

DAR Opinion No. 16, S. 2008
June 30, 2008

EXCLUSION/EXEMPTION; MEANING

- The term “exclusion and exemption”, both meaning that the land involved is not within the scope of CARP. If the landholding ceases to be agricultural and the requirements have been met as determined by DAR upon an application for exemption/exclusion, the land is exempt, therefore, there is no longer any need to apply for conversion.
- If the subject property had been reclassified in 1977 as residential/church site the same may not be a proper subject of an application under Administrative Order No. 05, Series of 2007.

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

EXEMPTION; PROPERTY CLASSIFIED AS RESIDENTIAL

- All private lands devoted to or suitable for agriculture in excess of the 5-hectare retention limit shall be acquired under the Comprehensive Agrarian Reform Program (CARP) for distribution to qualified agrarian reform beneficiaries. Clearly, only agricultural lands in excess of the 5 hectare retention limit are coverable under CARP. Thus, properties classified as residential are exempt from the coverage of CARP. In addition, nothing under CARP Law that provides an instance or by way of exemption that residential land may be covered under CARP.

DAR Opinion No. 12, S. 2008
May 29, 2008

EXPROPRIATION OF LGUs

- The power of expropriation or eminent domain admits certain limitations and procedures provided for by law. This fundamental power of the State is essentially a legislative function exercised by Congress which may be delegated to the President, Administrative Bodies, Local Government Units (LGUs) and even private enterprises performing public services.
- The grant of the power of eminent domain to LGUs under R.A. No. 7160 (**An Act Providing for a Local Government Code of 1991**) cannot be understood as equal to the pervasive and all encompassing power vested in the legislative branch of government (Republic vs. CA G.R. No. 146887 July 2, 2002).

DAR Opinion No. 11, S. 2008
April 28, 2008

EXPROPRIATION; ONLY FINANCIAL ASSISTANCE IS GIVEN, NOT DISTURBANCE COMPENSATION

- We speak only of disturbance compensation in cases of land use conversion duly approved by the Department of Agrarian Reform and only at the instance of the