

Series of 2007

Primer on

Land Conversion



**Produced by:
Bureau of Agrarian Reform Information and Education (BARIE)
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- The approving authority shall undertake reasonable means to find out the facts of the controversy, including a thorough examination of witnesses in question, as may be necessary.
- The approving authority shall render a decision on the merits of the case within thirty (30) from the time the case deemed submitted for resolution.

What is the effect of the revocation or withdrawal of a conversion order?

The subject land reverts to the status of agricultural lands and is subject to CARP coverage.

Source:

BATAS The Paralegals' Guidebook on Agrarian Reform Laws, 2003
(Volume 5-Chapter 2 and 3)

What are the conditions that can lead to the revocation of a conversion order?

The following acts or omissions shall warrant revocation of the Conversion Order:

- Lack of jurisdiction of the approving authority;
- Misrepresentation or concealment of facts material to the grant of conversion;
- Non-compliance with the conditions of the Conversion Order;
- Non-compliance with the agreement on disturbance compensation payment;
- Conversion to a use other than that authorized in the Conversion, or any other serious violation of agrarian laws

What are the procedures in the revocation or withdrawal of a conversion order?

Upon receipt of the petition, the approving authority shall order the respondent(s) to file a comment within fifteen (15) days from receipt of said order.

- The proceedings shall be **non-litigious** in nature. Except for basic essential requirements of due process, the approving authority shall avoid strict application of **procedural technicalities and rules** governing admissibility and sufficiency of evidence obtaining in judicial courts.

What is Land Use Conversion?

Land use conversion is the act or process of changing the current physical use of a piece of agricultural land into some other use, as approved by DAR.

What are the constitutional basis of land use conversion?

The relevant provisions in the Philippine Constitution give a foundation which specifically addresses the issue of industrialization based on sound agricultural development and agrarian reform while ensuring the optimal use of the nation's limited land resources (Article XII, Sec. II, The 1987 Constitution of the Philippines)

The provision is qualified by the declaration that the use of property bears a social function, implying maximum productivity for all lands (Article III, Sections I, I5 and I6, The 1987 Constitution of the Philippines).

Why is land use conversion allowed?

Land use conversion is allowed because of the following realities:

R requirements of people for housing to respond to the growing housing needs of the people.

Industrialization. Some agricultural lands need to be developed for non-agricultural purposes as not to hinder industrialization in urban and rural areas.

Agricultural lands already devoted to non-agricultural uses prior to effectivity of CARL but are classified as agricultural lands.

Land Resources maximization. There are programs that need to be implemented in agricultural but marginal areas.

Is DAR legally authorized to allow land use conversion?

Yes. Section 65 of RA 6657 empowers the Department of Agrarian Reform (DAR) to authorize under certain conditions, the reclassification or conversion and the disposition of lands awarded to the Agrarian Reform Beneficiaries (ARBs).

Who represents DAR in appeals to the Office of the President & to the Court of Appeals?

The Secretary represents DAR in all appeals to the Office of the President.

The Office of the Solicitor General (OSG) represents DAR in all appeals to the Court of Appeals. Alternatively, the OSG may deputize any DAR lawyer to represent the DAR in said appeals.

Who may file a petition to revoke or withdraw a conversion order?

Any person may file a petition to revoke, and the landowner may file a petition to withdraw the Conversion Order before the approving authority within ninety (90) days from discovery of facts warranting revocation or withdrawal, but not more than one (1) year from issuance of the Conversion Order.

When the petition alleges any of the grounds enumerated, the filing period shall be within (90) days from discovery of such facts but not beyond the development period stipulated in the Conversion Order.

Within DAR, only the Secretary may resolve petitions that question the jurisdiction of the recommending body or approving authority

Where does one file an appeal?

