



DAR ADMINISTRATIVE ORDER )  
NO. 01 )  
SERIES OF 2001 )

**SUBJECT: GUIDELINES GOVERNING THE NON-GENDER  
BIASED IMPLEMENTATION OF AGRARIAN  
LAWS**

Pursuant to Republic Act No. 7192, otherwise known as "An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation-building and for Other Purposes", and to ensure that men and women shall have equal access to the benefits of the Comprehensive Agrarian Reform Program (CARP) and equal shares in the burden and responsibility of attaining the goals thereof, the following guidelines are hereby promulgated:

**SECTION 1. Statement of Objectives** – The twin objectives of these guidelines are as follows:

- (a) Strengthen and integrate non-gender biased consciousness of agrarian laws and their implementing guidelines; and
- (b) Provide the mechanism for a system monitoring on the implementation of, and compliance with, these guidelines.

**SEC. 2. Issuance of EPs/CLOAs to Legally Married or Common-law Spouses** – (a) The term "legally married spouses" refers to those who were married in accordance with the Civil Code or the Family Code, as the case may be, while the term "common-law spouses" refers to a man and a woman cohabiting exclusively with one another without the benefit of marriage.

(b) Both spouses shall be equally involved in the process of identifying and screening agrarian reform beneficiaries. If one of the spouses is absent, the decision of the present spouse shall be binding upon both of them. A spouse shall be considered absent if he or she



(b) In case of death or permanent incapacity of either spouse, the right to succeed as a lessee under the provisions of Section 9 of R.A.

(a) The names of both spouses shall appear in leasehold contracts in the manner provided for in Section 2 (d) hereof.

**SEC. 3. Tenurial Rights of Spouses** -

(g) Land awarded to common-law spouses during their cohabitation shall be supplementarily governed by Articles 147 and 148 of the Family Code, and by the rules on co-ownership provided in Articles 484 to 501 of the Civil Code on all matters not covered by Articles 147 and 148 of the Family Code.

(f) The provisions of the Family Code on the conjugal partnership of gains or absolute community of property between legally married spouses shall supplementarily apply to land awarded to the spouses under CARP.

(e) The ownership ceiling for legally married spouses and for common-law spouses shall be three (3) hectares, unless either spouse has established a vested right to receive land separately from his or her partner, in which case, each spouse may be entitled to a maximum of three (3) hectares.

(d) In order to protect the rights of both spouses to ownership of the land, the Emancipation Patent/Certificate of Land Ownership Award (EP/CLOA) shall be issued in the name of both of them. For legally married spouses, the phrase "married to" shall be inserted in between their names to indicate not merely their civil status but also conjugal ownership of the awarded land by both spouses. If they are common-law spouses, the EP/CLOA shall be issued in the name of both spouses, with the conjunctive "and" placed in between their names. This rule shall also apply in case of collective CLOAs.

(c) There shall be no discrimination on account of sex in the process of selecting qualified beneficiaries pursuant to Section 22 of R.A. No. 6657, as implemented by A.O. No. 10, Series of 1990.

leaves the conjugal home without intention of returning. A spouse who has left the conjugal home and has not returned for a continuous period of six (6) months shall be presumed to have left without intention to return.

No. 3844 shall apply, regardless of whether the spouses are legally married or are common-law spouses.

(c) In case the spouses disagree on the matter of exercising the lessee's right of pre-emption and redemption, the spouse who wishes to exercise this right may initiate the necessary action to do so, provided that he or she has sufficient exclusive property to pre-empt the sale of the land or redeem the same from the buyer.

(d) The consent of both spouses shall be necessary for a valid surrender of their landholding subject of agricultural leasehold, as provided in Section 8 (2) of R.A. No. 3844.

(e) All rights and obligations of the agricultural lessee in an agricultural leasehold relationship under R.A. No. 3844 shall be exercised jointly and shall be the shared responsibility of both spouses. On the other hand, the rights and obligations of the agricultural lessor under R.A. No. 3844 shall likewise be enjoyed and complied with by both spouses.

**SEC 4. Land Transactions Requiring Consent of Both Spouses -**  
Regardless of whether the EP/CLOA was registered in the name of both spouses or awarded to only one of them, as long as the award was made during their marriage or cohabitation, the consent of both spouses shall be required for the validity of the following transactions:

(a) The sale, transfer, or conveyance of lands under Section 27 of R.A. No. 6657, where the consenting spouses are the vendors or transferors;

(b) Application for land use conversion pursuant to R.A. No. 6657, as implemented by A.O. No. 1, Series of 1999, where the consenting spouses are the applicants;

(c) Contract of mortgage where the awarded land is used as collateral to secure a loan, where the consenting spouses are the mortgagors; and

(d) All other transactions involving waiver of rights and relinquishment of ownership or possession over lands awarded to ARBs.



