

COVERAGE; ACQUISITION OF A LANDHOLDING WITH A STOCK DISTRIBUTION OPTION (SDO) PLAN UNDER THE VOLUNTARY OFFER TO SELL SCHEME (VOS)

- Section 4 of Republic Act No. 6657 (**Comprehensive Agrarian Reform Law**) provides that all public and private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon are covered by CARP. It follows that coverage may proceed irrespective of whether or not the landholding is titled or not, or whether there is an adverse claim of ownership over the same, for as long as the landholding is agricultural and is not declared to be exempt or excluded from CARP coverage.
- Acquisition under CARP may be effected pursuant to Item E of DAR Administrative Order No. 01, Series of 2006 [**Supplemental Guidelines in the Implementation and Monitoring of Approved Stock Distribution Option (SDO) Plans**], that an approved SDO Plan/Memorandum of Agreement (MOA) may be revoked by the Presidential Agrarian Reform Council (PARC) and once the decision by the PARC or by other appropriate forum canceling the approved SDO Plan/MOA became final and executory and upon receipt of such decision by DAR, the latter shall proceed with the immediate coverage of the landholding under CARP.
- Item II (2) of DAR Administrative Order No. 4, Series of 2005 (**Revised Rules Governing the Issuance of Notice of Coverage in the Acquisition of Agricultural Lands Under R.A. No. 6657**) and DAR Administrative Order No. 2, Series of 1996 (**Acquisition of Agricultural Lands Subject of VOS and Compulsory Acquisition Pursuant to RA 6657**) that any transaction involving acquisition of agri-lands under CARP is transparent not only to an heir or to any party-in-interest but to the public as well, considering the requirement of posting and publication of the Notice of Coverage in a newspaper of general circulation. However, generally, for purposes of transacting any VOS, the same can only be done by the landowner or his authorized representative. Where the landowner is a juridical person, a Board Resolution is required, authorizing any person to transact with DAR regarding its property for CARP coverage.

DAR Opinion No. 18, S. 2008
July 11, 2008

COVERAGE; PROSPECTIVITY OF LAW

- The law which shall govern the coverage of subject landholding is PD 27 since it was the law existing and being implemented at the time of the coverage.
- Using the basic rule in statutory construction anchored in the provision of the New Civil Code that laws shall be applied prospectively, RA 6657 cannot be applied in the instant. Retrospective application is not tenable since it will impair vested rights which have been acquired by the tenants under PD 27.

DAR Opinion No. 09, S. 2008
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DAR CLEARANCE; LANDS TO BE USED FOR CHURCH PURPOSES; LIMITATIONS