One can file an appeal depending on its type:

Types of Appeal	Where to File the Notice of Appeal	Requirements
Appeal from the decision, resolution, or final order of the Regional Director to the Secretary	Office of the Regional Director of origin	<ul style="list-style-type: none"> • Furnish copies to all adverse parties, if any • Pay of the requisite appeal fees to the cashier of the regional office of origin
Appeal from the decision, resolution, or final order of the Secretary	Either at the Office of the Bureau of Agrarian Legal Assistance (BALA) Director, or directly at the Office of the President (OP)	<ul style="list-style-type: none"> • Furnish copies to all adverse parties, if any • Pay of the requisite appeal fees to the cashier of either DAR or OP

Section 4 of the Executive Order No. 129-A mandates DAR to approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses.

EO 129-A—an order signed by President Corazon C. Aquino regarding the need to strengthen and expand the functions of the DAR in implementing the CARP more effectively

Section 5 of the same EO authorizes DAR to have exclusive authority to approve or disapprove conversion of agricultural land to residential, commercial, industrial, and other uses as may be provided for by law.

Section 4 of Malacañang Memorandum Circular No. 54, s. 1993 provides that action on application for land use conversion on individual landholdings shall remain as the responsibility of the DAR.

What is the position of DAR on land use conversion?

DAR recognizes that:

- Land use conversion is necessary even inevitable/unavoidable in the country's march to progress
- Agricultural lands may have to be given up in favor of industrial estates, commercial centers, residential subdivisions, etc.

- DAR is against indiscriminate and wasteful land use conversion and wants to preserve *productive agricultural lands* and other programs implemented in the *marginal agricultural areas*.

Productive Agricultural Lands—are lands best suited to food, feed, forage, fiber and oilseed crops, producing the highest yields with minimum inputs of energy and economic resources

Marginal Agricultural Lands—are lands that are unproductive. Farming it barely meets the cost of production.

Agriculture could be carried out only in certain types of land. Thus agricultural lands should be rightfully considered a finite natural resource, further depletion of which would threaten national food security. In contrast, housing and industrialization, for example require land merely for space and may therefore be implemented in lands marginal for agriculture.

What offices of DAR are directly involved in land use conversion?

The Center for Land Use Policy, Planning and Implementation (CLUPPI) is mandated to provide effective means for the expeditious resolution of protest cases, applications for the land use conversion, exemption and exclusion of properties from CARP coverage. (AO # 2, s. 2002)

What is the prescribed period in filing a motion for reconsideration?

A party may file only one (1) motion for reconsideration of the decision, resolution, or final order of the Regional Director or Secretary, and may do so only within a non-extendible period of fifteen (15) calendar days from receipt of the challenge decision, resolution, or final order.

A timely motion for reconsideration by the proper party shall postpone the execution of the challenged decision, resolution or final order.

Who may file an appeal?

Only the aggrieved party or parties who is/are either the applicant(s) or protestor(s), or both, or their successor(s)-in-interest, may appeal the decision, resolution, or final order of the Regional Director or Secretary within the periods prescribed. The appellant (s) furnish/es copies of the appeal pleadings to all parties and to the RCLUPPI, Regional Director, CLUPPI, and Secretary.

What is the prescribed period for filing appeals?

The appellant(s) may perfect his/their appeal within a non-extendible period of fifteen (15) calendar days from receipt of the decision, resolution, or final order of the approving authority.

The moment DAR loses jurisdiction over a case by reason of an appeal to the Office of the President (OP), the applicable rules of the OP then governs the appeal.

Land applied for conversion has not ceased to be economically feasible and sound for agricultural purposes, or the locality where it is found has not become **urbanized** and the land will not have a greater economic value for residential, commercial or industrial purposes

Application for conversion is violated of agrarian laws, rules and regulations as well as other applicable statutes and other administrative issuances

Proof of evidence that conversion was used as means to avoid CARP coverage and to **dispossess** the tenant farmers of the land tilled by them

Who resolves the protest?

The approving authority resolves the protest simultaneously with the application for conversion. Whenever necessary, the **approving authority** may, or upon motion by any oppositor, issue a Cease and Desist Order (CDO).

Approving Authority:

The Regional Director approves applications involving lands five (5) hectares and below
 The Secretary approves applications with areas above five (5) hectares

The counterpart of the CLUPPI at the field level is the Regional CLUPPI which is under the direct supervision of the Regional Director.

