



REPUBLIKA NG PILIPINAS  
MINISTRI NG REPORMANG PANSAKAHAN  
(MINISTRY OF AGRARIAN REFORM)  
TANGGAPAN NG MINISTER  
DILIMAN, LUNGSOD NG QUEZON

In Reply, Please Address:

THE MINISTER  
Ministry of Agrarian Reform  
P. O. Box No. 3483  
Manila

MINISTRY MEMORANDUM CIRCULAR NO. 4  
SERIES OF 1983

T O : All Regional Directors  
District Officers  
Team Leaders  
Field Personnel

SUBJECT : SUPPLEMENTAL GUIDELINES TO GOVERN  
TRANSFER ACTION OF AREAS COVERED  
BY P.D. 27 BY REASON OF ABANDONMENT,  
WAIVER OF RIGHTS AND ILLEGAL TRANS-  
ACTIONS.

I SCOPE

To further accelerate the handling of CLT transfer action cases in relation to the processing of claim folders and landowners compensation, these supplemental guidelines are issued to govern the investigation and hearing of such cases. Under these guidelines, the following situations shall constitute the basis for a CLT transfer action: abandonment/waiver of rights over the farmlot or refusal to become beneficiaries of P.D. No. 27 and illegal transaction involving the farmlot.

1. ABANDONMENT

Farmlots shall be considered abandoned under any of the following grounds:

- a. Failure to cultivate the lot due to reasons other than the non-suitability of the land to agricultural purposes, for at least two (2) calendar years and to pay the amortizations for the same period.
- b. Permanent transfer of residence by the beneficiary and his family which has rendered him incapable of cultivating the lot.
- c. Relinquishment of possession of the lot for at least two (2) calendar years and to pay amortizations for the same period.

Sent all copies  
2/22/83

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2. WAIVER OF RIGHTS

Waiver of rights over the farmlot by a beneficiary in favor of the government for redistribution/disposition shall be in writing and duly notarized by any person authorized to administer oath.

3. ILLEGAL TRANSACTIONS

The following transaction shall be considered illegal:

- a. Transfer of rights, ownership of the farmlot except through hereditary succession or to the government; (Memo Circular No. 7 Series of 1979)
- b. Surrender <sup>of the farmlot</sup> to the former landowner;
- c. Employment of a tenant in the cultivation of the lot.

II INVESTIGATION PROCEDURES

1. Abandonment and waiver of rights proceeding shall be governed by Ministry Memorandum Circular No. 8, S. of 1980.
2. Illegal transaction proceedings shall be governed by Ministry Memorandum Circular No. 7, S. of 1979.

III INVESTIGATION REPORT

The investigating officer shall submit a report of his findings together with all documentary evidences, which shall state among others, the following:

1. Identification of the farmlot, i.e. CLT/EP number, location and area of the lot;
2. Name and address of beneficiary;
3. A brief narration of the circumstances including dates of occurrences which constitute the grounds for CLT transfer action as herein above-enumerated;
4. Name of actual occupant/cultivator other than the beneficiary, length of occupancy, status of occupant/cultivator, whether a transferee, lessee, share tenant, hired laborer, farmhand, squatter, etc. and circumstances surrounding such occupation/cultivation;

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5. In case reallocation of the lot is necessary, the report shall include the names of at least three (3) persons and their respective qualifications, who maybe considered in the reallocation of the farmholding, from among, but not limited to the following:
  - a. Immediate member of the family who helped the beneficiary in the cultivation of the farmlot;
  - b. An EP/CLT holder who **has** the smallest farmholding which is within the same landholding as the farmholding to be reallocated; Provided that the re-allocation would not result in an aggregate area which exceeds the areas prescribed under P.D. 27;
  - c. The son of any OLT beneficiary who is a farmer and a head of a family with the same qualifications under item letter (d) below;
  - d. The transferee in an illegal transaction who has the following qualifications:
    - i. landless citizen or with uneconomic family-size farm;
    - ii. capable of personally cultivating the land;
    - iii. member of the SN or a duly registered cooperative;
    - iv. resident of the barangay where the land is located or of the adjoining barangay of the same municipality;
    - v. willing to accept the obligations of a tenant-beneficiary based on approved land valuation;
6. Other necessary information
7. Comments and recommendations of the Regional Director.

