

6. There is sharing of harvests.

- The Supreme Court emphasized in numerous cases that all of the above-elements must concur in order to create a tenancy relationship between the parties. The absence of one does not make an occupant of a parcel of land, or a cultivator thereof, or a planter thereon, a de jure tenant. This is so because unless a person has established his status as a de jure tenant, he is not entitled to security of tenure nor he is covered by the Land Reform Program of the Government under existing tenancy laws. (Caballes v. DAR, 168 SCRA 254 [1988]).

DAR Opinion No. 22, s. 2007

June 15, 2007

TENANCY RELATIONSHIP; ESSENTIAL REQUISITES

- The following essential requisites of tenancy relationship as mentioned in Isidro vs. Court of Appeals, G.R. No. 105586, December 15, 1993, to wit: (1) the parties are the landowner and the tenant; (2) the subject matter is agricultural land; (3) there is consent; (4) the purpose is agricultural production; (5) there is personal cultivation by the tenant; and (6) there is sharing of harvests between the parties. All these requisites must concur in order to create a tenancy relationship between the parties.

DAR Opinion No. 05, s. 2007

February 07, 2007

VOLUNTARY LAND TRANSFER; REPRESENTATIVE APPOINTED BY THE HEIRS OF THE DECEASED LANDOWNER TO SIGN DOCUMENTS

- The children are the primary heirs of their deceased parent and that the rights and obligations are automatically transmitted to the children from the moment of the death of their parents. (Art. 774 of the Civil Code of the Philippines) Since the children acquire ownership by operation of law, they may appoint anyone of them or any qualified person thru a Special Power of Attorney to act as their representative in any transaction that they may enter into particularly in the administration of their deceased parent's property.
- The representative appointed by the children may sign the documents i.e., Notice/Application for VLT/DPS (Form No. 1, VLT/DPS Agreement, Form No. 2) in case of Voluntary Land Transfer/Direct Land Transfer (VLT/DLT). Accordingly, said acts of representation by the representative shall produce the same legal and binding effects as if they were personally done by the other children.

DAR Opinion No. 33, s. 2007

December 20, 2007

VOLUNTARY OFFER TO SELL (VOS); PROPERTY WITH ADVERSE CLAIMANT

- It is settled that registration under the Cadastral Act and under Act 496 (An Act to Provide for the Adjudication and Registration of Titles to Lands in the Philippine Islands), both fall within the purview of the Torrens System.