



MINISTRY ADMINISTRATIVE ORDER NO. 3-81
Series of 1985 9

SUBJECT: POLICY GUIDELINES TO GOVERN THE DISPOSITION OF FARMLOTS CONTAINING AREAS IN EXCESS OF THAT PRESCRIBED FOR ECONOMIC FAMILY-SIZE FARMS.

Under Presidential Decree No. 27, the tenant-farmer, whether in land classified as landed estate or not, is deemed owner of a portion constituting a family-size farm of five (5) hectares if not irrigated and three (3) hectares if irrigated. While the average size of farmlots actually tilled or cultivated by PD 27 beneficiaries is less than that provided under the Decree, there are some who actually cultivate farmlots more than the prescribed area. This being the case, further partitioning and reallocation of such area to another brings about more difficult social, technical, and administrative problems. Therefore, it is imperative that a tolerable limit as to the size of farmlots to be transferred to farmer-beneficiaries be prescribed without disregarding the spirit and intent of PD 27 in establishing economic-family-size farms and at the same time legitimizing the peaceful possession and cultivation of the farmer-beneficiaries. For this purpose, the following policy guidelines are hereby issued:

I. Allowable Farmlot Area

The economic family-size farm to be transferred to a bonafide farmer-beneficiary pursuant to PD 27 shall include a tolerable limit of not more than 10 per cent or 3.3 hectares if irrigated and 5.5 hectares if unirrigated.

In case the farmlot area exceeds that which is provided herein, the remaining portion after deducting 3.3 hectares or 5.5 hectares, as the case may be, shall be treated as an excess area.

For this purpose, the total aggregate area of all parcels actually tilled by a farmer-beneficiary covered under OLT shall be considered.

II. Disposition of Excess Area

The excess area shall be reallocated in accordance with the following order of preference:

1. Immediate member of the FB's family capable of personally cultivating the land;

2. Farmer-beneficiary of the same landholding cultivating an area less than economic family-size farm;
3. Farmer-beneficiary within the barangay where the landholding is located cultivating an area less than economic family size farm;
4. Any interested farmer who is willing to own the land.

The allocatee shall be recommended by the Samahang Nayon (SN) or the Agrarian Reform Beneficiaries Association (ARBA) in the locality.

The excess area subject of reallocation shall be considered a separate parcel and assigned another lot number.

The farmer-beneficiary occupying an excess area subject of reallocation shall have the right to designate the portion of his farmlot to be segregated, subject to the approval by the Minister.

III. Homelot

The provisions of LOI 705 and Ministry Memorandum Circular No. 10, series of 1982 shall apply.

The homelot actually occupied by the farmer-beneficiary whether located inside or outside the farmlot shall be transferred to him, provided that the area to be transferred shall not exceed 1,000 square meters. If the area actually occupied by the farmer-beneficiary exceeds the maximum area fixed herein, the acquisition of the excess area shall be the subject of a separate private transaction between the landowner and the farmer-beneficiary.

IV. Final Survey

The final survey of the allowable area shall be undertaken for a given farmer-beneficiary as an integral part of the farm and/or home lot/s actually cultivated and/or occupied by him as the basis for EP generation and issuance.

All Orders, Circulars, and Memoranda which are inconsistent herewith are hereby modified and/or revoked as the case may be.

This Administrative Order shall take effect immediately.

Diliman, Quezon City, July 24, 1985.


CONRADO F. ESTRELLA
Minister

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