

[DAR ADMINISTRATIVE ORDER NO. 06, May 27, 1994]

**GUIDELINES FOR THE ISSUANCE OF EXEMPTION CLEARANCES
BASED ON SEC. 3 (C) OF RA 6657 AND THE DEPARTMENT OF
JUSTICE (DOJ) OPINION NO. 44, SERIES OF 1990**

I

Prefatory Statement

In order to streamline the issuance of exemption clearances based on DOJ Opinion No. 44, the following guidelines are being issued for the guidance of the DAR and the public in general.

II.

Legal Basis

Sec. 3 (c) of RA 6657 states that agricultural lands refers to land devoted to agricultural activity as defined in this act and not classified as mineral, forest, residential, commercial or industrial land.

Department of Justice Opinion No. 44 series of 1990 has ruled that with respect to the conversion of agricultural lands covered by R.A. No. 6657 to non-agricultural uses, the authority of DAR to approve such conversion may be exercised from the date of its effectivity, on June 15, 1988. Thus, all lands that already classified as commercial, industrial or residential before 15 June 1988 no longer need any conversion clearance.

However, the reclassification of lands to non-agricultural uses shall not operate to divest tenant-farmers of their rights over lands covered by Presidential Decree No. 27, which have vested prior to June 15, 1988.

III.

Filing of the Application

A. Any landowner or his duly authorized representative whose lands are covered by DOJ Opinion No. 44 s. 1990, and desires to have an exemption clearance from the DAR, should file the application with the Regional Office of the DAR, should file the application with the Regional Office of the DAR where the land is located.

B. The application should be duly signed by the landowner or his representative, and should be accompanied by the following documents:

1. Duly notarized Special Power of Attorney, if the applicant is not the landowner himself;
2. Certified true copies of the titles which is the subject of the application;
3. Current tax declaration(s) covering the property;