



Republic of the Philippines

## DEPARTMENT of AGRARIAN REFORM

ELLIPTICAL ROAD, DILIMAN, QUEZON CITY TELS. 997-031 TO 39

MEMORANDUM CIRCULAR NO. 19  
Series of 1996

- TO: ALL DAR REGIONAL DIRECTORS (Rds), PROVINCIAL AGRARIAN REFORM OFFICERS (PAROs), MUNICIPAL AGRARIAN REFORM OFFICERS (MAROs) AND ALL CONCERNED**
- SUBJECT: GUIDELINES AND PROCEDURES GOVERNING THE MONITORING OF VIOLATIONS OR CIRCUMVENTIONS COMMITTED BY THE AGRARIAN REFORM BENEFICIARIES (ARBs), PROVIDING SANCTIONS THEREFOR AND FILING OF APPROPRIATE ADMINISTRATIVE, QUASI-JUDICIAL AND/OR CRIMINAL ACTIONS.**

Pursuant to Section 2 of Republic Act (R.A.) No. 6657, the DAR is mandated to adopt a system of monitoring the record or performance of each beneficiary. It has been observed that there are rampant violations or circumventions of pertinent agrarian reform laws, rules and regulations committed by agrarian reform beneficiaries (ARBs), thereby adversely affecting the intent and objective of the Comprehensive Agrarian Reform Program (CARP). To preserve the integrity of the CARP and to properly address these problems, these policy guidelines and procedures are hereby prescribed.

### I. VIOLATIONS, OFFENSES AND SANCTIONS

#### A. GROUNDS FOR THE CANCELLATION OF EPs/CLOAs AND THE PERPETUAL DISQUALIFICATION OF AGRARIAN REFORM BENEFICIARIES (ARBs)

1. Misuse or diversion of financial and support services extended to the ARB. (Section 37 of R.A. No. 6657)
2. Misuse of the land. (Section 22 of R.A. No. 6657)
3. Material misrepresentation of the ARB's basic qualifications as provided under Section 22 of R.A. No. 6657, P.D. No. 27 and other agrarian reform laws.



*"Tulong-tulong sa pagsulong*



4. Sale, transfer, lease, or other forms of conveyance by a beneficiary of the rights to use or any other usufructuary right over the land acquired by virtue of being a beneficiary, in circumvention of the provisions of Section 73 of R.A. No. 6657, P.D. No. 27 and other agrarian laws. However, if the land has been acquired under P.D. No. 27/E.O. No. 228, ownership may be transferred upon full payment of amortization by the beneficiary. (Section 6 of E.O. No. 228 as implemented by A.O. No. 8, Series of 1995)
5. Continuous neglect or abandonment of the awarded land over a period of two (2) calendar years as determined by the Secretary or his authorized representative. (Section 22 of R.A. No. 6657)
6. Default in the obligation of the ARBs to pay an aggregate of three (3) consecutive amortizations to the landowner in the case of awarded lands under voluntary land transfer/direct payment scheme, except in cases of fortuitous events and force majeure.
7. Failure of the ARBs to pay for at least three (3) annual amortizations to the LBP in the case of awarded lands under Compulsory Acquisition (CA) or Voluntary Offer to Sell (VOS), except in cases of fortuitous events and force majeure. (Section 26 of R.A. No. 6657)
8. Illegal conversion of the land by the ARB. (Cf. Section 73, Paragraph C and E of R.A. No. 6657)
9. Waiver of rights to awarded lands.
10. FB's surrender of awarded lands to landowner or other non-ARBs.
11. Other acts or omissions that circumvent laws related to the implementation of the agrarian reform program.

In addition, the above sanctions are without prejudice to criminal prosecution of the errant ARB pursuant to existing penal laws, rules and regulations, as the circumstances so warrant and to the PARAD's, RARAD's and/or DARAB's decision in the appreciation of the case.

## **II. OPERATING PROCEDURE**

### **1. DAR Municipal Office (DARMO)**

- a. The concerned DARMO personnel, with the assistance of the BARC, shall conduct quarterly inspection/checking of farmholdings of ARBs under their jurisdiction and determine whether or not the original ARBs or their direct compulsory heirs still own and continue cultivating the landholding awarded to them.
- b. In the event that an ARB is found to have committed any of the foregoing offenses, prepare a report and concomitant recommendations (Use CARP Form No. 1, Annex "A") and transmit the same, together with the supporting documents, to the Provincial Agrarian Reform Officer (PARO) for disposition. (CARP Form No. 2, Annex "B")

### **2. DAR Provincial Office (DARPO)**

- a. Review and evaluate the report and recommendations submitted by the DARMO together with the supporting documents.
- b. If the documents show that there are sufficient grounds to pursue a case, whether administrative, quasi-judicial and/or criminal, refer the matter to the Legal Division, DARPO for filing of the appropriate action/s before the proper forum.
- c. Render a periodical report to the Regional Office, copy furnished BLAD and the PARCCOM.

### **3. DAR Regional Office (DARRO)**

Supervise and monitor the implementation of these guidelines.

### **4. Provincial/Regional Adjudicator (PARAD/RARAD)**

Receive, hear, determine and adjudicate cases filed before them in accordance with the DAR Adjudication Board (DARAB) rules and regulations.

### III. TRANSITORY PROVISION

The implementation of these rules shall be governed by the procedures to be adopted by the DAR Adjudication Board to include the concept of designating a nominal party and the concept of exhaustion of administrative remedies.

### IV. EFFECTIVITY

These guidelines shall take effect ten (10) days after their publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657. All circulars, rules and regulations inconsistent herewith are hereby revoked, amended or modified, as the case may be.

Diliman, Quezon City, DB AUGUST, 1996.

  
ERNESTO D. GARILAO  
Secretary

Published in two (2) national newspapers  
of general circulation:

1. MANILA BULLETIN
2. PHILIPPINE DAILY INQUIRER

Date of Publication - August 16, 1996

**CARP FORM NO. 1**

**FIELD INVESTIGATION REPORT**

A. Agrarian Reform Beneficiary

- 1. Name of Farmer: \_\_\_\_\_
- 2. Postal Address: \_\_\_\_\_  
\_\_\_\_\_
- 3. Name of Spouse: \_\_\_\_\_

B. Landholding

- 4. Property located at: \_\_\_\_\_
- 5. With title EP No. \_\_\_\_\_/CLOA No. \_\_\_\_\_  
area \_\_\_\_\_ has.
- 6. Name of person in actual possession: \_\_\_\_\_

C. Findings

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Recommendations

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name and Signature  
BARC Representative

\_\_\_\_\_  
Printed Name and Signature  
MARO Representative

CARP FORM NO.2

TRANSMITTAL MEMO

FOR : The Provincial Agrarian Reform Officer  
\_\_\_\_\_  
\_\_\_\_\_

SUBJECT : Transmittal of Investigation Report

We are forwarding the investigation report conducted by this Office on the landholding of \_\_\_\_\_ under E.P. No. \_\_\_\_\_ / CLOA No. \_\_\_\_\_, property located at \_\_\_\_\_, for violation of agrarian laws, rules and regulations.

\_\_\_\_\_  
Printed Name and Signature of MARO