

when the same is deemed hazardous to the life and limb of the inhabitants of the community near the creek.

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

**RECLASSIFICATION; DOES NOT AUTHORIZE CONVERSION OF AGRICULTURAL LAND**

- A reclassification of an agricultural by the Local Government Units based on their mandate under the Local Government Code (RA7160) does not in effect authorize the conversion of an agricultural land. In other words the slightest change in the agricultural land use to some other non-agricultural use (which in this case is a housing project), no matter how minimal the area to be covered by such change will be interpreted as land use conversion. As such, the reclassification is not sufficient, there is a need to apply for conversion clearance from the DAR before any development or act is executed on any agricultural land.

DAR Opinion No. 30, S. 2008  
November 25, 2008

**RECLASSIFICATION; RECLASSIFICATION TO NON AGRICULTURAL USE BEFORE EFFECTIVITY OF CARL DOES NOT OPERATE TO DIVEST TENANT-FARMERS OF THEIR RIGHTS OVER THE LAND**

- Reclassification as early as 1980, prior to effectivity of R.A. No. 6657 on June 15, 1988, to non-agricultural uses did not operate to divest tenant-farmers of their rights over lands covered by Presidential Decree No. 27, which have already been vested prior to 15 June 1988. As held by the Supreme Court in the case entitled Anderson Co. vs. Intermediate Appellate Court (G.R. No. L-65928 June 21, 1988).

DAR Opinion No. 28, S. 2008  
November 14, 2008

**RETENTION; LANDOWNER RIGHT OF RETENTION IS PERSONAL**

- Owners of agricultural lands may voluntarily offer their private agricultural lands for coverage under the Comprehensive Agrarian Reform Program (CARP) without exercising their rights of retention. The right of retention is personal to the landowner hence, said right can be waived.

DAR Opinion No. 22, S. 2008  
August 21, 2008

**RETENTION; HEIRS SUCCEED TO RETAINED AREAS OF DECEASED PARENTS**

- The heirs are not entitled to a retention area in their own right. They succeed to the retained area of their deceased parents which is seven or five hectares, as the case may be.