



Republic of the Philippines
DEPARTMENT of AGRARIAN REFORM

Department of Agrarian Reform
MEMORANDUM CIRCULAR No. 15
Series of 2011

SUBJECT: PROHIBITION AGAINST SIGNING AGRARIAN-RELATED CONTRACTS

It is the Department of Agrarian Reform's (DAR) responsibility to monitor and review agrarian-related contracts involving agrarian lessees and agrarian reform beneficiaries (ARBs). In view of this responsibility, it will be highly prejudicial for the DAR to allow itself or its personnel to be a part of such agreements, even as witnesses. Although signing as a witness to a contract merely signifies that the person attests to the fact that the subscribers thereto have indeed executed the instrument, the fact that a DAR official or personnel signs the same as a witness give the impression that the Department is giving its imprimatur to the propriety of its contents.

In fact, in some instances, signing and thereby becoming a part of these contracts can be a violation of Section 3 (i) of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act, which provides:

"Sec. 3. *Corrupt practices of public officers.* - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:


x x x

(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group. Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong."

Accordingly, all DAR officials and personnel are hereby prohibited, either in their official or personal capacity, to sign any and all agrarian-related contracts involving ARBs or agricultural lessees, unless otherwise required in specific cases by provisions of law, or any Administrative Order (A.O.), court Order, or issuance of the Secretary or the President of the Philippines, such as, among others, A.O. No. 09, Series of 2006 which specifically requires the Undersecretary for Policy, Planning and Legal Affairs or the Provincial Agrarian Reform Officer concerned to sign an Agribusiness Venture Agreement, either as a nominal party or as a witness, depending on the circumstances.

This Memorandum Circular shall take effective immediately.

Diliman, Quezon City, **DEC 27 2011**


ANTHONY N. PARUNGAO
Undersecretary for Legal Affairs
and OIC-Secretary of Agrarian Reform

Department of Agrarian Reform
Office of the Secretary



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