

**[DAR ADMINISTRATIVE ORDER NO. 11, August
30, 1989]**

**RULES AND PROCEDURES GOVERNING THE EXERCISE OF
RETENTION RIGHTS BY LANDOWNERS AND AWARD TO
CHILDREN UNDER SECTION 6 OF R.A. 6657**

I

Prefatory Statement

Section 6 of R.A. 6657 provides that the landowner may retain not more than five (5) hectares of agricultural land and shall have the right to choose the area to be retained, which as far as practicable shall be compact and contiguous. Each child of the landowner may be awarded three (3) hectares provided he is at least 15 years old and is actually tilling or directly managing the farm. Landowners whose lands have been covered by P.D. 27 shall be allowed to keep the area originally retained by them thereunder. Similarly, owners of original homesteads, or their direct compulsory heirs, who still own these original homesteads at the time of the approval of R.A. 6657 can retain the same areas as long as they continue to cultivate them. The tenants in the area selected for retention by the landowner shall have the option to choose, within one (1) year from the time the landowner manifests his choice of the area for retention, whether to remain therein as a leaseholder or be a beneficiary in another agricultural land of the same landowner with similar or comparable features.

II

Policy Statement

A. A landowner whose landholdings are covered under CARP may retain an area of not more than five hectares thereof. In addition, each of his children, whether legitimate, illegitimate, or legally adopted, may be awarded an area of not more than three (3) hectares provided that the child was at least 15 years of age as of the effectivity of R.A. 6657 on June 15, 1988, and that the child was actually tilling the land or directly managing the farmholding from June 15, 1988 up to the filing of the application for retention and/or at the time of the acquisition of the landholding under CARP.

B. The Landowner has the right to choose the area to be retained by him which shall be compact and contiguous and which shall be least prejudicial to the entire landholding and the majority of the farmers thereon.

C. The landowner has the obligation to cultivate directly or through labor administration, and thereby make productive, the area he retains.

D. In case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein as lessee, or be a

beneficiary in the same or another agricultural land with similar or comparable features. The tenant must exercise this option within the period of one (1) year from the time the landowner manifests his choice of the area for retention.

E. In case the tenant chooses to remain in the retained area, he shall be considered a leaseholder and shall lose his right to be a beneficiary under CARP.

F. For marriages covered by the Civil Code, in the absence of an agreement for the judicial separation of property, spouses who own only conjugal properties may retain a total of not more than five hectares from such properties. However, if either or both of them are landowners in their own respective rights (capital and/or paraphernal), they may retain not more than five hectares from their respective landholdings. In no case, however, shall the total retention of such a couple exceed 10 hectares (Refer to Table 1).

G. For marriages covered by the New Family Code, which took effect on 03 August 1988, a husband owning capital property and/or wife owning paraphernal property may retain not more than five hectares each provided they executed a judicial separation of properties prior to entering into marriage. In the absence of such an agreement, all properties (capital, paraphernal and conjugal) shall be considered to be held in absolute community, i.e., the ownership relationship is one, and, therefore, only a total of five hectares may be retained (Refer to Table 1).

H. In all cases, the security of tenure of the farmers or farmworkers on the land prior to the approval of R.A. 6657 shall be respected. Furthermore, actual tenant-tillers in a landholding shall not be ejected or removed therefrom.

I. The provisions on preemption and redemption under R.A. 3844, as amended, shall apply to the lessee.

J. The original homestead grantees or direct compulsory heirs who still own the original homestead at the time of the approval of RA 6657 may retain the same area as long as they continue to cultivate the said homestead.

III

Application for Retention

A. *Who may apply* — Any person, natural or juridical, who owns agricultural lands with an aggregate area of more than five hectares may apply for retention (use Ret. Form No. 1). However, a landowner who exercised his right of retention under PD 27 may no longer exercise the same right under RA 6657. Should he opt to retain five hectares in his other agricultural lands, the seven hectares previously retained by him shall immediately be placed under CARP coverage.

A landowner who owns five hectares or less of lands which are not yet subject of coverage based on the schedule of implementation provided in Section 7, RA 6657 may also file an application for retention for the purpose of issuance of a Certificate of Retention.

B. *Venue of Filing* — Any duly completed application for retention may be filed with any DAR Office (BLAD), RARO, PARO/MARO). If filed in an Office other than the MARO, the application shall be forwarded to the MARO having jurisdiction over the landholding.

C. *Criteria/Requirements for Retention and Award* —