

- However, applications for exemption/exclusion should still be filed with the DAR to determine on the merits whether landholdings subject of applications are indeed exempt/excluded from CARP coverage pursuant to the provisions of DAR Administrative Order No. 03, series of 1995 (**Rules and Regulations Governing the Exemption/Exclusion of Fishponds and Prawn Farms from the Coverage of the Comprehensive Agrarian Reform Law (CARL), Pursuant to Republic Act (R.A.) No. 6657, as Amended by R.A. No 7881**).

DAR Opinion No. 10, s. 2002
February 21, 2002

EXEMPTION; EFFECT OF EXEMPTION PURSUANT TO DOJ OPINION NO. 44, SERIES OF 1990

- DOJ Opinion No. 44, Series of 1990 rules that all lands already classified as commercial, industrial or residential before June 15, 1988 pursuant to a Municipal/City Ordinance or zoning plan duly approved by the Housing and Land Use Regulatory Board (HLURB) before June 15, 1988 is exempted from CARP coverage. However, the landowner or his duly authorized representative of the properties falling under this category must still apply for an Exemption Clearance from the DAR before any change in its actual use may be introduced.

DAR Opinion No. 16, s. 2001
September 10, 2001

EXEMPTION; NOT AUTOMATIC FOR LAND RECLASSIFIED AS NON-AGRICULTURAL BEFORE 15 JUNE 1988

- On the assumption that said lands were classified as residential and non-agricultural before 15 June 1988, the date of effectivity of the Comprehensive Agrarian Reform Law (CARL), no further conversion order or clearance may be necessary. However, there is still the need to apply for exemption clearance pursuant to the aforementioned provisions of the DAR guidelines abovementioned to ascertain that said lands are indeed exempt from CARP coverage and no agrarian laws, rules and regulations are violated. The provisions of P.D. No. 1474 do not warrant automatic exemption of subject landholdings from the requirement of DAR exemption clearance.

DAR Opinion No. 15, s. 2001
August 29, 2001

EXEMPTION ORDER; EFFECT

- The grant of exemption of an agricultural land from coverage pursuant to R.A. No. 6657 has an effect of merely removing it from possible acquisition and distribution under the Comprehensive Agrarian Reform Program (CARP). This does not render a total exemption from the application of Agrarian Reform Laws and other applicable laws. However, it is incumbent upon the landowner to prove that his land is exempted from CARP coverage. An exemption order or clearance must be issued on the basis of a duly filed application for exemption and is thereby approved pursuant to existing applicable laws on the matter since exemption is not automatic.

DAR Opinion No. 31, s. 2006
October 20, 2006