In case of death of an ARB, the right to succeed to the ownership of the land shall be governed by the following DAR guidelines insofar as they are not inconsistent herewith: A.O. No. 14, Series of 1988; M.C. No. 5, Series of 1984; and M.C. No. 19, Series of 1978.

**SEC. 5. Participation in Legal Processes and Availment of Support Services - (a)** In cases of mediation/conciliation of agrarian disputes by the Barangay Agrarian Reform Committee (BARC) pursuant to Sections 47 and 53 of R.A. No. 6657 and Section 19 of E.O. No. 229, and the pertinent implementing guidelines, both spouses shall be summoned and shall have the right to attend proceedings thereof. The absence of either of the spouses shall not affect the proceedings, as long as one of the spouses is present. The decision of the spouse present in the mediation/conciliation meeting shall be binding upon both spouses.

(b) Equal access and opportunity shall be accorded to both spouses in pursuing a cause of action which arises from agrarian disputes and matters; in defending themselves in any agrarian case against either or both of them; and in expediting the resolution of agrarian cases to which they are parties, before any administrative tribunal, quasi-judicial body, or court.

(c) The right to join any cooperative or organization whose objective is to advance the common interest of farmer-beneficiaries, landowner-tillers, tenants, and farmworkers, shall be equally available to both spouses. Their individual participation in, and contribution to, such cooperative or organization shall be recognized. If only one spouse is a registered member of a cooperative or organization, the non-member spouse shall be allowed to represent his or her spouse in meetings or sessions of the cooperative or organization, subject to such conditions and limitations as may be provided in the constitution and by-laws of the cooperative or organization.

(d) The rights of both spouses shall be equally considered in availing of support services extended under CARP, without discrimination on account of sex, and subject to conditions and limitations provided under existing guidelines on the matter.

**SEC. 6. Implementation and Monitoring - (a)** The pertinent provisions of General Memorandum Circular No. 01, Series of 1999, on institutionalizing the implementation and operationalization of gender

and development (GAD) programs, shall apply. The Regional and Provincial Focal Points shall serve as the implementing and monitoring body to ensure the operationalization of this Administrative Order within their respective levels of authority, in coordination with PBD Coordinating Units.

(b) To integrate the GAD perspective in the reporting system for land acquisition and distribution (LAD), the following shall be observed:

(i) The DAR Provincial Planning Monitoring and Evaluation Unit (PMEU) shall coordinate with the Operations Division in providing the necessary information in accomplishing the Gender-Disaggregated Land Reporting Form (see Annex "A", together with instructions for accomplishing the Form);

(ii) The Regional Planning Division shall review, validate and consolidate the report submitted by the Provincial PMEU and submit the same to the Planning Service not later than the 15<sup>th</sup> of the month following the end of every quarter; and

(iii) The Planning Service shall consolidate the regional reports for integration with the Department's quarterly, semestral and annual reports as well as with special reports requested by NCRFW, NEDA, DBM and other government agencies.

(c) The features and provisions of this gender-disaggregated LAD reporting format shall be integrated with the computerized information system being maintained and/or designed by the Management Information Service (MIS). When the desired gender-disaggregated LAD data can already be generated from these information systems, the use of Gender-Disaggregated LAD Reporting Form shall cease, and the reporting of this information shall commence to be included in the regular reports being prepared and submitted by the MIS to the Planning Service.

(d) As the designated Secretariat of the National GAD Steering Committee in accordance with GMC No. 01, Series of 1999, the Planning Service shall be responsible for reporting the

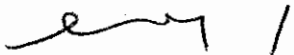


accomplishments under the gender-disaggregated LAD format during the regular/special meetings of the Steering Committee.

**SEC. 7. Repealing Clause** - This Administrative Order repeals, amends or modifies DAR Memorandum Circular No. 18, Series of 1996, which provides for the clarificatory guidelines on the manner of generating and issuing EPs/CLOAs to ARBs and their spouses, and all orders, circulars or issuance inconsistent herewith.