Is the authority of DAR limited only to lands awarded under CARP?

According to the Department of Justice (DOJ) Opinion No. 44, the authority of DAR to allow conversion is not limited only to lands awarded under CARL. It is believed to be the intention of the Agrarian Reform (AR) Law that any conversion of private agricultural land to non-agricultural uses should be cleared beforehand by DAR.

DOJ also expressed the view that conversions of agricultural lands covered by RA 6657 to non-agricultural uses, the authority of DAR to approve such conversion may be exercised from the date of the effectivity of the law.

Is DAR approval still necessary before an LGU can expropriate agricultural lands for conversion to non-agricultural use?

No. There is no provision in the Comprehensive Agrarian Reform Law (CARL) which expressly subjects the expropriation of agricultural lands by local government units to the control of the Department of Agrarian Reform.

What agricultural lands do not require conversion clearance?

All lands that are already classified as commercial, industrial or residential before 15 June 1988 no longer need any conversion clearance. However, the authority of DAR to approve conversion may be exercised from the date of effectivity of the RA 6657, 15 June 1988.

What areas are not subject to conversion?

The following are areas non-negotiable for conversion even when some portions of the land are eligible for conversion:

All irrigated lands. Lands that are serviced by natural irrigation or irrigation facilities.

All agricultural lands with irrigation facilities

Nipas designated areas

National Integrated Protected Areas System (NIPAS)

— the classification and administration of all designated protected areas. These include areas such as national parks, game and refuge, bird and wildlife sanctuary, wilderness, strict nature reserve, watershed, mangrove reserve, fish sanctuary, etc.

Irrigable lands covered by irrigation projects with firm funding commitments. These are lands that have marked characteristics justifying the operation of an irrigation system.

However, the DAR inter-office endorsement/recommendation and other documents as set forth in DAR MC-25-1995 are not to be included. The CLUPPI/RCLUPPI is not allowed to divulge its recommendation so as not to pre-empt the final decision of the proper approving authority.

What are considered valid grounds for protest?

Protests against the application and denial for land conversion may be instituted or founded on any of the following grounds:

Misrepresentation or concealment of facts material to the application for conversion

Adverse or negative effects of the displacement to be caused by the proposed conversion far outweigh the social and economic benefits to the affected communities

Illegal or premature conversion

Non-negotiable for conversion area

Where can a protest be filed?

Protests against the application for conversion can be filed with the PARO and/or RCLUPPI and/or CLUPPI, as the case may be, personally, if feasible.

An oppositor who files a protest before the PARO shall do so personally and not by mail.

What should be the action of the PARO for protests filed in his office?

Upon receipt of a protest, the PARO, before the end of the next working day, communicates with the RCLUPPI/CLUPPI by telephone or text message, to inform the members of such protest, and send a corresponding telegram and/or radiogram which serves as written proof of compliance with the protest notification requirement.

Within four (4) working days from receipt of the protest, the PARO transmits the protest, by courier or special delivery, to the RCLUPPI/CLUPPI the original copy of the protest itself, and keeps a photocopy in his custody.

If I filed a protest against an application for conversion, am I allowed to examine the documents of application for conversion?

Any interested person or his duly authorized representative or counsel may request from the CLUPPI/RCLUPPI or PARO/MARO a copy of the application, including all relevant attachments

Why are NIPAS areas non-negotiable for conversion?

Because NIPAS areas are intended to:

- maintain essential ecological processes and life support system;
- preserve genetic diversity;
- ensure sustainable use of resources; and
- maintain their natural conditions to the greatest extent possible

What areas are highly restricted from conversion?

Highlands or areas located in elevations of five hundred (500) meters or above and which have the potential for growing **semi-temperate** or **high value** crops such as: rice corn, wheat and other staples, lettuce, cabbage, broccoli and strawberry.

