

- As landowner may enter into an agreement with the an association if it would result to their mutual benefit.

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

LEASEHOLD; EFFECT OF FORTUITOUS EVENT OR FORCE MAJEURE

- Under the leasehold system, the lease rental to be paid by the lessee is predetermined and fixed on the basis of the average normal harvest. Once fixed, it constitutes the consideration for the use of the land, and the lessee is under obligation to pay the same even in case of crop failure to the extent of 75% as a result of fortuitous event.
- In case the tenant-lessee suffers crop failure due to a fortuitous event or force majeure, the parties need not enter into another contract. The lessee may defer payment of the lease rental due for agricultural year affected by a fortuitous event or force majeure causing crop failure to the extent of 75%. The lease rental shall be paid on a staggered basis subject to the agreement of both parties. Normally, such rental is paid in installments every harvest time beginning the next agricultural year and to continue until the lessee is fully paid.

DAR Opinion No. 17, s. 2007
March 30, 2007

LEASEHOLD; AGRICULTURAL LEASEHOLD RELATION IS EXTINGUISHED UPON TRANSFER OF RIGHT BY THE LESSEE FATHER TO HIS SON/MEMBER OF IMMEDIATE FARM HOUSEHOLD

TENANCY; PERSONAL CULTIVATION AS REQUIREMENT

- Section 23 of Republic Act No. 3844 (**Agricultural Land Reform Code**) provides, quote:

“Sec. 23. Rights of Agricultural Lessee in General – It shall be the right of the agricultural lessee:

- (1) To have possession and peaceful enjoyment of the land;*
- (2) To manage and work on the land in a manner and method of cultivation and harvest which conform to proven farm practices;*
- (3) To mechanize all or any phase of his farm work; and*
- (4) To deal with millers and processors and attend to the issuance of quedans and warehouse receipts for the produce due him.”*

- That one of the conditions for a tenancy relationship to exist is that, there is personal cultivation or with the help of the immediate farm household. There is personal cultivation if the tenant cultivates the land himself or with the aid of his immediate farm household. Immediate farm household refers to the members of the family of the lessee and other persons who are dependent upon him for support and who usually help him in the farm activities, and he may continue to work as tenant if the conditions laid down under Sec. 9 of R.A. No. 3844 are complied.