

MEMORANDUM

TO : All Registrars of Deeds/Deputy Registrars of Deeds

FROM : The Administrator
This Authority

SUBJECT : DAR Clearance as Requisite for Transfers of
Agricultural Landholdings

DATE : December 5, 2014

WHEREAS, the lapse of the effectivity period on June 30, 2014, of the land acquisition and distribution (LAD) component of the CARP Law (R.A. 6657) and its amendment (CARPER Law – R.A. 9700), has raised some confusion among our Registrar of Deeds as to whether or not DAR Clearance is still a mandatory requisite in any transfer, sale or disposition of agricultural land;

WHEREAS, however, nothing in R.A. 6657 and any of its amendatory laws have provided any effectivity period for the limitations on sale, transfer and disposition of agricultural land (Section 70 and Section 27 R.A. 6657);

WHEREAS, it is therefore clear that these limitations shall remain to be in full force and effect;

WHEREFORE, it is hereby clarified and reiterated that DAR Clearance is still a mandatory requisite for any sale, transfer and disposition of agricultural land. However, no such DAR Clearance shall be necessary in the following instances:

1. When the DAR Secretary orders the cancellation of an Emancipation Patent (EP) or (Certificate of Land Ownership Award (CLOA));
2. In case of a partition of a Title, where no transfer of ownership shall result;
3. In case of a partition/parcelization of a collective CLOA by the DAR;
4. When the transferee is the government;
5. When the transfer is through a valid exercise of expropriation; and
6. In case of a deed of real estate mortgage executed by the landowner or a beneficiary (the consolidation of ownership as a result of a foreclosure sale however is subject to a DAR Clearance).

For strict compliance.

EULALIO C. DIAZ III
Administrator