Irrigable lands not covered by irrigation projects with firm funding commitment

Notice of land valuation and acquisition, or subject of a **perfected agreement** between the landowner and beneficiaries under Voluntary Land Transfer (VLT) Direct Payment Scheme (DPS) under the CARP

Developed-Agro-industrial croplands or lands presently planted to industrial crops that support the **economic viability** of existing agricultural infrastructure and agro-based enterprises

Environmentally Critical Areas (ECA) or those involving the establishment of an Environmentally Critical Project (ECP).

ECA— areas that are ecologically, socially or geologically sensitive as declared by the law such as:

- National parks, watershed reserves, wildlife preserve and sanctuaries
- Potential tourist spots
- Habitats of endangered or threatened species of indigenous Phil plants and animals
- Unique historic, archeological or scientific interest
- Traditionally occupied by indigenous people or cultural communities
- Frequently hit/visited by natural calamities
- With critical slopes of 18% and above
- Classified as prime agricultural lands
- Recharged areas of aquifer
- Water bodies used for domestic supply or to support fisheries and wildlife

- Identified beneficiaries
- Farmers
- Agricultural lessees
- Share tenants
- Actual tillers
- Occupants or residents of adjoining properties or communities

When can a protest be filed?

A protest may be filed within thirty (30) days from posting of the requisite billboard(s) or within fifteen (15) days from conduct of ocular inspection, whichever is later.

For applications involving housing projects under EO-45-2001, the protest period is within seventeen (17) days from posting of the requisite billboard(s) or within five (5) days from conduct of ocular inspection, whichever is later.

Can an ARB still file a protest if the prescribed period for filing has lapsed?

An oppositor who is an identified Agrarian Reform-Beneficiary (ARB) of the land applied for conversion, and who fails to file a written protest within the protest period due to fraud, accident, mistake, or excusable neglect, may intervene at any time while the application is still pending.

- The Executive Director of the CLUPPI
- The Registry of Deed of the locality wherein the area applied for conversion is located, among others
- The Director, Environment Management Bureau of DENR
- DAR Central Office Records Division

When is a land use conversion order considered final and executory?

The Conversion Order or its denial becomes final and executory after:

- All parties are able to receive a copy of the Order;
- The lapse of fifteen (15) calendar days from receipt by the party who last receives a copy of the Order; and
- No motion for reconsideration or appeal has been filed.

The Head of the Legal Division of the Regional Office or the Bureau of Agrarian Legal Assistance (BALA) Director, as the case may be, issues the appropriate Certificate of Finality.

Who may file a protest?

Persons affected by the proposed land use conversion, such as:

ECP- Project with high potential for significant impact such as:

- Heavy industry project involving ferrous metals; iron or steel mills; petroleum or petro-chemicals, oil, gas, or smelting plants
- Resource extractive project such as major mining or quarrying project, forestry logging project, major wood processing introduction of fauna or exotic animals in public and private forests, forest occupancy, extraction of mangrove products, grazing, fishery dikes, or fishpond development
- Major infrastructure project such as power plant (utilizing fossil fuel, hydroelectric, geothermal, or nuclear power), dam, reclamation, bridge or a major road
- Golf course project

What are the priority development areas for land conversion?

Proposed to be developed as sites for processing plants of agricultural products, as certified by the Department of Agriculture

Regional Agri-Industrial Centers/Regional Industrial Centers (RAIC/RIC) identified by the Department of Trade and Industry (DTI) and the DA pursuant to EO-124-1993

Intended for Eco-zone Projects, endorsed by Philippine Economic Zone Authority (PEZA) such as industrial estates, export processing zones, free trade zones and tourist/recreational centers

Owned by the government and to be converted for projects of national interest, as certified by the proper government agency

Residential/Housing Projects

Intended for telecommunication facilities endorsed by the National Telecommunication Commission

Tourism Development Areas (TDA) identified by the Department of Tourism (DOT) pursuant to EO-124-1993.

- The applicant allows duly authorized representatives of DAR free and unhampered access to the property subject of the Conversion Order to monitor compliance with the terms and condition thereof;
- The use authorized in the Conversion Order is annotated on the title of the subject property; and
- It is without prejudice to the ancestral domain claims of indigenous peoples, if any, pursuant to RA 8371 or the “Indigenous Peoples Rights ACT”.

