (5) days from its date of completion. In no case shall the duration of the temporary use thereof for shelter/housing facilities exceed one (1) year from the date of declaration of normalcy.

SECTION 11. The Municipal Agrarian Reform Program Officer (MARPO) Certification.

The MARPO within three (3) days upon receipt of the application and the supporting documents shall personally determine the completion of the works stated under Section 14 of DAR A.O. No. 1, Series of 2002.

In the absence of an assigned MARPO, the Chief Agrarian Reform Program Officer (CARPO) – Land Tenure Service Program (LTSP), or in the absence of both, the Provincial Agrarian Reform Program Officer II (PARPO II) shall make the personal determination.

SECTION 12. Notice of On-Site Inspection and Investigation (OSII).

Notice of OSII shall be issued within three (3) days from the date of filing of the application for conversion.

The LUC/RLUC shall immediately notify the MARPO, PARPO and their designated Provincial Information Officers (PIOs) the date of OSII by the fastest means of communications including but not limited to electronic mails, facsimile, short-message service, telephone communications, messaging applications and other related means pursuant to R.A. No. 8792.² The notice shall also contain the instruction to disseminate the same to all farmers, agricultural lessees, share tenants, farmworkers, actual tillers, or occupants in the property subject of the application.

SECTION 13. Conduct of the OSII.

The OSII shall be conducted on the property by the Land Use Conversion Division (LUCD)/ Regional Land Use Committee (RLUC) within five (5) days from notice.

The OSII shall be completed within three (3) days. Thereafter, the OSII Team shall submit an electronic copy of the Field Investigation Report, including photographs and videos through any appropriate software platform used by the Department within two (2) days from the completion of the OSII.

SECTION 14. Land Use Cases (LUC)/ Regional Land Use Cases (RLUC) Committee Deliberation.

Within five (5) days from receipt of the Field Investigation Report, the LUC/RLUC Committee shall convene to evaluate the application and its supporting documents. It shall deliberate the merits of the application and, thereafter, make its recommendations to the approving authority.

An application for conversion shall be acted upon within a period of thirty (30) working days from date of filing and docketing provided it is compliant with the requirements set forth under DAR A.O. No. 1, Series of 2002 and this Rule.

The running of the 30-day period shall be interrupted in case of the following:

1. The filing of a protest to the application;
2. The conduct of public consultation under DAR A.O. No. 5, Series of 2018;
3. The non-completion of the OSII or the application process due to fortuitous events;
4. The need to conduct hearing for clarification of the application or any of its supporting documents; and
5. Such other analogous circumstances.

² AN ACT PROVIDING FOR THE RECOGNITION AND USE OF ELECTRONIC COMMERCIAL AND NON-COMMERCIAL TRANSACTION AND DOCUMENTS, PENALTIES FOR UNLAWFUL USE THEREOF, AND OTHER PURPOSES.

SECTION 15. Transitory Clause.

These Rules shall apply to all pending applications for land use conversion as well as those applications which shall be filed upon the effectivity of these Rules.

SECTION 16. Repealing Clause.

The provisions of DAR AO No. 1, Series of 2002 as well as those in other issuances which are inconsistent with this Administrative Order are hereby amended and/or repealed accordingly.

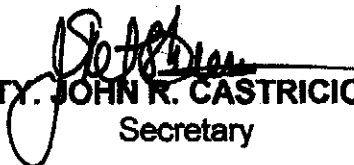
SECTION 17. Separability Clause.

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

SECTION 18. Effectivity Clause.

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

Diliman, Quezon City, JAN 14 2019


ATTY. JOHN R. CASTRICIONES
Secretary

Department of Agrarian Reform
Office of the Secretary



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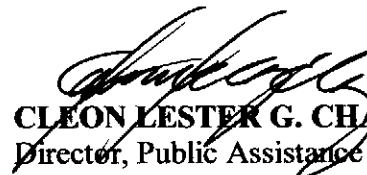
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CERTIFICATION

This is to certify that Administrative Order No. 01, Series of 2019 entitled “**STREAMLINING THE PROCESSING OF APPLICATIONS FOR LAND USE CONVERSION UNDER DAR ADMINISTRATIVE ORDER NO. 1, SERIES OF 2002**” was published today, 15 April 2019 in the Manila Bulletin and Manila Times newspapers.

Issued this 15th day of April 2019 for whatever purpose it may serve.


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Director, Public Assistance and
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