

CONDUCT OF REVIEW AND SUSPENSION OF CERTAIN PROVISIONS OF DAR ADMINISTRATIVE ORDER NO. 5 SERIES OF 2017

ADMINISTRATIVE ORDER NO. 06, January 31, 2018

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Adopted: 01 December 2017

Date Filed: 31 January 2018

In accordance with the Memorandum of Executive Secretary Salvador C. Medialdea dated 6 November 2017 instructing Undersecretary Rosalina L. Bistoyong as Officer-in-Charge of the Department “ to conduct an extensive review of DAR Administrative Order No. 5 (s. 2017) in consultation with stakeholders, therefrom, including the adoption of provisional measures should the OIC find it necessary to suspend or defer its implementation,” and based on the inputs in the said review of the stakeholders as well as the members of the Policy Formulation and Review Committee (PRFC), the following specific and provisional measures shall take effect, thus:

ARTICLE I. Suspension of Paragraph IV-B of DAR Administrative Order No. 5 (s. 2017)

The following provision is hereby suspended, thus:

“The submission or filing of a Petition for Protest of Coverage and/or Petition or Manifestation for Exemption or Exclusion shall not stop the continuation or completion of the LAD process which includes the installation of Agrarian Reform Beneficiaries (ARBs)”.

ARTICLE II. Suspension of Paragraph IV-C of DAR Administrative Order No. 5 (s. 2017).

The following provision is hereby suspended, thus:

“Despite the pendency of a Protest Against Coverage, a Petition for Exemption or Exclusion, or other agrarian law implementation (ALI) case, the LAD shall continue until all the identified ARBs have been successfully installed on the awarded land, unless otherwise suspended by the Secretary thru a Cease and Desist Order (CDO) or Status Quo Order or by the Supreme Court (SC) thru Temporary Restraining Order (TRO) or Preliminary Injunction”.

ARTICLE III. Suspension of Paragraph IV-E of DAR Administrative Order No. 5 (s. 2017).

The following provision is hereby suspended, thus:

“The filing of applications for conversion or the pendency of conversion proceedings shall not forestall the LAD process. Thus, all applications for conversion, involving agricultural lands or pending acquisition proceedings, shall be immediately denied to give way for the LAD Process”.

ARTICLE IV. Suspension of Paragraph IV-G of DAR Administrative Order No. 5 (s. 2017).

The following provision is hereby suspended, thus:

“In the event that the Secretary revoked an existing Exemption, Exclusion or Conversion Order, the DAR shall

immediately proceed with the LAD process up to installation notwithstanding the pendency of an appeal with the Office of the President (OP) or court unless suspended otherwise by the Secretary, OP or the SC”.

ARTICLE V. Scope of Suspension

The aforementioned provisions shall remain suspended unless recalled by this Office. All other provisions of DAR Administrative Order No. 5 series of 2017 shall remain in force and effect.

ARTICLE VI. Mode and Scope of Review

The PRFC shall convene and undertake the consultation and review of the policy enunciated in the said Administrative Order and shall ensure the involvement of the DAR field officials, the CARP implementing agencies as well as the stakeholders from the landowners sector and the sector of agrarian reform beneficiaries in the review process.

ARTICLE VII. Deadline

The PRFC shall submit its final recommendations on the review of DAR Administrative Order No. 5 (s. 2017) to this Office on or before 1 March 2018.

ARTICLE VIII. Separability Clause

If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections of provisions not affected thereby shall remain in full force and effect.

ARTICLE IX. Effectivity Clause

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation.

(SGD.) ROSALINA L. BISTOYONG
OIC- Secretary

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