

implementing rules and regulations regarding the tolerable limit, it could be inferred from the said A.O. that its applicability should likewise extend to lands awarded under R.A No. 6657. This is in line with the objective of CARP to promote the establishment of owner-cultivatorship of economic-size farms which is the very essence of MAR A.O. No. 3, Series of 1985.

DAR Opinion No. 05, s. 2006
January 20, 2006

AWARD CEILING; UNDER P.D. NO. 27 AND R.A. NO. 6657

- Although Section 23 of CARL laid down the rule that no qualified beneficiary may own more than the three (3) hectares of agricultural land, a farmer beneficiary may, however, be awarded an area in excess of the 3-hectare award ceiling only if the excess is negligible and it would be technically and administratively impractical to allocate the same to another farmer-beneficiary.
- As regards the request of COA for a DAR explanation regarding the award to FB in excess of 3 hectares and 5 hectares for R.A. No. 6657 and PD 27 respectively, the DAR submits that the award ceiling provided under R.A. No. 6657 and PD 27 for every farmer-beneficiary shall still be strictly maintained except only for the "tolerable limit" or "negligible" instance as stated above.

DAR Opinion No. 05, s. 2006
January 20, 2006

AWARD CEILING; NOT MORE THAN THREE (3) HECTARES OF AGRICULTURAL LAND; EXCEPTION

- In no case shall the award ceiling for beneficiaries be more than three (3) hectares. Exception may be allowed only if the excess is negligible and it would be technically and administratively impractical to allocate the same to another. In the case at hand, however, the excess of 2,064 square meters may no longer be negligible because such area may still be practically allocated or awarded to the alleged FB's son or daughter, if qualified following the policy guideline provided for in Item II.1 of Ministry Administrative Order No. 03, Series of 1985 (**Policy Guidelines to Govern the Disposition of Farmlots Containing Areas in Excess of That Prescribed for Economic Family-Size Farms**) which may find relative application in the instant case:

"II. Disposition of Excess Area

The excess area shall be reallocated in accordance with the following order of preference:

- 1. Immediate member of the FB's family capable of personally cultivating the land.*

DAR Opinion No. 22, s. 2003
November 14, 2003