

- b. Deed of partition of property owned in common by co-owners prior to June 15, 1988.
- c. Sub-division of title without change of ownership.
- d. Deed of real (es)state mortgage executed by the original landowner or beneficiary.”

DAR Opinion No. 14, s. 2003
August 25, 2003

DAR CLEARANCE; REQUISITE AFFIDAVIT OF PROPERTY HOLDINGS WHEN NOT NECESSARY

- Normally, we require the submission of an affidavit attesting that transferee’s aggregate landholding does not exceed five (5) hectares. However, in the case at hand, we are foregoing the said requirement, for the reason that Economic Zones like the CEZA, would naturally possess vast tracts of land exceeding five (5) hectares. Limiting acquisition of lands (particularly agricultural) would defeat the national interest and public purpose of their creation.

DAR Opinion No. 14, s. 2003
August 25, 2003

DAR CLEARANCE; SIGNIFICANCE

- As stated in DAR Opinion No. 07, s. 2003, dated June 6, 2003, “please note that 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. 14, s. 2003
August 25, 2003

DAR CLEARANCE; ACQUISITION BY THE GOVERNMENT THROUGH EMINENT DOMAIN; EXEMPTED

- A careful reading of the aforequoted provisions of DAR Administrative Order No. 1, series of 1989 and DAR Administrative Order No. 8, series of 1995 [**Rules and Procedures Governing the Transferability of Lands Awarded to Agrarian Reform Beneficiaries (ARBs) Pursuant to Presidential Decree No. 27 as amended by Executive Order No. 228 and Republic Act No. 6657**] would still call/require for a DAR Clearance.