**SEC. 8. Effectivity** - This Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation.

Diliman, Quezon City *January 9, 2001*



**HORACIO R. MORALES JR.**  
Secretary

Published in two (2) newspapers of general circulation:

1. THE PHILIPPINE DAILY INQUIRER
2. MALAYA

Date of Publication - January 18, 2001

*Handwritten signature*

GENDER-DISAGGREGATED LAD REPORTING FORM ON NUMBER OF BENEFICIARIES AS OF \_\_\_\_\_ QUARTER, YEAR \_\_\_\_\_

Region/Province: \_\_\_\_\_

Gender-Responsive Indicators (1)	Province/ Municipality (2)	Year-to-Previous Quarter (3)	This Quarter (4)	ACCOMPLISHMENT		Remarks (6)
				Year-to-Date (5) = (3)+(4)		
A. Land Distribution  Total A.1 + A.2 (Male + Female + Spouses)  Male Female Spouses  1. Individual EP/CLOA Beneficiaries Total (Male + Female + Spouses)  Male Female Spouses  2. Unsubdivided Collective CLOA Beneficiaries Total A + B (Male + Female + Spouses)  Male Female Spouses	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	
	TOTAL	1.	2.	3.	TOTAL	





**INSTRUCTIONS FOR ACCOMPLISHING FORM:**

1. This form shall cover the gender-disaggregated reporting format of the number of farmer-beneficiaries to be benefited under the land acquisition and distribution component of the Comprehensive Agrarian Reform Program (CARP).

2. The PMEU and Regional Planning Division shall coordinate with their counterparts at the Prov'l/Reg'l. Operations Divisions in accomplishing the form and validating the information contained therein before its submission to the DAR Planning Service. Only the Regional Reporting Form (RRF) shall be submitted to the Planning Service; the Provincial Reporting Forms may be submitted as attachments to the RRF.

3. For purposes of accomplishing this reporting form, the following definition of terms shall be adopted;

*Individual EP/CLOA beneficiaries* refer to awardees/recipients of EPs/CLOAs whose respective lot boundaries have been delineated through the conduct of a subdivision survey and have been likewise annotated in their EPs/CLOAs. They may either be male, female or spouses beneficiaries. *Spouses beneficiary* refers to the husband and wife awardee/recipient of EPs/CLOAs whose aggregate award ceiling as co-owners shall not be more than three (3) hectares and whose ownership right falls under the provisions of Section I.A.4 of this guidelines.

*Unsubdivided collective CLOA beneficiaries* refer to the awardees/recipients of collective CLOAs, issued on a co-ownership type or in the name of a farmers' organization/cooperative, whose specific lot boundaries of each ARB has yet to be delineated through the conduct of a subdivision survey. They may either be male, female or spouses beneficiaries. *Spouses beneficiary*, in this case, refers to a husband and wife awardee from among the beneficiaries of collective CLOA whose individual vested rights cannot be ascertained; henceforth, their aggregate award ceiling as co-owners shall not exceed three (3) hectares, and whose ownership right falls under the provisions of Section I.A.4 of this guidelines.

4. Column 1 includes the gender-responsive LAD performance indicators.

7. Until such time that the MIS shall have integrated the information requirements in this reporting form into their existing information

6. A male or female beneficiary shall be separately counted as beneficiary. For purposes of the guidelines, spouses beneficiary shall also be counted as one beneficiary despite the fact that each spouses beneficiary consists of husband and wife who are both co-owners of the awarded land. The total beneficiaries in each category shall be the total of the male, female and spouses beneficiaries.

5. Land distribution category under Item A includes those ARBs benefited through the distribution of agricultural lands which are counted as accomplishments during the present year. Those ARBs who become individual CLOA holders through the subdivision of collective CLOAs during the present year but were already counted as accomplishments in the previous year/quarter shall be included in the Subdivision of Collective CLOAs under Item B.

Column 6 is the column for remarks.

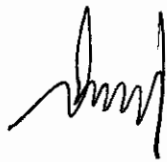
Column 5 reflects the accomplishments from the start of the year up to the quarter under review. Column 5 is a summation of Column 3 plus Column 4. When the quarter under review is the first quarter, the content of Column 4 becomes the content of Column 5. When the use of this form happens to commence not at the start of the year but a later period, the content of Column 4 also becomes the content of Column 5 in the maiden report.

Column 4 reflects the accomplishments for the quarter under review.

Column 3 refers to the cumulative accomplishments in terms of the number of beneficiaries from the start of the year up to the previous quarter. When the period under review is the first quarter, no accomplishments shall be reflected in this column. When the use of this form happens to commence not at the start of the year but at a later period, no accomplishments shall likewise be reflected under Column 3 in the maiden report.

Column 2 provides for the municipal or provincial breakdown (whichever is applicable) of accomplishments in terms of the number of beneficiaries.

systems, the Provincial and Regional Planning Units shall, in the  
meanwhile, establish a database of the cumulative  
accomplishments on the number of beneficiaries from the  
effectivity of this guidelines.

A handwritten signature in black ink, appearing to be a stylized name, possibly "Mung".