



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

ADMINISTRATIVE ORDER

NO. 04

Series of 2008

SUBJECT: SUPPLEMENTAL GUIDELINES TO DAR ADMINISTRATIVE ORDER NO. 7, SERIES OF 2003 ON THE IDENTIFICATION, SCREENING AND SELECTION OF, AND DISTRIBUTION TO AGRARIAN REFORM BENEFICIARIES (ARBs) OF PRIVATE AGRICULTURAL LANDS UNDER REPUBLIC ACT NO. 6657

I. PREFATORY STATEMENT

Pursuant to Section 4, Article XII of the Constitution, as restated in Section 2, paragraph 3 of Republic Act (R.A.) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, Department of Agrarian Reform (DAR) Administrative Order (A.O.) No. 7, Series of 2003 was issued to govern the policies, rules and procedures in the identification, screening and selection of Agrarian Reform Beneficiaries (ARBs) under the Comprehensive Agrarian Reform Program (CARP) who may own individually or collectively the lands they till. In all cases, the security of tenure on the land of the farmers and farm workers prior to the approval of R.A. No. 6657 shall be respected.

Article 1, Section 2, Paragraph 2.12 of DAR A.O. No. 7, Series of 2003 provides that, "Any potential ARB who fails to signify his/her interest to be an ARB before the expiration of the fifteen (15) day posting of the masterlist of ARBs by the Beneficiary Screening Committee (BSC) or the DAR Municipal Office (DARMO) is deemed to have waived his/her right to be an ARB." In view, however, of peculiar issues existing in sugarlands and other plantation farms, this Administrative Order is issued to supplement DAR A.O. No. 7, Series of 2003 to address some concerns and facilitate the identification, screening and selection of agrarian reform beneficiaries in these areas. Nothing in this A.O. should, nevertheless, be interpreted as excluding other types of tillers from becoming beneficiaries in these areas provided they qualify as ARBs.

II. POLICY STATEMENTS

1. Qualified beneficiaries enumerated under Section 22 of R.A. No. 6657 and whose residence in the barangay/municipality has been established according to law and existing guidelines, are

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automatically included in the initial or preliminary list of potential ARBs after documentation that they are tenants/farmworkers as of 15 June 1988 of the landholding to be covered regardless of whether they have signified their intention to become beneficiaries or not. The following documents may, thus, be considered to prove that they are tenants/farmworkers of the subject landholding:

- a. Leasehold Contract and/or other tenurial instruments;
- b. Payroll;
- c. Social Security System (SSS) records;
- d. Records of an illegal dismissal case at the Department of Labor and Employment (DOLE) / National Labor Relations Commission (NLRC);
- e. Pay slip;
- f. Sworn affidavit of farm administrator/manager/overseer/Barangay Agrarian Reform Committee (BARC)/Brgy. Captain or any regular farmworker; and
- g. Other sources with probative value.

Even with the submission of the above documents, a person cannot be included in the preliminary list of ARBs if he has been found to have perpetrated any of the grounds for disqualification/exclusion of ARBs of the CARP enumerated in Section 5 of DAR A.O. No. 7, Series of 2003.

Should one contest the qualification of any person included in the preliminary list of ARBs, the contesting party has the burden of proving and establishing the grounds for such disqualification.

These requirements shall also apply to Section 2.10 of DAR A.O. No. 7, Series of 2003.

2. Any potential ARB who was automatically included in the preliminary list including those who have signified their intent or interest to the DARMO to be included in the preliminary list of potential ARBs thereof, has to submit any or all of the essential documents to prove his/her other qualifications as an ARB as provided under Article V, Section 8.3.a-g of DAR A.O. No. 7, Series of 2003 within fifteen (15) days from posting of the said list. This also applies to tenants of landholdings with definite areas of tillage and are automatically included in the preliminary list.
3. Any potential ARB who was included in the preliminary list but failed to comply with the submission of the required documents to prove his/her qualification within the fifteen (15) day period of posting of the preliminary list of ARBs accompanied by a

general invitation enjoining them to submit the required documents to prove their qualification shall not be delisted thereon. Existing documentary evidence at hand at the DARMO shall be used to evaluate his/her qualifications. Any case that may be raised shall be treated as an Agrarian Law Implementation (ALI) case pursuant to DAR A.O. No. 3, Series of 2003 and shall be resolved according to said guidelines.