Who receives a copy of the land use conversion order?

The Order of Approval /Denial as well as the entire Land Use Conversion Folder (LUCF), is forwarded to the Records Division (Regional and Central Offices) which distributes copies of the Order to the following parties and keeps custody of the LUCF:

- The concerned landowner/applicant
- The concerned DAR Regional Director
- The concerned PARO
- The concerned MARO
- The Commissioner of the HLURB for applications approved at the DAR Central Office or the Regional Officer of the HLURB for applications approved at the DAR Regional Office

Status reports on the development covering the property shall be submitted to the MARO, PARO, and Regional Office quarterly

Performance bond shall be posted within five (5) days from receipt of Conversion Order

Allow DAR official;s free and unhampered access into the property approved for conversion for the purpose of monitoring compliance with the terms and conditions of the order.

When the application for conversion has been approved, what does it mean?

The approval of an application for conversion has the following effects:

- The use of the land is limited to that specified in the Conversion Order;
- It should be subject to the schedule indicated in the detailed site development, work and financial plans. The period of development does not extend five (5) years from issuance of the Conversion Order except as authorized by the Secretary or approving official on meritorious grounds;
- The conditions are binding upon successors-in-interest of the property;

Why are these areas prioritized?

Government needs to allot lands to be used for industrial and tourism projects towards promoting development in the different regions of the country.

Are lands no longer productive be eligible for conversion?

Yes. Sec. 65 of RA 6657 provides that lands which are no longer economically feasible and sound for agricultural purposes may be allowed for conversion.

Who may apply for land use conversion?

The following persons may apply for conversion:

- Owners of private agricultural lands or other persons duly authorized by the landowner;
- Beneficiaries of the agrarian reform program; and
- Government agencies, including government-owned or controlled corporations, and LGUs, which own agricultural lands as their **patrimonial property**.

Patrimonial property– land used by the municipality for other purposes such as buildings for the storage of property of the state

When can an ARB apply for conversion?

ARBs can apply for conversion on the following grounds:

- After the lapse of five (5) years from award calculated from the date of issuance of the Certificate of Landownership Award (CLOA) and;
- one who have fully paid their obligations.

What are the documentary requirements in applying for conversion?

Official receipt of payment of:

- filing fee
- inspection cost
- posting of bond
- Sworn application
- TCT/OCT
- Tax declaration
- Project Feasibility
- Joint Venture Agreement
- Development Plan
- Proof of Financial & Organizational Capacity
- Socio-Economic Benefit-Cost Study
- Photographs of the Property
- Affidavit of Undertaking
- MARO Certification
- HLURB Certification
- DA Certification
- DENR Certification

Disturbance compensation should be paid to the affected farmers, agricultural lessees, share tenants, farmworkers, actual tillers, or occupants, in such amounts or kinds as the parties may mutually agree upon, subject to the approval of the DAR within sixty (60) days from receipt of the Conversion Order by the landowner, solidarity with his co-owners(s) and developer(s).

Title of the property to be annotated by the Register of Deeds regarding the land use allowed under the Conversion Order within 30 days from receipt of the Order and the certified true copy to be returned to CLUPPI or RCLUPPI within 60 days from receipt of the Order.

If applicable (for housing projects, the landowner shall secure an Environmental Compliance Certificate (ECC), prior to the undertaking of any development therein.

Order can be revoked by DAR upon valid grounds and after proper investigation.

No development until all the applicable permits and clearances from the other concerned government agencies have been granted.

What conditions that form part of the conversion order?

Commence development on the property approved for conversion within one (1) year from receipt of the Conversion Order by the applicant. Landowner and/or developer shall complete development not later than the deadline(s) set forth in its site development plan schedule, but in no case shall development extend beyond five (5) years from issuance of the Conversion Order.

Only approved specific use on the property should be followed. The landowner and future landowner(s) of the property approved for conversion shall not change its use to another use not authorized under the Conversion Order without prior consent from the DAR. This prohibition extends to changes in housing standards, changes in selling schemes, changes from social housing to open market housing or vice-versa, and all other similar changes.

