

COVERAGE; SCOPE OF CARL

- It bears stressing here, moreover, Sections 4 (d) and 6 (1st paragraph) of R.A. No. 6657 (**Comprehensive Agrarian Reform Law**), which provide:

“SECTION 4. Scope – The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture.

More specifically, the following lands are covered by the Comprehensive Agrarian Reform Program:

xxxxx

xxxxx

xxxxx

d) All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon.” (emphasis supplied)

“SECTION 6. Retention Limits. - In no case shall retention by the landowner exceed five (5) hectares.....”

- From the aforequoted provisions of R.A. No. 6657, it is clear that all private lands devoted to or suitable for agriculture in excess of the 5-hectare retention limit shall be acquired under the Comprehensive Agrarian Reform Program (CARP) for distribution to qualified agrarian reform beneficiaries (as defined and contemplated under existing agrarian laws, rules and regulations) and not to “weekend farmers.”
- It is the spirit and intent of the law to cover **all** agricultural lands devoted to or suitable for agriculture. Moreover, since R.A. No. 6657 is a **social welfare legislation**, the rules on exemptions, exclusions and/or conversions must be **interpreted restrictively** and **any doubt** as to the applicability of the law should **be resolved in favor of inclusion**. Thus, the subject agricultural landholding which is beyond the 5-hectare retention area, if not converted, may be acquired under the CARP for distribution to agrarian reform beneficiaries.

DAR Opinion No. 18, s. 2003
September 17, 2003

COVERAGE; EFFECT OF ISSUANCE OF INJUNCTION, RESTRAINING ORDER, PROHIBITION OR MANDAMUS

- Section 68 of R.A. No. 6657 contemplates a different situation from that of Section 14, DAR Administrative Order No. 6, series of 2000. The former provides that no injunction, restraining order, prohibition or mandamus shall be issued by the lower courts against the government agencies named therein, including the DAR, in their implementation of CARP. In other words, CARP coverage may proceed notwithstanding the issuance by the lower courts of the aforesaid injunction, restraining order, prohibition or mandamus in matters concerning the implementation of CARP brought before said courts (e.g., subject agrarian law implementation cases). Section 55 of R.A. No. 6657 further provides, quote:

*“SECTION 55. No Restraining Order or Preliminary Injunction.
– No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection*