

DISTURBANCE COMPENSATION; AGRICULTURAL LESSEES RIGHT TO PAYMENT OF DISTURBANCE COMPENSATION

- The existing arrangement appears to be a “share-tenancy”. Hence, your cousin as tenant must be given the rights provided for under Section 7 of R.A. 6389 (An Act Amending R.A. No. 3844, as amended, otherwise known as The Agricultural Land Reform Code and For Other Purposes) which expressly provides that “the agricultural lessee shall be entitled to disturbance compensation equivalent to five times the average of the gross harvests on his landholding during the last five preceding calendar years”. The said law clearly suggests that it is only in cases of land use conversion that displaced tenants are entitled to the payment of the disturbance compensation.

DAR Opinion No. 02, s. 2007
January 19, 2007

ENCUMBRANCE; MEANING; EFFECT; HOW DISCHARGED

- An encumbrance is a burden or lien against the property that lessens its value. Once the property is encumbered with the bank, the latter has a lien by way of mortgage on the land to secure full payment of its value. Please note, that encumbrance of a property shall be carried over to the title until cancelled by an appropriate authority. Land Registration Authority (LRA) Memorandum Circular No. 54 requires that the liens or encumbrances shall be carried over to the EP/CLOA presented for registration, unless the appropriate instrument for its cancellation is likewise presented. Likewise, Section 62 of Presidential Decree No. 1529 (**The Property Registration Decree**) provides, quote:

“A mortgage or lease on registered land may be discharged or cancelled by means of an instrument executed by the mortgage (sic) or lessee in a form sufficient in law, which shall be filed with the Register of Deeds who shall make the appropriate memorandum upon the certificate of title.”

DAR Opinion No. 03, s. 2007
January 19, 2007

EXEMPTION; LANDHOLDING EXCLUSIVELY DEVOTED TO LIVESTOCK

- In light of the substantial evidences presented and the applicable laws and jurisprudence, this Office *opines, as it hereby confirms*, that the subject landholdings of Highbreed Livestock Corporation, consisting of 21 parcels with total area of 121.8542 hectares, located at Barangays Magmarale, Pulong Bayabas, Biclat and Tibagan, San Miguel Bulacan, as enumerated above, are exempt or excluded from CARP coverage for being exclusively devoted to livestock raising prior to the effectivity of CARL (RA6657) on June 15, 1988 up to the present. The fact that the DAR has not placed the subject landholdings under CARP since 1988 (or for 19 years) is recognition of its exempt or excluded status.

DAR Opinion No. 29, s. 2007
October 24, 2007