

DISTURBANCE COMPENSATION; BASIS IN CASE OF LEGAL CONVERSION

- It is clear under Section 16 (a) DAR A.O. No. 1, S. 1999 (**Conversion of Agricultural Lands to Non-Agricultural Uses**) that disturbance compensation is based on terms as may be mutually agreed upon between the affected tenants, farmworkers or occupants and the landowner or the developer covering the actual tillage of the former but it should not be less than five (5) times the average of the gross harvests on their landholding during the last five (5) preceding calendar years. Any agreement for the payment between them shall be subject to DAR's approval and compliance monitoring.
- Payment of disturbance compensation as provided and contemplated under Section 36 of R.A. No. 3844, as amended by Section 7 of R.A. No. 6389, pertains to the compensation given to the agricultural lessee who is dispossessed of the land he tills in cases of **legal conversion**, that is, in cases where the use of the land for purposes other than agricultural is approved by DAR upon application of the landowner.

DAR Opinion No. 15, S. 2008
June 13, 2008

E.O. NO. 447; LANDS USED AND ADMINISTERED BY KKK-NLSF

- Those lands used and/or administered by the KKK-NLSF and actually classified as agricultural land, as mandated, shall have to be turned over to the farmer beneficiaries in accordance with Executive Order No. 407 and if it involves lands belonging to the second kind of lands, the same should be for the disposition by the DAR after a joint determination has been undertaken of the areas reclassified as alienable and disposable agricultural land. Nothing in said order would show that said agricultural land and those that were reclassified as alienable and disposable agricultural lands are for lease purposes only and/or for any other mode of disposition by the DAR or by the DENR.

DAR Opinion No. 04, S. 2008
January 29, 2008

EXCLUSION; CATTLE RAISING; SUBSTITUTION

- DAR Administrative Order No. 03, Series of 2003 (**2003 Rules for Agrarian Law Implementation Cases**), provides for the rules and procedures of application for exclusion from CARP coverage of agricultural land used for livestock, swine, and poultry raising. Rule II, Section 7 thereof provides that the Regional Director shall exercise primary jurisdiction over all agrarian law implementation cases except when a separate special rule vests primary jurisdiction in a different DAR office.
- It is within the discretion of the Regional Director to decide if the proposed substitution is tenable, subject to the necessary field investigation/ocular inspection and payment of corresponding fees and submission of requirements under existing rules and regulations particularly Administrative Order No. 01, Series of 2004 (**2004 Rules and Regulations Governing the Exclusion of Agricultural Lands Used for Cattle Raising from the Coverage of the Comprehensive Agrarian Reform Program**).