

ACQUISITION; FORECLOSED AGRICULTURAL LAND

- Since the subject foreclosed property is agricultural, the same shall still be subjected to acquisition and redistribution to qualified beneficiaries pursuant to the provisions of the Comprehensive Agrarian Reform Law (CARL). Simply stated, although the transfer in the name of Planters Products of said property may be allowed or permitted under the law, the foreclosed agricultural property is not excluded from CARP coverage pursuant to Section 16 and 71 of Republic Act No. 6657 and DAR Administrative Order No. 2, Series of 1997 (**Rules and Procedures Governing the Acquisition of Private Agricultural Lands Subject of Mortgage or Foreclosure of Mortgage**).

DAR Opinion No. 28, s. 2006
October 17, 2006

ACQUISITION; APPLICABLE TO BOTH SMALL AND BIG LANDOWNERS

- Pursuant to Republic Act No. 6657 (**Comprehensive Agrarian Reform Law**), the DAR is mandated to acquire agricultural lands in excess of the retention limit of five (5) hectares. This mandate is imperative and it applies to both small and big landowners regardless of their status or position in the society. In other words, the acquisition is not dependent on the willingness of the landowners whose primary objective is patently to unduly delay and derail the implementation of R.A. No. 6657. Agrarian Reform is land reform and it means the transfer of control and ownership of agricultural land to the actual tillers.

DAR Opinion No. 12, S. 2006
February 02, 2006

ACQUISITION; AGRICULTURAL LANDS SUBJECT OF MORTGAGE OR FORECLOSURE

- Section 5 of DAR Administrative Order No. 01, Series of 2000 (**Revised Rules and Regulations on the Acquisition of Agricultural Lands Subject of Mortgage or Foreclosure**) provides that the mortgagee shall be considered a lien-holder if on the date the land transfer claim was received by the Land Bank of the Philippines (LBP) from the Department of Agrarian Reform (DAR): the mortgage debt is not yet due and demandable; or the mortgage debt is already due and demandable but the mortgagee has not foreclosed on the property, or the mortgage has already been foreclosed but the period to exercise the right of redemption, in cases provided by law, has not yet expired; or the foreclosure sale has not yet been confirmed by the court in cases where there is only equity of redemption.

Section 72 (b) of R.A. No. 6657 further provides:

"(b) Mortgages and other claims registered with the Register of Deeds shall be assumed by the government up to an amount equivalent to the landowner's compensation value as provided in this Act."

Section 8.b.1 of DAR Administrative Order No. 01, Series of 2000 likewise states:

"b) As lienholder, the bank, financial institutions, or other concerned person shall be entitled, among others, to: