

- The clearance of the Provincial Agrarian Reform Officer of the province is necessary and in the grant thereof, the PARO shall be guided on the criteria prescribed in A.O. No. 5, Series of 2007. The Administrative Order is explicit that the area to be devoted to churches and other places of worship should be reasonable, taking into consideration the need therefor, the custom of the place, the size of its congregation and other peculiarities of the place, once ascertained, it is further allowed half the size thereof for churchyard.

DAR Opinion No. 25, S. 2008
October 09, 2008

DAR CLEARANCE; SALE OF AGRICULTURAL LAND WHEN VALID

- A sale of an agricultural land (a ricefield) is valid when the necessary DAR clearance as required under DAR A.O. No. 01, Series of 1989 (**Rules and Procedures Governing Land Transactions**), is obtained by the seller. An “alleged tenant” cannot validly dispose a property that does not belong to him. No one can give what he does not have. Further, a conversion of an agricultural land to non-agricultural use may be legally undertaken only after approval thereof by the Department of Agrarian Reform pursuant to RA No. 6657 or the Comprehensive Agrarian Reform Law of 1988.

DAR Opinion No. 05, S. 2008
February 19, 2008

DE-LISTING AND LISTING OF AGRARIAN REFORM BENEFICIARIES (ARBs); UNDER COLLECTIVE CLOA

- The PARO shall file petitions for delisting and listing of ARBs with either the PARAD or the RARAD after a list of proposed qualified and disqualified ARBs are submitted by the Board of Directors of the Cooperative. The PARAD/RARAD shall then hear and decide on the petition for de-listing and listing of agrarian reform beneficiaries (ARBs) involving members of cooperatives, farmworker’s associations and co-owners under a collective CLOA, as well as those issued individual CLOAs.

DAR Opinion No. 20, S. 2008
July 17, 2008

DISTURBANCE COMPENSATION; HOW MUCH A TENANT ENTITLED

- The case of Ernesto Bunye vs. Lourdes Aquino, et al. (Oct. 9, 2000, G.R. No. 138979), contemplates that in the event that the tenanted land is converted pursuant to Sec. 36 of RA No. 3844, a disturbance compensation shall be given to the tenants. This is equivalent to five times the average of the gross harvest on his landholding during the last five (5) preceding calendar years.

DAR Opinion No. 08, S. 2008
April 14, 2008