

EXEMPTION ORDER; NEEDED ON THE PROPERTIES BEING USED FOR RELIGIOUS ACTIVITIES

- A DAR Clearance involving transfer of the subject land may not be issued if the same is in violation of CARP. On the issue of the subject property being used for religious activities, there must be a DAR Order of Exemption from CARL coverage issued that is final and executory pursuant to the applicable guidelines on the basis of a duly filed application thereof.

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

EXEMPTION ORDER; EFFECT

- The effect of an exemption granted pursuant to the said provision of R.A. No. 6657 is merely to remove the land from its 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 their implementing rules and regulations. The DAR may still implement the other components of the program, i.e., leasehold and the Integrated Social Forestry Program, where applicable. In this case, a DAR Order of Exemption must be secured because the exemption referred hereto is not automatic. It is incumbent upon the landowner to prove that his land is exempted from CARP coverage.
- A DAR Order of Exemption does not operate as a sanction for the landowner to modify the actual use of the land. When the land is removed from CARP coverage, it does not follow that conversion of the land into other uses is authorized. If the intention of the landowner is to convert the agricultural land into residential, commercial or industrial, thereby changing the agricultural use of the land into non-agricultural use, a DAR Order of Exemption will not suffice. Instead, a DAR Order of Conversion must still be obtained.

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

EXPROPRIATION; PURPOSE IS FOR PUBLIC USE OR WELFARE

- The government can, nonetheless, expropriate agricultural lands if the intended purpose is for public use or welfare as held by the Supreme Court in the case of Province of Camarines Sur vs. Court of Appeals (222 SCRA 173) and in accordance with Presidential Administrative Order No. 50, series of 1999 (Guidelines for the Acquisition of Certain Parcels of Private Land Intended For Public Use Including the Right-Of-Way Easement of Several Public Infrastructure Projects). It should, however, be limited to such area actually needed for the purpose and there must be a showing that the entire area proposed to be transferred is necessary for use of the AFCS in order for DAR Approval to be granted.

DAR Opinion No. 17, s. 2006
June 13, 2006