

**CONVERSION CLEARANCE; NOT NEEDED ON AGRICULTURAL LANDS  
EXPROPRIATED BY LOCAL GOVERNMENT UNITS (LGUs) PURSUANT TO  
THE POWER OF EMINENT DOMAIN**

- The ruling in *Camarines Sur* may not be applicable in the instant case since it appears that the subject land was **not expropriated by the LGU but was acquired through a private transaction**. Only agricultural lands expropriated by local government units (LGUs) pursuant to the power of eminent domain may no longer be the subject of DAR conversion clearance prior to change in use. Thus, an application for conversion and DAR conversion clearance shall still be required if said agricultural lands shall be converted into residential or housing.
- On the other hand, should the subject lands be expropriated by the LGU rather than privately acquired, DAR conversion clearance may no longer be required pursuant to the said ruling in *Camarines Sur*.

DAR Opinion No. 04, s. 2004  
February 04, 2004

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- Agricultural lands expropriated by Local Government Units (LGUs) pursuant to the power of eminent domain need not be subject of DAR conversion clearance prior to change in use. In *Camarines Sur vs. Court of Appeals*, the Supreme Court ruled:

*“Resolution No. 129, series of 1988, was promulgated pursuant to Section 9 of B.P. Blg. 337, Local Government Code, xxx Section 9 of B.P. Blg. 337 does not intimate in the least that local government units must first secure the approval of the Department of Land Reform for the conversion of lands from agricultural to non-agricultural use, before they can institute the necessary expropriation proceedings. Likewise, there is no provision in the Comprehensive Agrarian Reform Law which expressly subjects the expropriation of agricultural lands by local government units to the control of the Department of Agrarian Reform.*

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*To sustain the Court of Appeals would mean that the local government units can no longer expropriate agricultural lands needed for the construction of roads, bridges, schools, hospitals, etc., without first applying for conversion of the use of the lands with the Department of Agrarian Reform, because all of these projects would naturally involve a change in the land use. In effect, it would then be the Department of Agrarian Reform to scrutinize whether the expropriation is for a public purpose or public use.”*

DAR Opinion No. 11, s. 2003  
July 09, 2003