

EXEMPTION ORDER; WHAT IT SIGNIFIES UNDER CARP AND A.O. NO. 2, SERIES OF 2006

- The coverage of Administrative Order No. 02, Series of 2006 extends only to landholdings which are not yet covered by either exemption/exclusion or conversion order. However, while it is admitted that a DAR Order of Exemption signifies that a landholding may not be acquired and distributed under CARP, this does not render total and absolute the exemption from the application of the Comprehensive Agrarian Reform Law (CARL). DAR Administrative Order No. 13, Series of 1990 provides that in all cases, the DAR shall conduct a continuing review and verification of exempted lands to ascertain which of the areas declared exempt or which portions thereof that no longer actually, directly and exclusively used and found necessary for said purpose. If the purpose for the grant of exemption no longer exists, the area or portion involved shall be covered under CARP pursuant to the guidelines on land acquisition and distribution. Accordingly, lands which have already been declared exempt pursuant to a DAR order may, nonetheless, be subjected to Leasehold Contract, if the same remains agricultural.

DAR Opinion No. 01, s. 2007
January 16, 2007

FORECLOSED LANDS; SUBJECT OF ACQUISITION AND DISTRIBUTION

- Agricultural lands foreclosed by government financial institutions are one of the priorities that the DAR shall acquire and distribute pursuant to the Comprehensive Agrarian Reform Program (CARP). It bears stressing that if the subject properties were foreclosed prior to the effectivity of R.A. No. 7881 amending R.A. No. 6657, the same should be surrendered to the government through the DAR for coverage and distribution to qualified beneficiaries under R.A. No. 6657 pursuant to E.O. No. 407, Series of 1990, and the necessary DOT shall be executed by the LBP. However, , if foreclosure took place after the effectivity of R.A. No. 7881, the LBP being a government financial institution is permitted by said law to dispose of its foreclosed properties to third parties. This means that a Notice of Coverage may be issued for the compulsory acquisition of said properties.

DAR Opinion No. 23, s. 2007
June 20, 2007

FORECLOSED LAND; CREDITOR MAY BE CONSIDERED AS LANDOWNER

- The provisions of DAR A.O. No. 02, Series of 1997 (**Rules and Regulations Governing the Acquisition of Private Agricultural Lands Subject of Mortgage or Foreclosure of Mortgage**), provides, quote:

“III. POLICY STATEMENT

B. For purpose of covering the properties under the agrarian reform program, a Creditor shall be considered as the landowner, under the following circumstances:

- 1. When the title to the property is in the name of the Creditor; or*