

**[DAR ADMINISTRATIVE ORDER NO. 01, S. 2001,
January 09, 2001]**

**GUIDELINES GOVERNING THE NON-GENDER BIASED
IMPLEMENTATION OF AGRARIAN LAWS**

Pursuant to Republic Act No. 7192, otherwise known as "An Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation-Building and for Other Purposes," and to ensure that men and women shall have equal access to the benefits of the Comprehensive Agrarian Reform Program (CARP) and equal shares in the burden and responsibility of attaining the goals thereof, the following guidelines are hereby promulgated:

Section 1. Statement of Objectives — The twin objectives of these guidelines are as follows:

- a) Strengthen and integrate non-gender biased consciousness of agrarian laws and their implementing guidelines; and
- b) Provide the mechanism for a system monitoring on the implementation of, and compliance with, these guidelines.

Section 2. Issuance of EPs/CLOAs to Legally Married or Common-Law Spouses —

- a) The term "legally married spouses" refers to those who are married in accordance with the Civil Code or the Family Code, as the case may be, while the term "common-law spouses" refers to a man and a woman cohabiting exclusively with one another without the benefit of marriage,
- b) Both spouses shall be equally involved in the process of identifying and screening agrarian reform beneficiaries. If one of the spouses is absent, the decision of the present spouse shall be binding upon both of them. A spouse shall be considered absent if he or she leaves the conjugal home without intention of returning. A spouse who has left the conjugal home and has not returned for a continuous period of six (6) months shall be presumed to have left without intention to return.
- c) There shall be no discrimination on account of sex in the process of selecting qualified beneficiaries pursuant to Section 22 of R.A. No. 6657, as implemented by A.O. No. 10, Series of 1990.
- d) In order to protect the rights of both spouses to ownership of the land, the Emancipation Patent/Certificate of Land Ownership Award (EP/CLOA) shall be issued in the name of both of them. For legally married spouses, the phrase "married to" shall be inserted in between

their names to indicate not merely their civil status but also conjugal ownership of the awarded land by both spouses. If they are common-law spouses, the EP/CLOA shall be issued in the name of both spouses, with the conjunctive “and” placed between their names. This rule shall also apply in case of collective CLOAs.

- e) The ownership ceiling for legally married spouses and for common-law spouses shall be three (3) hectares, unless their spouse has established a vested right to receive land separately from his or her partner, in which case, each spouse may be entitled to a maximum of three (3) hectares.
- f) The provisions of the Family Code on the conjugal partnership of gains or absolute community of property between legally married spouses shall suppletorily apply to land awarded to the spouses under CARP.
- g) Land awarded to common-law spouses during their cohabitation shall be suppletorily governed by Articles 147 and 148 of the Family Code, and by the rules on co-ownership provided in Articles 484 to 501 of the Civil Code on all matters not covered by Articles 147 and 148 of the Family Code.

Section 3. Tenorial Rights of Spouses —

- a) The names of both spouses shall appear in leasehold contracts in the manner provided for in Section 2 (d) hereof.
- b) In case of death or permanent incapacity of either spouse, the right to succeed as a lessee under the provisions of Section 9 of R.A. No. 3844 shall apply, regardless of whether the spouses are legally married or are common-law spouses.
- c) In case the spouses disagree on the matter of exercising the lessee’s right of pre-emption and redemption, the spouse who wishes to exercise this right may initiate the necessary action to do so, provided that he or she has sufficient exclusive property to pre-empt the sale of the land or redeem the same from the buyer.
- d) The consent of both spouses shall be necessary for a valid surrender of their landholding subject of agricultural leasehold, as provided in Section 8 (2) of R.A. No. 3844.
- e) All rights and obligations of the agricultural lessee in an agricultural leasehold relationship under R.A. No. 3844 shall be exercised jointly and shall be the shared responsibility of both spouses. On the other hand, the rights and obligations of the agricultural lessor under R.A. No. 3844 shall likewise be enjoyed and complied with by both spouses.

Section 4. Land Transactions Requiring Consent of Both Spouses —

Regardless of whether the EP/CLOA was registered in the name of both spouses or