

STRENGTHENING THE SECURITY OF TENURE OF TENANT-TILLERS IN NON-RICE/CORN PRODUCING PRIVATE AGRICULTURAL LANDS

PRESIDENTIAL DECREE NO. 1038, October 21, 1976

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WHEREAS, I have received disturbing reports that owners of private agricultural lands, landholders, agricultural lessors, legal possessors, civil law lessees, usufructuaries, or those acting for and in their behalf planted to crops other than rice and/or corn, including but not limited to those primarily planted to abaca, banana, coconut, coffee, citrus, durian and other similar permanent trees, are harassing or ejecting or removing or ousting or excluding the tenant-tillers from their farmholdings in spite of the fact that existing laws, particularly Republic Acts Nos. 1199, as amended, and 3844, as amended, protect the security of tenure of these tenant-tillers;

WHEREAS, these acts of the landowners are a threat to the peace and order condition in the rural areas; and

WHEREAS, the tenant-tillers in such lands deserve the utmost attention and assistance of the government to strengthen their tenurial security by imposing stiffer penalties for violation of such security of tenure.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree:

SECTION 1. The tenure of the tenant-tillers in private agricultural lands devoted to crops other than rice and/or corn, including but not limited to those primarily planted to abaca, banana, coconut, coffee, mango, durian, and other permanent fees, shall be secured and no tenant-tiller shall be removed, ejected, ousted or excluded from his farmholding unless for causes provided by law and directed by a final decision or order of the court.

SECTION 2. No judge of the courts of agrarian relations, courts of first instance, city or municipal courts or any other tribunal or fiscal shall take cognizance of any ejectment case or any other case designed to harass or remove a tenant of an agricultural land primarily devoted to rice and/or corn, unless certified by the Secretary of Agrarian Reform as a proper case for trial or hearing by a court of judge or other officer of competent jurisdiction and, if any such case is filed, the case shall first be referred to the Secretary of Agrarian Reform or his authorized representative in the locality for a preliminary determination of the relationship between the contending parties. If the Secretary of Agrarian Reform or his authorized representative in the locality finds that the case is a proper case for the court or judge or other hearing officer to hear, he shall so certify and such court, judge or other hearing officer may assume jurisdiction over the dispute or controversy.

The preliminary determination of the relationship between the contending parties by the Secretary of Agrarian Reform, or his authorized representative, is not binding upon the court, judge or hearing officer to whom the case is certified as a proper case for trial. Said court judge or hearing officer may, after due hearing, confirm, reverse or modify said preliminary determination as the evidence and substantial merits of the case may warrant. cda

SECTION 3. All cases still pending before any court, fiscal or other investigating body which are not yet submitted for decision or resolution shall likewise be referred to the Department of Agrarian Reform for certification as provided in the preceding section.

SECTION 4. The penalty of arresto mayor or a fine of P1,000 or both at the discretion of the court shall be imposed upon:

- a) Any judge or fiscal or other hearing officer who shall take cognizance of any case designed to exclude, oust, eject, or remove any tenant-tiller or who shall order the ejectment, ouster, exclusion or removal of any tenant-tiller on the land tilled by him without first complying with the provisions of Section 2 hereof;
- b) Any officer or employee of the government, including members of the Armed Forces of the Philippines, who executes an order for the ouster, removal, exclusion or ejectment of the tenant-tiller knowing that the said order is unlawful as provided in Section 2 hereof; and
- c) Any landowners, landholders, agricultural lessor or anybody acting for and in their behalf who by any act, scheme or strategy shall eject, exclude oust or remove and/or cause the ejectment, exclusion, ouster or removal of the tenant-tiller from his farmholding in contravention of this Decree.

SECTION 5. Cases involving violation of the penal provisions of this Decree shall exclusively be cognizable by the Courts of Agrarian Relations: Provided, however, That if such violation is committed by a judge of the courts of general jurisdiction.

SECTION 6. The Department of Agrarian Reform is hereby empowered to promulgate rules and regulations to implement this Decree.

SECTION 7. The Secretary of the Department of National Defense shall assist the Secretary of Agrarian Reform in the implementation of this Decree.

SECTION 8. All previous or existing laws, orders, rules and regulations or parts thereof in conflict or inconsistent herewith are hereby repealed or modified accordingly.

SECTION 9. This Decree shall take effect immediately.

DONE in the City of Manila, this 21st day of October, in the year of Our Lord, Nineteen Hundred and Seventy-Six.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA
Presidential Executive Assistant

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