Not a ground for eviction. Any person who desires to evict occupants on the basis of the Conversion Order shall invoke other meritorious grounds and file the proper action.

Where can the application for land use conversion be filed?

If the land applied for conversion is five (5) hectares and below the applicants may file their application at the (RCLUPPI), where the Regional Director has the approving authority.

If the land applied for is larger than five (5) hectares, the applicants may file their application at the CLUPPI with the Secretary or a delegated Undersecretary as the approving authority.

How much filing fee should one pay for an application for conversion?

The filing fees and inspection costs depend on the size of the land applied for.

Area/Location	Filing Fee	Inspection Cost
5 hectares and below <ul style="list-style-type: none"> Landholding within the same island as that of the Office of the Regional Director 	P 1, 000.00	P10,000.00
<ul style="list-style-type: none"> Landholding not within the same island as that of the Office of the Regional Director 	P 1, 000.00	P 15, 000.00

Area/Location	Filing Fee	Inspection Cost
More than 5 hectares		
• Landholding within the main island of Luzon (except Bicol peninsula)	P 2,000.00	P 10,000.00
• Landholding within Regions I-IV but not located within the main island of Luzon	P 2,000.00	P 15,000.00
• Landholding within Bicol Peninsula or Visayas Group of Islands	P 2,000.00	P 15,000.00
• Landholding within Mindanao Group of Islands	P 2,000.00	P 20,000.00

Why is there a need for ocular inspection?

An ocular inspection aims to determine the information on conditions necessary for an in-depth evaluation of the application.

The ocular inspection shall be conducted on the property by the RCLUPPI/CLUPPI. The team shall verify and evaluate the following:

What constitutes a land use conversion order?

A valid Land Use Conversion Order (or its denial) contains the following information:

- Land Use Conversion Case Number
- OCT/TCT numbers and corresponding lot numbers. In case of untitled lands, the lot numbers and corresponding survey plan numbers.
- Names of all registered landowners for each parcel of land
- Name of applicant or representative, if the applicant is not the landowner
- Name of developer
- Proposed use of the land
- Total area applied for conversion
- Total area approved or disapproved for conversion; and
- Date of approval or denial of the order

What penalties are imposed on violations criminal in nature?

The following violations are identified with the corresponding punishment:

Law Violated	Punishment
<ul style="list-style-type: none"> Section 73 ©, (e) and 74 of RA 6657 	<ul style="list-style-type: none"> Imprisonment of not less than one (1) month to not more than three (3) years or a fine of not less than fifteen thousand (P 15,000.00) pesos, or both, at the discretion of the court
<ul style="list-style-type: none"> Premature or illegal conversion under RA 8435 	<ul style="list-style-type: none"> Imprisonment from two (2) to six (6) years or a fine equivalent to one hundred percent (100%) of the government's investment cost, or both, at the discretion of the court, and an accessory penalty of forfeiture of the land and any improvement thereon.

- C**verage status of CARP of the land applied for conversion;
- O**n-site inspection of property matches information contained in application for land use conversion agricultural lessees, share tenants, farmworkers, actual tillers, and/or occupants have been conducted or have been paid
- N**egotiations on disturbance compensation for farmers, agricultural lessees, share tenants, farmworkers, actual tillers, and/or occupants have been conducted or have been paid
- Z**one in the land use plan of the city or municipality where the land falls
- E**xistence of farmers, agricultural lessees, share tenants, farmworkers, actual tillers, and / or occupants on the subject land
- R**elevant and useful in deciding whether to approve/ disapprove the application for conversion
- V**eracity of description of the property (ies) applied for conversion, including among others the location, terrain/topography, land cover and dominant land use of the subject land and the surrounding areas

The Barangay Agrarian Reform Council (BARC) and the Barangay Chairman shall be notified of the ocular inspection but their presence is not mandatory.

How many days does it take to process the application for land use conversion (LUC)?