Should he/she pass the screening process, he/she shall execute and sign the Application to Purchase and Farmers Undertaking (APFU). In the absence of threat, duress, intimidation, or any form of harassment, the tenant's refusal to execute and sign the APFU or his/her failure to sign the same within the required period shall be considered as waiver of his/her rights to become an ARB. The unwilling and/or disinterested ARB shall be disqualified and delisted. Steps shall be undertaken to replace him/her by a qualified ARB. In this process and pursuant to Section 47b of R.A. No. 6657 and Section 19 of Executive Order (E.O.) No. 229, the BARC shall be required to nominate at least three (3) qualified ARBs from the masterlist of ARBs where Beneficiaries Screening Committee (BSC) shall choose from.

The provisions of the preceding paragraph shall be without prejudice to qualified potential ARB nominated by he tenant/farmworker who is a member of his/her immediate farm household.

4. In cases where the landowner opted not to exercise his right of retention and the tenants occupying specific lots thereon per subdivision plan done by the DAR refuses to execute and sign the APFU, the specific tillage shall still be acquired and reallocated to other qualified ARBs. The right or option of the tenant to remain as leaseholder pursuant to Section 6, Paragraph 2 of R.A. No. 6657 does not apply as the subject parcel of land is placed under CARP and not being retained by the landowner. The tenant's refusal to execute the APFU shall be considered as waiver of his/her rights to become an ARB. His/her continued occupation shall be construed as impeding the implementation of CARP making the program hostage with his/her non-cooperation, thus, necessary action may be filed against him/her by the DAR before the Department of Agrarian Reform Adjudication Board (DARAB).

Notwithstanding the preceding paragraph, efforts shall be exhausted to convince and encourage the tenant/farmworker concerned that the signing of the APFU and becoming an ARB is far more advantageous to him/her.

5. Section 22 of R.A. No. 6657 provides that, "A basic qualification of a beneficiary shall be his willingness, aptitude, and ability to

cultivate and make the land as productive as possible," Refusal to be identified and/or registered as a potential beneficiary is contrary to the willingness qualification.

6. While failure or refusal to sign the APFU shall not be considered as a ground for automatic disqualification if such is the result of the tenant/farmworker being threatened, intimidated or harassed by the landowner, the same shall not, however, serve as a hindrance in the effective implementation of CARP.

Thus, in order not to impede the implementation of the CARP, proper notice shall be sent to the tenant/farmworker stating that refusal to sign the APFU constitutes waiver to become an ARB.

7. The provisions of Section 6, Paragraph 3 and Section 22, Paragraph 2 of R.A. No. 6657 are intended to secure the tenure of the farmers and farmworkers but nonetheless should not be construed as a hindrance in the implementation of CARP.

III. OPERATING PROCEDURES

Pursuant to Item II.6 of this A.O. as to the existence of threat, duress, intimidation or any other form of harassment by the landowner or his agents/assigns against the tenant/farmworker, the following shall be observed:

1. The BSC, in case of plantation farms, or the Municipal Agrarian Reform Officer (MARO), in the case of actual tenants, with the assistance of the BARC, shall undertake all necessary steps to ascertain whether or not such failure or refusal to execute or sign the APFU is caused by threat, duress or any other form of harassment. The necessity of signing the said document shall be explained
2. In case there is no threat, duress or any other form of harassment by the landowner, the tenant's refusal or failure to execute the APFU shall be construed as unwillingness contrary to the willingness qualification and therefore he is deemed disqualified as an ARB.
3. In case of threat, duress or any other form of harassment by the landowner as properly determined and documented, efforts should be undertaken by the MARO or BSC to address or resolve the issue/problem as warranted which shall include, among others, encouraging the tenant/farmworker to sign the APFU since it will be to his/her eventual welfare and benefit, and advising him/her to nominate qualified immediate farm household member/s as his/her replacement.

