

## CONVERSION; AS DISTINGUISHED FROM RECLASSIFICATION

- DAR's conversion authority is most often seen as synonymous with the power of local government units (LGUs) to reclassify lands within their territorial jurisdiction. This misconception has resulted in a clash, lot of conflicts and confusion not only between the two agencies but among other concerned sectors.
- "Reclassification" refers to the "act of specifying how agricultural lands shall be utilized for non-agricultural uses as residential, industrial, commercial, as embodied in the land use plan, subject to the requirements and procedures for conversion. It also includes the reversion of non-agricultural use." (Joint HLURB, DAR, DA, DILG Memo Circular Prescribing the Guidelines to Implement OP-MC 54, [1995], sec. 2[2.3]). On the other hand, conversion is defined by the same Memorandum Circular as the "act of changing the current use of a piece of land into some other use." (Id.,sec. 2[2.2])

DAR Opinion No. 26, s. 2007  
September 27, 2007

## CONVERSION; WHICH OFFICE HAS THE AUTHORITY TO APPROVE

- Under Sec. 4 and 5 of EO 129-A (1982), the DAR is mandated to "approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses." It authorizes DAR to "have exclusive authority to approve or disapprove conversion of agricultural land for residential, commercial, industrial, and other land uses as may be provided for by law." Also, Sec. 4 of OP-MC 54 (1993), provides that "action on application for land use conversion on individual landholdings shall remain as the responsibility of the DAR, xxx, pursuant to RA No. 6657 and EO 129-A."

DAR Opinion No. 26, s. 2007  
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## CONVERSION; LIMITATION

- DAR's authority to allow conversion is not limited only to lands awarded under CARP. As stated in DOJ Opinion No. 44 (1990):

Being vested with exclusive original jurisdiction over all matters involving the implementation of agrarian reform, it is believed to be the agrarian reform law's intention that any conversion of a private agricultural land to non-agricultural uses should be cleared beforehand by the DAR. True, the DAR's express power over land use conversion is limited to cases in which agricultural lands already awarded have, after five years, ceased 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. But to suggest that these are the only instances when the DAR can require conversion clearances would open a loophole in R.A. No. 6657, which every landowner may use to evade compliance with the agrarian reform program. Hence, it should logically follow from the said department's express duty and function to execute and enforce the said statute that any commercial or industrial property should first be cleared by the DAR.

- With respect to conversion of agricultural lands covered by RA No. 6657 to non-agricultural uses, the authority of DAR to approve such conversion may be