

**[DAR ADMINISTRATIVE ORDER NO. 04, S. 2008,
June 16, 2008]**

**SUPPLEMENTAL GUIDELINES TO DAR ADMINISTRATIVE ORDER
NO. 7, SERIES OF 2003 ON THE IDENTIFICATION, SCREENING
AND SELECTION OF, AND DISTRIBUTION TO AGRARIAN REFORM
BENEFICIARIES (ARBs) OF PRIVATE AGRICULTURAL LANDS
UNDER REPUBLIC ACT NO. 6657**

I. Prefatory Statement

Pursuant to Section 4, Article XII of the Constitution, as restated in Section 2, paragraph 3, of Republic Act (R.A.) No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, Department of Agrarian Reform (DAR) Administrative Order (A.O.) No. 7, series of 2003 was issued to govern the policies, rules and procedures in the identification, screening and selection of Agrarian Reform Beneficiaries (ARBs) under the Comprehensive Agrarian Reform Program (CARP) who may own individually or collectively the lands they till. In all cases,, the security of tenure on the land of the farmers and farm workers prior to the approval of R.A. No. 6657 shall be respected.

Article 1, Section 2, Paragraph 2.12 of DAR A.O. No. 7 series of 2003 provides that "Any potential ARB who fails to signify his/her interest to be an ARB before the expiration of the fifteen (15) day posting of the masterlist of ARBs by the Beneficiary Screening Committee (BSC) or the DAR Municipal Office (DARMO) is deemed to have waived his/her right to be an ARB." In view, however, of peculiar issues existing in sugarlands and other plantation farms, this Administrative Order is issued to supplement DAR A.O. No. 7, series of 2003 to address some concerns and facilitate the identification, screening a selection of agrarian reform beneficiaries in these areas. Nothing in this A.O., should nevertheless, be interpreted as excluding other types of tillers from becoming beneficiaries in these areas provided they qualify as ARBs.

II. Policy Statements

1. Qualified beneficiaries enumerated under Section 22 of R.A. No. 6657 and whose residence the barangay/municipality has been established according to law and existing guidelines are automatically included in the initial or preliminary list of potential ARBs after documentation that they are tenants/farmworkers as of 15 June 1988 of the landholding to be covered regardless of whether they have signified their intention to become beneficiaries or not The following documents may, thus, be considered to prove that they are tenants/farmworkers of the subject landholding:

- a. Leasehold Contract and/or other tenurial instruments;

- b. Payroll;
- c. Social Security System (SSS) records;
- d. Records of an illegal dismissal case at the Department of Labor and Employment (DOLE)/National Labor Relations Commission (NLRC);
- e. Pay slip;
- f. Sworn affidavit of farm administrator/manager/overseer/Barangay Agrarian Reform Committee (BARC)/Brgy. Captain or any regular farmworker; and
- g. Other sources with probative value.

Even with the submission of the above documents, a person cannot be included in the preliminary list of ARBs if he has been found to have perpetrated any of the grounds for disqualification/exclusion of ARBs of the CARP enumerated in Section 5 of DARA.O. No. 7, series of 2003.

Should one contest the qualification of any person included in the preliminary list of ARBs, the contesting party has the burden of proving and establishing the grounds for such disqualification.

These requirements shall also apply to Section 2.10 of DARA.O. No. 7, series of 2003.

2. Any potential ARB who was automatically included in the preliminary list including those who have signified their intent or interest to the DARMO to be included in the preliminary list of potential ARBs thereof, has to submit any or all of the essential documents to Prove his/her other qualifications as an ARB as provided under Article V, Section 8.3.a-g of DAR No. 7 series of 2003 within fifteen (15) days from posting of the said list. This also Applies to tenants of landholdings with the definite areas of tillage and are automatically included in the preliminary list.

3. Any potential ARB who was included in the preliminary list but failed to comply with the submission of the required documents to prove his/her qualification within the fifteen (15) day period of posting of the preliminary list of ARBs accompanied by a general invitation In9 them to submit the required documents to prove their qualification shall not be thereon. Existing documentary evidence at hand at the DARMO shall be used to le his/her qualifications. Any case that may be raised shall be treated as an Agrarian Law Implementation (ALI) case pursuant to DAR A.O. No. 3, series of 2003 and be resolved according to said guidelines.

Should he/she pass the screening process, he/she shall execute and sign the Application to Purchase and Farmers Undertaking (APFU). In the absence of threat, duress intimidation, or any form of harassment, the tenant's refusal to execute and sign the period shall be considered as waiver of his/her rights to become an ARB. The unwilling and/ disinterested ARB shall be disqualified and delisted. Steps shall be undertaken to replace him/her by a qualified ARB. In this process and pursuant to Section 47b of R.A. No 665? and Section 19 of Executive Order (E.O.) No. 229, the BARC shall be required to nominate at least three (3) qualified ARBs from the