

**DAR CLEARANCE; CANNOT BE ISSUED WHEN THERE IS ILLEGAL TRANSFER**

- Since the sale is considered an illegal transfer which is prohibited under Section 73 of R.A. No. 6657, the DAR Clearance cannot be granted. Section 6 of the same Act only allows the retention limit of the landowner of up to five (5) hectares. This means that the landowner is only allowed to dispose of his property within his retention limit and the excess of the five (5) hectares shall be covered by CARP for distribution to qualified farmer beneficiaries.

DAR Opinion No. 25, S. 2006  
August 29, 2006

**DAR CLEARANCE; NOT SYNONYMOUS WITH DAR CONVERSION ORDER**

- The issuance of a DAR clearance involving the disposition or transfer of agricultural lands coverable under the Comprehensive Agrarian Reform Program (CARP) merely signifies that the transaction is not in circumvention of the Comprehensive Agrarian Reform Law (CARL) and may therefore be registered. It is not synonymous with a DAR Conversion Order/Clearance which is issued only after determination on the merits of a duly filed application for conversion the effect of which is to change the current physical use of a piece of agricultural land into some other use.

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

**DAR CLEARANCE; PERSON AUTHORIZED TO ISSUE DAR CLEARANCE**

- It is explicit from the immediately aforequoted provision of said guideline that it is the PARO who is authorized to issue the DAR Clearance. It is worthy to note, moreover, that no appeal process to the DAR Regional Director was provided therein. The Regional Director may not, therefore, issue a DAR Clearance in case the applicant brings the case to the Regional Office on appeal.

DAR Opinion No. 21, s. 2003  
October 14, 2003

**DAR CLEARANCE; EXEMPTED TRANSACTIONS**

- DAR Administrative Order No. 01, Series of 1989 (Rules and Procedures Governing Land Transactions), enumerates the transactions which may be registered by the Register of Deeds without prior clearance from DAR, to wit:

**“II. RULES ON VALIDITY OF LAND TRANSACTIONS**

- (a) The following are not prohibited transactions and may be registered by the Register of Deeds without prior clearance from DAR:
  - a. Deed of extra-judicial partition of the property of deceased who died prior to June 15, 1988.