#### IV OBLIGATIONS OF ACTUAL OCCUPANT

Pending the disposition/allocation of the land subject of CLT transfer action, the actual occupant thereof whether a transferee, lessee, share tenant, hired laborer, farmhand, **etc.**, may be allowed to temporarily cultivate the subject farmholding provided that he pays a rental for the use of the land equivalent to at least 25% of the net produce per harvest of any agricultural crop, the same to be paid

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to the government through the Land Bank of the Philippines for LBP financed areas or otherwise to the landowner concerned as the case may be. In case the actual occupant is finally adjudged the allocatee, such rental payments shall partake the nature of advanced amortization payments.

It shall be the obligation of the allocatee to amortize to the LBP the full value of the landholding as determined under P.D. 27, except where the allocatee is an immediate member of the family of the affected beneficiary, in which case all previous payments made shall be credited in his favor.

V FINALITY OF ORDER

All Orders issued in the foregoing cases shall become final and executory 30 days after the beneficiary and/or parties in interest have received a copy of said Order which shall be sent to the last known address of the beneficiary/ party affected.

VI EFFECTIVITY

This Memorandum Circular shall take effect immediately.  
Quezon City, April 18, 1983.



CONRADO F. ESTRELLA  
Minister



INVESTIGATION REPORT

BARANGAY: \_\_\_\_\_  
CITY/MUN/DIST. \_\_\_\_\_  
PROVINCE: \_\_\_\_\_

ESTATE \_\_\_\_\_  
TOTAL AREA COVERED \_\_\_\_\_  
BY OLT (HA.) \_\_\_\_\_

REQUIRED INVESTIGATION TO DETERMINE THE FOLLOWING: (CHECK APPROPRIATE BOX)

☐ Abandonment ☐ Waiver of Right ☐ Surrender  
☐ Death of FB ☐ Others (specify) \_\_\_\_\_

BASIC INFORMATION:

1. Name of Former FB \_\_\_\_\_ 6. Location \_\_\_\_\_  
2. Address \_\_\_\_\_ 7. Name of Actual \_\_\_\_\_  
3. CLT No. \_\_\_\_\_ Occupant \_\_\_\_\_  
4. PMS/Lot No. \_\_\_\_\_ 8. Length of Occupancy \_\_\_\_\_  
5. Area (Ha.) \_\_\_\_\_ 9. Status of Occupancy \_\_\_\_\_

BACKGROUND OF THE CASE: (CIRCUMSTANCES WHICH CONSTITUTE CLT TRANSFER ACTION)  
(IF SPACE IS LACKING, USE ADDITIONAL PAGES)

Investigated by:

\_\_\_\_\_  
Name & Signature Designation \_\_\_\_\_  
Date: \_\_\_\_\_

NEW ALLOCATEES RECOMMENDED BY SN (SEE ATTACHED RESOLUTION OF SN OR RECOGNIZED FARMERS ORGANIZATION)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

INVESTIGATION FINDINGS/ACTION TAKEN: (INDICATE NAME AND QUALIFICATIONS OF ALLOCATEE RECOMMENDED BY MAR TEAM LEADER. SPECIFY REASONS FOR ACTION TAKEN & RECOMMENDATION)  
(IF SPACE IS LACKING, USE ADDITIONAL PAGES)

\_\_\_\_\_  
Name & Signature Designation \_\_\_\_\_  
Date: \_\_\_\_\_

REMARKS/RECOMMENDATION:

RECOMMENDING APPROVAL:

MARDO: \_\_\_\_\_  
District Officer/Chief CRU  
Date: \_\_\_\_\_

MARRO: \_\_\_\_\_  
Regional Director/Chief CRU  
Date: \_\_\_\_\_

Station: \_\_\_\_\_

Station: \_\_\_\_\_