

CONVERSION; REQUISITE NUMBER OF DAYS WITHIN WHICH AN APPLICANT IS REQUIRED TO POST A PERFORMANCE BOND

- Requisite Number of Days Within Which an Applicant is Required to Post a Performance Bond

Section 26, Article III (Procedures) of DAR Administrative Order No. 01, series of 2002 pertinently provides:

“Section 26. Performance Bond. - Within five (5) days from receipt of a copy of the Conversion Order, the applicant shall post a performance bond in the form of either of the following”

On the other hand, Section 33.2, Article V (Issuance of Conversion Order and its Effects) of the same Administrative Order provides:

“Section 33. Conditions of Conversion Order. - The approval of the application for conversion shall be subject to the following conditions:

X X X X X

X X X X X

X X X X X

Section 33.2. Within fifteen (15) days from receipt of the Conversion Order, the landowner shall post a performance bond in accordance with Sections 25 or 26 hereof.”

- Basic is the rule in statutory construction that where there is a particular or special provision and a general provision in the same statute, and the latter in its most comprehensive sense would overrule the former, the particular or special provision must be taken to effect only the other parts of the statute to which it may properly apply. In other words, the particular or special provision is construed as an exception to the general provision.
- Here, we could infer that Section 26 is the special provision regarding the posting of performance bond while Section 33 is the general provision, in which case the former shall prevail. Thus, an applicant for conversion should post a performance bond within five (5) days from receipt of a copy of the conversion order.

DAR Opinion No. 24, s. 2003
December 09, 2003

CONVERSION; WHEN NECESSARY

- Should the subject land be converted into non-agricultural uses such as residential, commercial or industrial, the provisions of DAR Administrative Order No. 1, series of 2002 shall apply. Hence, application for conversion shall still be required.

DAR Opinion No. 16, s. 2003
September 02, 2003