

landowner. There is no disturbance compensation to speak of but only financial assistance, in expropriation duly undertaken by the government pursuant to its power of eminent domain. Pertinent is Section 18 of Executive Order No. 1035 (**Providing the procedures and guidelines for the expeditious acquisition by the government of private real properties or rights thereon for infrastructure and other government development projects**), which provides that payment of financial assistance shall be made at the time of relocation of the tenants/farmers.

- In cases where private properties are acquired by the government for infrastructure or other government development projects, the implementing agency shall be responsible in giving financial assistance to the displaced tenants.

DAR Opinion No. 31, S. 2008
November 28, 2008

EXPROPRIATION; POWER OF LGU ON EMINENT DOMAIN

- A local government unit such as the province of Zamboanga del Norte may expropriate lands pursuant to its power of eminent domain.

DAR Opinion No. 02, S. 2008
January 11, 2008

FORECLOSED PROPERTIES OF PRIVATE BANKS; SUBJECT TO ACQUISITION

- Section 6 of Republic Act No. 7881, amending certain provisions of R.A. No. 6657, which took effect on 12 March 1995, provides that the transfer and/or sale by banks of agricultural lands in cases where such sale, transfer or conveyance is made necessary as a result of a bank's foreclosure of the mortgaged land is permitted. It can be clearly gleaned that the legislative intent is to allow banks and other financial institutions to dispose of their property under the General Banking Act, especially those assets which are agricultural lands. However, it must be emphasized that although banks can dispose of their foreclosed agricultural assets, they are still subject to the aforementioned provisions of existing laws and guidelines on their eventual compulsory transfer and acquisition under CARP.
- DAR Memorandum Circular No. 05, Series of 1996 was issued contemplating that the asset involved is an agricultural land foreclosed **on or after** 12 March 1995. It must be noted, likewise, that although private banks may sell to third parties their foreclosed agricultural assets, the same are still subject to acquisition under Section 16 of R.A. No. 6657 (CARL), if warranted.

DAR Opinion No. 13, S. 2008
June 04, 2008

LEASEHOLD; 3-HECTARE LIMIT DOES NOT APPLY; SUBLEASING PROHIBITED

- There is no specific provision limiting the area that a lessee may cultivate. While it is true that RA 6657 only speaks of the three (3) hectare-limit with respect to the award that may be given to the ARB, this ceiling does not apply under the leasehold system. On the other hand, the act of a tenant in letting another person