



MINISTRY MEMORANDUM CIRCULAR NO. ¹⁹
Series of 1978

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

for mailing 7/4/78

SUBJECT : Rules and Regulations in case of Death of a Tenant-beneficiary

Pursuant to the provisions of Presidential Decree No. 27, and the policy of the Government laid down in the Code of Agrarian Reforms to establish owner-cultivatorship and the economic family size farm as the basis of agricultural development of the country, the following rules and regulations shall be observed in the event of death of a tenant-beneficiary:

1. Succession to the farmholding covered by Operation Land Transfer, shall be governed by the pertinent provisions of the New Civil Code of the Philippines subject to the following limitations:
 - a. The farmholding shall not be partitioned or fragmented;
 - b. The ownership and cultivation of the farmholding shall ultimately be consolidated in one heir who possesses the following qualifications:
 - (1) being a full-fledged member of a duly recognized farmers' cooperative;
 - (2) capable of personally cultivating the farmholding; and
 - (3) willing to assume the obligations and responsibilities of a tenant-beneficiary.

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c. Such owner-cultivator shall compensate the other heirs to the extent of their respective legal interest in the land, subject to the payment of whatever outstanding obligations of the deceased tenant-beneficiary.

2. For the purpose of determining who among the heirs shall be the sole owner-cultivator, the following rules shall apply:

a. The surviving heirs shall submit to the Team office concerned the death certificate of the deceased tenant-beneficiary and any of the following documents to establish their respective successional rights and interests:

(1) copy of will, if any, and of a court order allowing probate thereof;

(2) copy of affidavit of adjudication filed in the office of register of deeds, if there is only one heir; and

(3) extra-judicial settlement between the heirs and/or waiver of rights in favor of one heir, should there be several heirs.

b. Where there are several heirs, and in the absence of extra-judicial settlement or waiver of rights in favor of one heir who shall be the sole owner and cultivator, the heirs shall within one month from the death of the tenant-beneficiary be free to choose from among themselves one who shall have sole ownership and cultivation of the land, subject to Paragraph 1(b) and (c) hereof: Provided, however, That the surviving spouse shall be given first preference; otherwise, in the absence or due to the permanent incapacity of the surviving spouse, priority shall be determined among the heirs according to age.

c. In case of disagreement or failure of the heirs to determine who shall be the owner-cultivator within the period prescribed herein, the priority



rule under the proviso of Paragraph 2(b) hereof shall apply.

- d. Where the surviving heir or heirs are minors and not qualified under Paragraph 1(b) hereof, he or they, as the case may be, shall be represented by the guardian in cultivating the land until the eldest minor, or if he shall not qualify, the next eldest, and so on, shall have qualified.
- e. In the following cases, the farmholding shall revert to the Government for reallocation to a deserving tenant-farmer by the Minister of Agrarian Reform;
 - (1) where the tenant-beneficiary dies without an heir;
 - (2) except as provided in Paragraph 2(d) hereof, where no surviving heir is qualified to cultivate the farmholding as provided in Paragraph 1(b);
 - (3) violation by the heir or heirs of these rules and other applicable rules and regulations on agrarian reform.

As used in these rules, the term "deserving tenant-farmer" shall mean a tenant-farmer who:

- (1) is qualified under Paragraph 1(b) hereof; and
- (2) has the smallest farmholding which is within the same landholding as the farmholding to be reallocated, and nearest to such farmholding.


If reallocation would result in an aggregate area of the deserving tenant-farmer which exceeds the areas prescribed under Presidential Decree No. 27, the farmholding shall be reallocated to a farmer-beneficiary upon recommendation of the Samahang Nayon (SN) concerned.



- f. Upon determination of the successor of the deceased tenant-beneficiary, the Certificate of Land Transfer or Emancipation Patent, as the case maybe, of the deceased tenant-beneficiary shall be cancelled and a new one generated in favor of the former.

Please be guided accordingly.

Diliman, Quezon City, **Sept. 12**, 1978.



CONRADO F. ESTRELLA
Minister

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