



0 SEP 25 / P 1: 14

MEMORANDUM CIRCULAR NO. 8-80  
Ministry of Agrarian Reform  
Series of 1980

TO : All Regional Directors  
District Officers  
Team Leaders  
Field Personnel  
All Concerned

SUBJECT : GUIDELINES IN THE DISPOSITION AND RE-ALLOCATION OF FARMHOLDINGS OF TENANT-FARMERS WHO REFUSE TO BECOME BENEFICIARIES OF PRESIDENTIAL DECREE NO. 27.

I. Introduction

Under Presidential Decree No. 27, the President decreed and ordered the emancipation of all tenant-farmers of private agricultural lands primarily devoted to rice and/or corn under a system of share-crop or lease tenancy, whether classified as landed estate or not. The emancipated tillers who are now deemed owners of the lands they till have also corresponding responsibilities and obligations. They have to become members of a duly recognized farmers' cooperative, pay the landowners the lease rentals which are credited as advance partial payments until the value of their lands shall have been determined and later on amortization payments to the Land Bank of the Philippines.

In the course of implementing the Emancipation Decree, the Ministry of Agrarian Reform found that some tenant-farmers refuse to comply with said obligations. Some tenant-farmers have abandoned or surrendered their farmholdings. Such practices are evidence of refusal to become beneficiaries of P.D. 27.

II. Statement of Policy

Any tenant-farmer who refuses to become a beneficiary of P.D. No. 27 shall, after due investigation, or hearing, forfeit the Certificate of Land Transfer issued in his favor or lose his right to be issued a Certificate of Land Transfer, and the land covered thereby shall be disposed and/or re-allocated in accordance with this Circular.

III. Investigation Procedure

A - When a tenant-farmer refuses to become a beneficiary of P.D. 27, the Agrarian Reform Team Leader concerned shall immediately conduct a verification for the purpose of ascertaining the reasons for such refusal. In this regard, all efforts shall be exerted to convince the tenant-farmer to become a beneficiary and to comply with his obligations as such beneficiary. If the tenant-farmer still persist in refusing to become a beneficiary, it must be ascertained whether any immediate member of his family has assisted in the



cultivation of the land, and whether such member is willing to be substituted to all the rights and obligations of said tenant-beneficiary. In the affirmative, the civil status and other qualifications of such member shall be noted in appropriate OLT documents.

B - In case there is no such member or if such member also refuses to become a beneficiary, the Team Leader shall immediately notify the President of the Samahang Nayon (SN) of such fact and request him to submit within ten (10) days from receipt of such notice, the names of at least three (3) qualified tenants, preferably tenant-farmers of the same landholding or estate who shall be substituted to all the rights and obligations of the tenant-beneficiary, from whom he shall select one who shall be the substitute and include the reasons for such selection, provided that the total aggregate area to be transferred to the substitute allocated would not exceed the maximum area provided for under P.D. 27. In the absence of a duly organized or operational SN in the area, the Team Leader, in consultation with any organized farmer association therein shall recommend the successor.

In all cases, formal notice shall be given to the farmer-beneficiary concerned and evidences or proofs showing refusal like sworn statement of the farmer-beneficiary, certification from the Samahang Nayon regarding membership, etc., shall be attached to the investigation report.

#### IV. Transmittal of Records

Within five (5) days from the determination of the substitute, the Team Leader shall submit the records of the case and his report and recommendation to the District Officer who shall in turn conduct his own evaluation and submit to the Regional Director his report and recommendation within five (5) days from receipt of the records from the Team Leader.

The Regional Director after reviewing the case shall within five (5) days from receipt, transmit the records of the case together with his recommendation, to the Office of the Minister, Attn.: Bureau of Agrarian Legal Assistance (BALA), for review and evaluation. Accordingly, the BALA shall prepare within ten (10) days from receipt of the records a final draft of the Decision for consideration and approval of the Minister.

#### V. Order/Decision

The Order/Decision shall declare the disqualification and the removal of the tenant concerned from the farmholding if in possession and substituting in his stead and place thereon, a qualified immediate member of his family or a tenant-farmer named in the report and recommendation of the Regional Director, as the case maybe. The Order/Decision shall likewise direct the cancellation of the CLT covering the landholding if already issued and shall contain a statement that all payments made by the disqualified tenant shall be forfeited in favor of the Land Bank of the Philippines and that the substitute shall amortize to the LBP the full value of the landholding, except where the substitute is an immediate member of the family of




the disqualified tenant in which case all such payments shall be credited in his favor.

VI. Enforcement of Order/Decision

All orders/decisions issued pursuant to this Circular shall be implemented by the Regional Director concerned. In case the tenant refuses to vacate the landholding, and action for ejectment shall be filed in the Court of Agrarian Relations.

Please be guided accordingly.

Diliman, Quezon City, September 4, 1980.



CONRADO F. ESTRELLA  
Minister