

disposable) for cropland and other purposes for disposition under the Public Land Act.” (emphasis supplied)

Thus, the subject landholding are still within the jurisdiction of the DENR.

- For your further information and clarification, attached is a copy of Joint DAR-DENR Memorandum Circular No. 9, Series of 1995 [**Clarifying and Restating the Jurisdiction and Authority of the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR) Over Certain Types of Lands of the Public Domain Covered by the CARP**].

DAR Opinion No. 08, S. 2005
February 23, 2005

JURISDICTION; MARKETING AGREEMENTS NOT SUBJECT TO PARCCOM/DAR-SSO/PARC REVIEW AND APPROVAL PROCESS

- The following are the pertinent provisions of DAR Administrative Order No. 2, Series of 1999 (**Rules and Regulations Governing Joint Economic Enterprises in Agrarian Reform Areas**), to wit:

*“Section 12. **Review and Approval of Contracts** – Contracts for joint economic enterprises such as lease back, joint venture and other schemes, which comprise all the following elements:*

(a) it will optimize the operating size for agricultural production;

(b) the investor is the former landowner;

(c) it will require conveyance of the use and possession of the land in favor of the investor (or farmer landowner).

shall be submitted to the Provincial Agrarian Reform Coordinating Committee (PARCCOM) for endorsement to the Presidential Agrarian Reform Council (PARC) in accordance with Section 44 (a) of RA 6657, as amended by RA 7905. The DAR Support Services Office (SSO) shall review the contract before approval by the PARC. Optimization of operating size shall mean consolidating more than three (3) hectares distributed lands for agricultural production.

All other contracts without any of the elements enumerated above, such as production, processing and marketing agreements, management contracts, or service contracts, shall not be required to go through the PARCCOM/DAR-SSO- PARC review and approval process. However, they shall be witnessed by the Provincial Agrarian Reform Officer (PARO) or the Municipal Agrarian Reform Officer (MARO) and copy thereof furnished to the DAR Regional Office which shall, in turn, forward a copy to DAR-SSO.

Contracts shall take effect upon signing by the parties. However, in case of contracts that require PARCCOM/DAR-SSO/PARC review and approval, they shall take effect upon approval by PARC. In this connection, Sec. 30 (h) of DAR Administrative Order No. 9, Series of 1998, which provides for the effectivity of agribusiness venture agreements involving distributed commercial farms is hereby amended or modified.