

cases were the regular farmworkers are under duress, which resulted in their refusal to be recognized as a beneficiary or failure to question of seasonal and other farmworkers, these are matters, which are evidentiary in nature and may be threshed out administratively. Furthermore, the implementors must take all necessary action to ensure that proper notice are sent to the regular farmworkers. After such notice, proof of receipt and the date on which they were received must be kept as part of the file. In order to avoid further complications, perhaps the notices should state clearly the consequence of inaction on the part of a potential farmer-beneficiary.

DAR Opinion No. 21, s. 2001
October 1, 2001

BENEFICIARY; CONSEQUENCES IF A BENEFICIARY HAS SOLD OR ABANDONED HIS LAND

- A beneficiary who is found to have culpably sold or abandoned his land shall be disqualified from becoming a beneficiary pursuant to the Comprehensive Agrarian Reform Law (R.A. No. 6657) and Administrative Order No. 07, Series of 2003 [**CY 2003 Guidelines on the Identification, Screening and Selection of, and Distribution to Agrarian Reform Beneficiaries (ARBs) of Private Agricultural Lands Under Republic Act (R.A.) No. 6657**]. In this case, the landholding shall be forfeited in favor of any other qualified beneficiary duly identified by DAR.
- The act of a beneficiary of selling or abandoning his awarded land rather than cultivate it is a violation of R.A. No. 6657 and is punishable by law. The very essence of agrarian reform is for DAR to acquire all public and private agricultural lands for redistribution to qualified farmer-beneficiaries who are landless. Therefore, the farmer-beneficiary in return is under obligation to cultivate the land and make it more productive as possible.

DAR Opinion No. 27, s. 2005
November 10, 2005

CERTIFICATE OF LAND OWNERSHIP AWARD; AS COLLATERAL FOR LOANS

- CLOAs may be used as collaterals for loan. While Section 27 of Republic Act No. 6657 (**Comprehensive Agrarian Reform Law**) expressly provides that lands acquired by beneficiaries under said act may not be transferred except through hereditary succession or to the Government or to LBP or to other beneficiaries for a period of ten (10) years, such prohibition applies only to transactions where ownership is parted with. Said provision of law does not apply to a contract of mortgage because ownership still remains with the mortgagor (DAR Opinion No. 25, Series of 1996).

DAR Opinion No. 06, S. 2005
February 11, 2005