



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

DAR MEMORANDUM CIRCULAR No. 11
Series of 1994

TO : ALL REGIONAL DIRECTORS, PROVINCIAL AGRARIAN REFORM OFFICERS, MUNICIPAL AGRARIAN REFORM OFFICERS AND ALL FIELDMEN CONCERNED

SUBJECT : Clarificatory Guidelines on Lease Rental Payments Pursuant to Department of Agrarian Reform (DAR) Memorandum Circular No. 6, Series of 1978, DAR Administrative Order No. 2, Series of 1987 and Joint Memorandum Circular of the DAR, Land Bank of the Philippines (LBP) and Department of Environment and Natural Resources (DENR) dated 25 July 1990 on Lands Covered Under OLT

I RATIONALE

There are many instances where lease rental payments made after October 21, 1972 are evidenced only by affidavits ("Pagpapatotoo") of the Farmer Beneficiaries (FBs) concerned. In order that these affidavits could adequately serve as bases for the issuance of Certificates of Full Payment, these Guidelines are hereby prescribed.

II GENERAL PRINCIPLES

Allegations of lease rental payment on the sole basis of the affidavits executed by the FBs concerned shall not be sufficient. These must be supported by additional evidence. In all cases, the Municipal Agrarian Reform Officers (MARO) shall ascertain that the landowner concerned is duly furnished with a copy of the FB's affidavit of lease rental/amortization payments, together with other corroborative evidence, (e.g., affidavit of Barangay Agrarian Reform Committee (BARC) members/farmers) to substantiate the allegation that payment of lease rental had been paid to the landowner.

The landowner shall be given thirty (30) days to confirm or contest in writing the allegation of the farmer-beneficiary through the "Pagpapatotoo" that lease rental/advance amortization had been paid to him.

III- PROCEDURES

The MARO shall undertake the following procedures:


1. Personal delivery of said affidavit shall be made to the landowner with acknowledgment thereof. If personal service is not possible, service by registered mail with return card shall be made if registry service exists in the locality;
2. Simultaneous to the delivery of the said affidavit by personal service or service by registered mail, the MARO shall post said affidavit for fifteen (15) days in the barangay hall, municipal hall, and other conspicuous places where the property is situated;
3. Personal service is completed upon actual delivery. Service by registered mail shall be completed upon actual receipt by the landowner, but if he fails to claim his mail from the post office within fifteen (15) days from the aforementioned date of posting, service shall take effect at the expiration of such time. Where personal service nor service by mail is not possible, service shall be completed at the expiration of the fifteen-day posting;
4. Proof of personal service shall consist of a written admission of the landowner, or the affidavit of the MARO, containing a full statement of the date, place and manner of service. If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The affidavit of the MARO shall likewise state the period of posting under no. 3 hereof;
5. Where service is completed, the MARO shall verify from the records whether or not rentals paid by the FB after October 21, 1972 are sufficient to cover the established value of the land on the basis of the Annual Gross Product (AGP) as determined by the Barangay Committee on Land Production (BCLP). The MARO shall likewise verify the veracity of the objection made by the landowner, if any, and submit his report and recommendation to the Provincial Agrarian Reform Officer (PARO) within ten (10) days from the date service is completed;
6. When the PARO finds, on the basis of the records, that the paid rentals sufficiently cover the cost of the land, he shall issue the Certificate of Full Payment and shall furnish photocopies to landowner and FB as expeditiously as possible but not later than ten (10) days from receipt of the MARO's report;

7. The PARO resolution may be appealed to the Regional Director within ten (10) days from receipt by the landowner. The Regional Director concerned shall resolve the appeal within ten (10) days from receipt thereof. A copy of the appeal shall be furnished the PARO and the parties concerned. The decision of the Regional Director shall be final insofar as the Department is concerned; and
8. The PARO's Certificate of Full Payment shall serve as the basis for the registration by the Register of Deeds (ROD) of the Emancipation Patent (EP). However, if the PARO Resolution is appealed to the Regional Director, the Certificate of Full Payment shall be presented to the ROD only after the Regional Director has issued an Order maintaining said Resolution.

IV EFFECTIVITY

This Memorandum Circular takes effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of Republic Act No. 6657. All orders, circulars, memoranda, rules and regulations or portions thereof inconsistent herewith are hereby revoked, cancelled or modified as the case may be.

Diliman, Quezon City, 12 July, 1994.


ERNESTO D. GARILAO
Secretary

Published in Two (2) Newspapers
of general circulation:

1. THE PHILIPPINE STAR
2. THE PHILIPPINE TIMES JOURNAL

Date of Publication - July 20, 1994.

27 June 1994

MEMORANDUM

FOR : THE SECRETARY

FROM : ASEC. HECTOR D. SOLIMAN
Chairman
Guidelines Drafting Committee *Hector D. Soliman* 6/28/94

SUBJECT : CLARIFICATORY GUIDELINES ON LEASE RENTAL PAYMENTS

We are transmitting herewith the finalized copy of the proposed guidelines on lease rental payments pursuant to DAR Memorandum Circular No. 6, Series of 1978, DAR Administrative Order No. 2, Series of 1987 and Joint DAR-LBP-DENR Memorandum Circular dated 25 July 1990 on lands covered under OLT, as approved by the EXCOM and MANCOM during their meeting on 23 June 1994.

For the Secretary's signature