

children who must prove their filiation in accordance with the provisions of the Family Code.

DLR Opinion No. 19, s. 2005
July 22, 2005

HOMESTEAD; ISSUANCE OF THE NEW TCT SHALL CANCEL THE ORIGINAL HOMESTEAD PATENT TITLE

- The subsequent transfer of title shall be in the form of a Transfer Certificate of Title (TCT) which shall be issued by the Land Registration Authority after the compliance of the formalities prescribed by law. The issuance of the new TCT shall cancel the original homestead patent title.
- The subsequent transfer of title of the homestead does not change it from being a homestead. Homestead laws were designed to distribute disposable agricultural lots of the State to land-destitute citizens for their home and cultivation. It aims to preserve and keep in the family of the homesteader that portion of public land which the State had gratuitously given to him.

DAR Opinion No. 08, S. 2006
January 27, 2006

JUDGMENT; FINAL AND EXECUTORY JUDGMENT EFFECT THEREOF

- In view of the finality of the Order of Exemption, the same can no longer be reopened. Following the time-honored doctrine of finality of judgment, every case or controversy must come to an end at some point in time as matter of public policy, sound practice and the orderly administration or justice.

DAR Opinion No. 12, S. 2005
March 07, 2005

JOINT VENTURE AGREEMENT; OWNERSHIP IS NOT TRANSMITTED, MERELY USUFRUCTUARY RIGHTS

- DAR AO 2, 1999, which implements Section 44 of RA 6657, as amended, expressly provides for Joint Venture as one of the post-land transfer arrangements available for distributed lands (Sec. 5 [c] [i]; Sec. 7 [a]). The said implementing rules define the parameters under which agribusiness partnerships or arrangements involving distributed lands may be entered into between ARBs and private investors. It explicitly mandates that “the joint venture shall acquire merely usufructuary, but not ownership, rights over the land for an agreed period,, and that “ownership of the land remains with the beneficiaries...” (Sec. 7[a] [ii]). It further prescribes that “the equity participation of the beneficiaries shall be determined based on the value of the use of the land...” (Sec. 7[a] [iv]).

DAR Opinion No. 36, S. 2006
November 28, 2006