

ABANDONMENT; TEMPORARY ABANDONMENT NOT A GROUND FOR EJECTION

- Temporary abandonment can not be a ground for the ejection of a tenant when there is a person who can cultivate the landholding personally and temporarily, not necessarily a son from among his immediate family or legal heirs. Sections 7 and 8 of Republic Act No. 3844 (**Agricultural Land Reform Code**) provides as to when a tenancy relationship ceases. Thus, said provisions of law provide that the agricultural leasehold relation once established shall confer upon the agricultural lessee the right to continue working on the landholding until such leasehold relation is extinguished, and that it is extinguished by abandonment of the landholding without the knowledge of the agricultural lessor.
- As far as abandonment of farmholding is concerned, such abandonment must not only be temporary, there must be a showing that the tenant has no intention of returning.

DAR Opinion No. 29, S. 2008
November 14, 2008

AGRICULTURAL LAND; MEANING

- R.A. No. 7881, Section 3 defines Agricultural Lands:

(b) Agriculture, Agricultural Enterprise or Agricultural Activity means the cultivation of the soil, planting of crops, growing of fruits trees, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical.”
- It can be gleaned from the abovesited provision that ricefields and cocolands are included in the term **agricultural land** since the activities involved therein are deemed as agricultural activities.

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AWARDED LANDS; CAN BE THE SUBJECT OF MORTGAGE OR ENCUMBRANCE

- Awarded lands may be mortgaged even within the 10-year prohibitory period on certain conditions since ownership is not parted with. DAR A.O. No. 1, Series of 1989 (**Rules and Procedures Governing Land Transaction**) allows land already awarded/allocated to beneficiaries to be a subject of mortgage or encumbrance to guarantee any loan obligation secured to develop or improve the same. Henceforth, if the EP is made as a security for loan and consequently foreclosed by the mortgagee, the aforesaid conditions must first be complied with before ownership over the awarded land is parted with.

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