

- It should be stressed further that in order that awarded lands may be transferred and registered, **the 10-year prohibitory period should have already elapsed** and said awarded lands have been **fully paid**. **Both conditions must concur**.
- Moreover, while the law allows the transfer of awarded lands on conditions stated above, said transfer is still subject to compliance with the provisions of DAR A.O. No. 8, Series of 1995, which provide:
  - a) that the productivity of the land shall be maintained;
  - b) that the buyer will not exceed the aggregate landowner ceiling provided by law; and
  - c) that the ownership ceiling of five (5) hectares shall be imposed.

DAR Opinion No. 31, s. 2005  
December 21, 2005

#### **AWARDED LANDS; RULES ON THE TRANSFERABILITY OF LANDS AWARDED TO ARB's**

- The following are the pertinent provisions of 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**), to wit:

##### **1. Item I, 1<sup>st</sup> paragraph**

###### *"I. PREFATORY STATEMENT*

*Presidential Decree No. 27 provides that title to lands acquired pursuant thereto or the Land Reform Program of the Government shall not be transferable except by hereditary succession or to the Government. However, Section 6 of Executive Order No. 228 provides that ownership of lands acquired by farmer-beneficiaries may be transferred after full payment of amortizations." (emphasis supplied)*

##### **2. Item II (Nos. 1, 2 and 7)**

###### *"II. POLICY STATEMENT*

- 1. Lands awarded to ARBs pursuant to either P.D. No. 27 or R.A. No. 6657 may be transferred and registered by the Register of Deeds only after the issuance of a DAR Clearance. (emphasis supplied)*
- 2. It shall be understood that although the transfer or awarded land is allowed, the productivity of the subject land be maintained and any change in the nature of its use shall not be allowed except with the approval of the DAR under its rules on conversion or exemption.*