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In the event the tenant/farmworker further refuses to sign the APFU, a proper notice (LAD-ID, SCRN & DSTRN Form No. 12) shall be sent to him/her stating that refusal to sign the APFU within thirty (30) days from receipt thereof shall constitute waiver to become an ARB. Nonetheless, he/she shall have the option to nominate qualified immediate farm household member/s, giving priority to his/her spouse, as his/her replacement.

Inaction on his/her part after the lapse of the 30-day period shall already be considered as an automatic waiver of his/her rights to become an ARB. Accordingly, the DAR shall identify and select other qualified ARB as replacement giving priority to the immediate farm household member/s, if qualified.

4. Thereafter, the provisions of DAR A.O. No. 2, Series of 2005 shall be followed.

IV. SANCTION

Non-compliance with the foregoing provisions on the part of concerned DAR officials and employees without justifiable reason shall be a ground for the immediate filing of proper administrative and/or criminal actions against them pursuant to Sections No. 73 and 74 of R.A. No. 6657 and other applicable laws.

IV. EFFECTIVITY

This Administrative Order supplements DAR A.O. No. 7, Series of 2003 and takes effect ten (10) days after publication in two (2) newspapers of general circulation. All orders, circulars and other issuances inconsistent herewith are hereby repealed and/or modified accordingly.

Diliman, Quezon City, 16 June 2008.



NASSER C. PANGANDAMAN
Secretary

Department of Agrarian Reform
Office of the Secretary

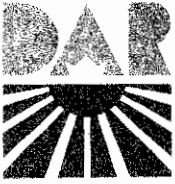


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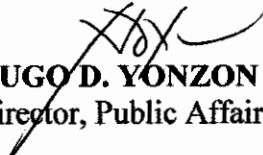


Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

CERTIFICATION

This is to certify that Administrative Order No. 04, Series of 2008 entitled **“SUPPLEMENTAL GUIDELINES TO DAR ADMINISTRATIVE ORDER NO. 7, SERIES OF 2003 ON THE IDENTIFICATION, SCREENING AND SELECTION OF, AND DISTRIBUTION TO AGRARIAN REFORM BENEFICIARIES (ARBs) OF PRIVATE AGRICULTURAL LANDS UNDER REPUBLIC ACT NO. 6657”** is published today, Thursday, 19 June 2008 at Manila Standard Today and Manila Times newspapers.

Issued this 19th day of June 2008 for whatever purpose it may serve.


HUGO D. YONZON III
Director, Public Affairs Staff

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Province of _____
Municipality of _____

**NOTICE TO THE ARB TO SIGN AND EXECUTE APPLICATION TO
PURCHASE AND FARMER'S UNDERTAKING (APFU)**

(date)

Dear Sir/Ma'am:

Pursuant to the coverage and acquisition under the Comprehensive Agrarian Reform Program of the landholding of _____ particularly described as follows:

OCT/TCT No. : _____
Tax Dec. No.: _____
Area per Title (has.): _____
Area Acquired (has.): _____
Location: _____
 Barangay _____
 Municipality _____
 Province _____

And based on our existing guidelines on identification and screening of qualified Agrarian Reform Beneficiaries (ARBs) you have been identified and selected as the qualified ARB or one of the qualified ARBs to be awarded/distributed portion of the above-mentioned landholding.

In view thereof and in accordance with the provisions of R.A. No. 6657 and with other pertinent guidelines, may we request you to sign and execute the attached Application to Purchase and Farmer's Undertaking (APFU) to manifest your willingness to purchase the land to be awarded/distributed to you and to oblige yourself to the conditions set forth under the law as an ARB.

Please be informed that your refusal to sign the APFU within thirty (30) days from receipt hereof shall constitute lack of interest tantamount to your disqualification to become an ARB. You may opt, however, to nominate one of your immediate farm household members as your replacement provided he/she qualifies as an ARB prior to the lapse of the 30-day period.

The DAR shall proceed in identifying and selecting other qualified ARBs as your replacement should you fail to act on the matter within the 30-day period.

Very truly yours,

Municipal Agrarian Reform Officer

Distribution of copies:

Original	:	Identified/Selected ARB
Duplicate	:	DARPO
Triplicate	:	VOSCF/CACF
Quadruplicate	:	DARMO