Excluding the mailing time, the following are the estimated duration in processing applications, depending on the type of conversion:

Type of LUC Application	Duration
Ordinary Applications	130 days
Priority Development Areas	110 days
Housing	70 days
Homelot	185 days

Who approves applications for land use conversion

The DAR Regional Director approves only applications involving less than or equal to 5 hectares or a fraction of the above.

When an application involving lands with an area larger than 5 hectares, the approving authority is the DAR Secretary upon the recommendation of the CLUPPI.

What is an illegal conversion?

It is the conversion of the landowners' agricultural land into the following reasons:

- With the intent to convert the land into any

What violations are given administrative sanctions?

Violations to administrative issuances such as executive orders, administrative orders, memorandum circulars, department opinions relative to the implementation of the agrarian reform program are grounds for administrative cases.

What administrative sanctions may be imposed on violators?

The DAR may impose any or all of the following sanctions after determining that a violation has been committed:

- Revocation or withdrawal of the authorization for land use conversion;
- Blacklisting of the applicant, developer or representative
- Automatic disapproval of pending and subsequent conversion applications that the offender may file with the DAR
- Issuance of cease and desist order by the Secretary or Regional Director, as the case may be, upon verified reports that premature, illegal or unauthorized conversion activities are being undertaken for;
- Forfeiture of cash bond or performance bond

Who may be held liable?

- Any landowner or developer, who commits any act that constitutes illegal, premature or unauthorized conversion, including, their accomplices and accessories if any.
- If the offender is a corporation or an association, the officer responsible shall be held liable.

Who constitute the National Task Force on Illegal Conversion?

- DAR Assistant Secretary for Legal Affairs
- 2 Representatives from DAR designated by the DAR Secretary
- 3 Representatives from DOJ designated by the DOJ Secretary

What are the penalties and sanctions for illegal, premature and unauthorized conversion?

Prohibited acts and omissions for illegal and premature conversion may be **administrative** or **criminal** in nature. However, for unauthorized conversion, violator may be sanctioned administratively only.

non-agricultural use and to avoid the application of RA 6657 to its landholdings;

- With the intent to dispossess the landowners' tenant farmers; or
- To sell, transfer, convey or change the nature of lands outside urban centers and city limits, either in whole or in part, after the affectivity of RA 6657.

What are the different ways in committing illegal conversion?

There are two ways of committing illegal conversion:

Elements of the 1st type:

- The offender is the landowner
- He/She converts his/her agricultural land into non-agricultural use without authority or clearance from DAR

The intention of the conversion is to avoid the application of RA 6657 and to dispossess the farmers of the land tilled by them

Elements of the 2nd type:

- Offender is the landowner
- He/She changes the nature of the agricultural land, in whole or in part

- Land is located outside urban centers and city limits
- Act was committed after 15 June 1988

When is a conversion premature?

Premature conversion is defined under Section 4 of RA 8435. It is the undertaking of any development activity, the results of which modify or alter the physical characteristics of the agricultural lands to render them suitable for non-agricultural purposes without an approved Conversion Order from the DAR.

Below shows the following elements:

- The land is agricultural land
- The offender may be any person
- Actual development activity is undertaken on the land
- The development activity changes the physical characteristics of the land
- The land development makes the land suitable for non-agricultural purposes
- There is no approved order of conversion from DAR

What is unauthorized conversion?

Unauthorized conversion is defined as changing the current use of the land from agricultural (e.g. rice land) to another agricultural use, the effect of which is to exempt the land from CARP coverage (e.g. livestock, poultry, aquaculture) without a Conversion Order from the DAR, or changing the use of the land to one other than that allowed under Conversion Order issued by the DAR. There are 2 ways to commit unauthorized conversion.

Elements of the 1st type:

- Offender is any person, i.e., landowner, developer or any other person
- The person changes the current use of an agricultural land into another agricultural purpose
- The change of use was done without an order of conversion from DAR

Elements of the 2nd type:

- Offender is any person, i.e., landowner, developer or any other person
- The subject land is granted an order of conversion for use to non-agricultural purposes
- The person uses the land to a purpose other than that allowed under the order of conversion