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RULES AND GUIDELINES GOVERNING THE DISTRIBUTION OF CANCELLED OR EXPIRED FLAS UNDER E.O. 407 AS AMENDED BY E.O. 448

DA JOINT DAR-DA ADMINISTRATIVE ORDER NO. 18, June 21, 1991

Read online (full-text search, related cases, audio case brief): https://batas.org/library/1537255c5fb1/

Pursuant to Executive Order No. 407 dated 14 June 1990, as amended by E.O. 448 dated 14 February 1991, the following guidelines on Fishpond Lease Agreement in favor of the agrarian reform beneficiaries shall be observed:

I

Scope

This Order shall apply only in the redistribution or reallocation of fishponds covered by cancelled or expired Fishpond Lease Agreement (FLA) in favor of Agrarian Reform Beneficiaries (ARBs) either individually or collectively duly VERIFIED by the Department of Agrarian Reform (DAR) to be qualified beneficiaries.

II

Delineation of Responsibilities

1. The Department of Agriculture (DA) shall be responsible for the following activities:

- Verifies through the Bureau of Fisheries & Aquatic Resources (BFAR) fishpond areas covered by FLAs which are already expired;

- Issues orders cancelling FLAs for abandonment, non-development or violation of the terms and conditions thereof;

- Causes the subdivision of the land into parcels with an area of not more than 3 hectares and indicating the technical description thereof, unless the ARB opts for a collective distribution;

- Provides application forms and other required documents, accepts and processes applications for FLAs, and collects application fees and other dues thereon through DA Regional Offices and BFAR;

- Conducts investigation and ocular inspection of the fishpond area; and

- Prepares and issues FLAs.

2. The DAR shall be responsible for the following activities:

- Assists ARBs and reviews their applications if they are qualified;

- Conducts interview and investigation in relation to the issuance of a certification as to the qualification of the applicants; and

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- Submits certification on the qualifications of the ARBs, individually or collectively, with the DA Municipal Agricultural and Fishery Officer/Provincial Agricultural and Fishery Officer (MAFO/PAFO)

III

Who Are Qualified Agrarian Reform Beneficiaries?
1. Agricultural leases and share tenants;

2. Regular farmworkers;

3. Seasonal farmworkers;

4. Other farmworkers;

5. Actual tillers or occupants of public lands;

6. Collectives or cooperatives of above beneficiaries; and

7. Others directly working on the lands, provided that the children of landowners who are qualified under Section 6 of R.A. 6657 shall likewise be registered.

IV

Procedure

1. Applicant, assisted by DAR, shall filed his fishpond application together with the certification of the Municipal Agrarian Reform Officer (MARO) in the prescribed form at the DA office concerned where the area applied for is located;

2. Applications with all required documents are received and processed by DA Office concerned.

3. The MAFO submits complete documents to PAFO for processing and recommendation to the DA Regional Office;

4. DA Regional Office reviews and recommends issuance of FLA to the BFAR;

5. BFAR reviews and recommends final issuance of FLA to DA Central Office; and

6. DA Central Office approves the FLA.

V

Resolution of Disputes

1. Disagreements on the qualifications or eligibility of an applicant/beneficiary, on the MAFO-MARO level shall be resolved on the PAFO-PARO level.

2. Any person who is not satisfied with the joint PAFO-PARO decision may appeal the case to the Regional level of the DA-DAR. The Joint decision of the DA-DAR Regional Directors shall be final.

VI

Effectivity

This Order takes effect immediately.

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Adopted: 21 June 1991

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Secretary
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