



22

ADMINISTRATIVE ORDER NO. 02
Series of 1993

SUBJECT: Supplemental Guidelines on Administrative Order No. 10, Series of 1990, and Other Issuances on the Rights of Farmworkers

I. *PREFATORY STATEMENT*

Section 4, Article XIII of the Constitution, as reiterated in Section 2 paragraph 3 of RA No. 6657 provides that the agrarian reform program is founded on the rights of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till, or in the case of other farmworkers, to receive a just share of the fruits thereof.

In all cases, the security of tenure of the farmers and farmworkers on the land prior to the approval of RA No. 6657 shall be respected.

These supplemental guidelines on the acquisition and distribution of lands for farmworker-beneficiaries are hereby issued in order to operationalize the said provisions of the law with respect to farmworkers.

II. *POLICY STATEMENTS*

A. Qualified farmworkers shall include all those who are found to be directly working on the land at the time the DAR conducts actual investigation and documentation. However, other workers who are employed directly by the agricultural enterprise or corporation may be considered as beneficiaries provided they meet the basic qualifications as provided under Section 22 of RA No. 6657.

A farmworker whose work has ceased as a result of a pending agrarian or labor dispute but who is still willing to be an awardee of the distribution of the agricultural corporation's land shall also be considered as a beneficiary provided he has filed an appeal for reinstatement and has not yet obtained a substantially equivalent and regular farm employment.

B. As a general rule, the DAR shall distribute the land to qualified farmworkers according to the order of priority under Section 22 of RA No. 6657.

However, if there are enough agricultural lands for distribution, the farmworker-beneficiaries, regardless of their length of service in the agricultural enterprise, shall be equally entitled to the maximum award of three (3) hectares.

C. In case it is not economically feasible and sound to divide the land as determined by the DAR, the land shall be owned collectively by the farmworker-beneficiaries through a workers' cooperative or association.

D. The farmworkers who are husband and wife may be entitled to (3) hectares each provided that their vested rights to the land have been duly established. A separate CLOA shall be issued to each spouse.

E. All farmworkers, regardless of classification, but excluding those holding managerial or supervisory positions in the agricultural enterprise or corporation, are qualified as CARP beneficiaries.

However, farmworkers who had been previously identified as qualified beneficiaries but were promoted to managerial or supervisory positions prior to land transfer may still qualify as awardees if they give up their managerial or supervisory positions.

III. DEFINITION OF TERMS

A. A *Farmworker* is a natural person who renders service for value as an employee or laborer in an agricultural enterprise or farm regardless of whether his compensation is paid on a daily, weekly, monthly or "pakyaw" basis. The term includes an individual whose work has ceased as a consequence of a pending agrarian dispute and who has not obtained a substantially equivalent and regular farm employment.

1. A *Regular Farmworker* is a natural person who is employed on a permanent basis by an agricultural enterprise or farm.

2. A *Seasonal Farmworker* is a natural person who is employed on a recurrent, periodic or intermittent basis by an agricultural enterprise or farm, whether as a permanent or non-permanent laborer, such as "dumaan," "sacada", and the like.

3. *Other Farmworkers* are farmworkers who do not fall under paragraphs (1) and (2) above.

B. A *Technical Farmworker* is a natural person employed by an agricultural enterprise or farm, who is highly educated and trained and performs functions in scientific, engineering, medical, teaching and other fields, but who is not vested with managerial or supervisory functions. Example of such employees are: chemists, agronomists, veterinarians, soil analysts and the like.

C. A *Managerial or Supervisory Employee* is a natural person who is employed by an agricultural enterprise or farm vested with powers or prerogatives: (1) to lay down and execute management policies; (2) to hire, transfer, suspend, lay-off, recall, discharge, assign or discipline employees; and/or (3) to effectively recommend such managerial actions. He is not entitled to be a beneficiary of the redistribution of the land of the agricultural enterprise.

D. An *Agrarian or Labor Dispute* refers to any controversy relating to tenurial arrangements, whether leasehold, tenancy, stewardship, or otherwise, over land devoted to agriculture, including disputes concerning farmworkers, associations or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms and conditions of such tenurial arrangements.

It includes any controversy relating to compensation of lands acquired under RA No. 6657 and other terms and conditions of transfer of ownership from landowners to farmworkers, tenants and other ARBs, whether the disputants stand in proximate relation of farm operator and beneficiary, landowner and tenant, or lessor and lessee.

IV. PROCEDURE

The procedures in the distribution of lands under existing guidelines (Administrative Order No. 10, Series of 1990) shall be applied.

V. *EFFECTIVITY*

This Administrative Order supplements Administrative Order No. 10, Series of 1990, and takes effect ten (10) days after publication in two (2) national newspapers of general circulation pursuant to Section 49 of RA No. 6657. All Orders, circulars, memoranda, and other issuances inconsistent herewith are hereby revoked or modified accordingly.

Diliman, Quezon City, 16 April 1993.


ERNESTO D. GARILAO
Secretary