

- Leasehold is not extinguished with the transfer of legal ownership of the land from one landowner to another. Section 10 of R.A. No. 3844, as amended, provides that the purchaser or transferee shall be subrogated to the rights and substituted to the obligations of the agricultural lessor.

DAR Opinion No. 11, s. 2007
February 13, 2007

LEASEHOLD; NOT EXTINGUISHED BY DEATH, INCAPACITY OR EXPIRATION OF THE TERM; ORDER OF PRIORITY OF SUCCESSORS/ORDER OF PREFERENCE

- The law accords the landholder the right to initially choose his tenant to work on his land. Section 9, R.A. 3844 (Agricultural Land Reform Code) provides:

“Section 9. Agricultural Leasehold Relation Not Extinguished by Death or Incapacity of the Parties. – In case of death or permanent incapacity of the agricultural lessee to work his landholding, the leasehold shall continue between the agricultural lessor and the person who can cultivate the landholding personally, chosen by the agricultural lessor within one month from such death or permanent incapacity, from among the following: (a) the surviving spouse; (b) the eldest direct descendant by consanguinity; or (c) the next eldest descendant or descendants in the order, of their age: x x x”

- It could be inferred that tenancy relationship can only be created with the consent of the person who furnished the landholding, either as owner, civil lessee, usufructuary, or legal possessor. Even assuming that there was such a sale of tenancy rights, the same cannot bind the owner since no consent either by word or action was given by the owner.

DAR Opinion No. 05, s. 2007
February 07, 2007

LEASEHOLD; CONSENT OF AGRICULTURAL LESSOR NEEDED IN INSTALLING OTHER TENANTS; MEANING OF PERSONAL CULTIVATION

- The said heir cannot install another person to occupy and cultivate the same without the consent of the owner. As mentioned above, the consent of the true and lawful lessor who could be the owner is required.
- In agrarian reform, there is personal cultivation where a person, in order to be considered a tenant, must himself and with the aid available from his immediate farm household cultivate the land. Therefore, the said heir who hire others whom he pays for doing the cultivation of the land does not satisfy the meaning of personal cultivation.

DAR Opinion No. 05, s. 2007
February 07, 2007

LEASEHOLD RELATIONSHIP; REQUISITES

- In a string of jurisprudence, the Supreme Court held that there is a landlord-tenant relationship when the following requisites concur: that the parties are the landlord and the tenant; that the subject is an agricultural land; that there is consent by the