

REPUBLIC ACT NO. 2263

DATE: June 19, 1959

AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED ONE THOUSAND ONE HUNDRED NINETY-NINE, OTHERWISE KNOWN AS THE AGRICULTURAL TENANCY ACT OF THE PHILIPPINES.

Sec. 1. The last paragraph of section four of Republic Act Numbered One thousand one hundred ninety-nine is hereby amended to read as follows:

Sec. 4. Systems of Agricultural Tenancy: Their Definitions. -

xxx xxx xxx

Leasehold tenancy exists when a person who, either personally or with the aid of labor available from members of his immediate farm household, undertakes to cultivate a piece of agricultural land susceptible of cultivation by a single person together with members of his immediate farm household, belonging to or legally possessed by, another in consideration of a fixed amount in money or in produce or in both,

Sec. 2. Subsections (c) and (r) of section five of the same Act are hereby amended to read as follows hereinbelow; and said section five is further amended by inserting a new subsection between subsections (c) and (d) to be known as subsection (c-1), two new subsections between subsections (g) and (h) to be known as subsections (g-1) and (g-2) and by adding a new subsection after subsection (r) to be known as subsection (s) to read as follows:

Sec. 5. Definition of Terms. - As used in this Act:

xxx xxx xxx

(c) Agricultural year is the period of time necessary for the arising of seasonal agricultural products, including the preparation of the land, and the sowing, planting harvesting and, whenever applicable, threshing of the crop: Provided, however, That in the case of coconuts, citrus, coffee, ramie, and other crops where more than one harvest is obtained from one planting, the words agricultural year shall mean the period of time from the preparation of the land to the first harvest and thereafter from harvest to harvest. In both cases, the period of time may be shorter or longer than a calendar year.

(c-1) Beginning of the agricultural year is the time the first farm operation for the production of the principal crop is performed, such as, seed-bed preparation in the case of rice.

(g-1) Broadcasting is the strewing or the scattering of seeds directly to the landholding in lieu of transplanting.

(g-2) Ratooning as the cutting of the straw close to the ground at harvesting time after all the standing water has been drained out to allow the young tillers to sprout out the rootstocks and develop into mature normal bearing plants in three or four months with the aid of fertilizer, manure or compost.

xxx xxx xxx

(r) Auxiliary crop is any product raised other than the crop to which the cultivation of the land is principally devoted in each agricultural year; and excluding the produce of the lot referred to in section twenty-two, paragraph three.

(s) Suited for mechanization shall mean that more than 60% of the tenants' labor as provided for in this Act shall be displaced by farm machinery and that the employment of mechanized implements will lower the cost of production.

Sec. 3. Section nine of the same Act is hereby amended to read as follows:

Sec. 9. Severance of Relations. - The tenancy relationship is extinguished by the voluntary surrender or abandonment of the land by, or the death or incapacity of, the tenant: Provided, That in case of the tenant's death or incapacity, the tenancy relationship shall continue between the landholder and one member of the tenant's immediate farm household who is related to the tenant within the second degree by consanguinity and who shall cultivate the land himself personally unless the landholder shall cultivate the land himself personally or through the employment of mechanical farm implements, in accordance with section fifty hereof. Should the deceased or incapacitated tenant have two or more members of his immediate farm household qualified to succeed him, the landholder shall have the right to choose from among them who should succeed. The expiration of the period of the contract as fixed by the parties, or the sale, alienation or

transfer of legal possession of the land does not of itself extinguish the relationship. In the latter case, the purchaser or transferee shall assume the rights and obligations of the former landholder in relation to the tenant, In case of death of the landholder, his heir or heirs shall likewise assume his rights and obligations.

Sec. 4. Section fourteen of Republic Act Numbered Eleven hundred ninety-nine is hereby amended to read as follows:

Sec. 14. Change of System. - The tenant shall have the right to change the tenancy contract from one of share tenancy to leasehold tenancy and vice versa and from one crop sharing arrangement to another of the share tenancy. If the share tenancy contract is in writing and is duly registered, the right to change from one crop sharing arrangement to another or from one tenancy system to another may be exercised at least one month before the beginning of the next agricultural year after the expiration of the period of the contract, the right may be exercised at least one month before the agricultural year when the change shall be effected.

Sec. 5. Subsections (2) and (3) of section twenty-two of the same Act are hereby amended to read as follows:

Sec. 22. Rights of the Tenant:

xxx xxx xxx

(2) The tenant shall, aside from his labor, have the right to provide any of the contributions for production whenever he can do so adequately and on time subject to the provisions of section fourteen of this Act.

(3) The tenant shall have the right to demand for a home lot suitable for dwelling with an area of not more than 3 per cent of the area of his landholding provided that it does not exceed one thousand square meters and that it shall be located at a convenient and suitable place within the land of the landholder to be designated by the later where the tenant shall construct his dwelling and may raise vegetables, poultry, pigs and other animals and engage in minor industries, the products of which shall accrue to the tenant exclusively. The Tenant's dwelling shall not be removed from the lot already assigned to him by the landholder, except as provided in section twenty-six unless there is a severance of the tenancy relationship between them as provided under section nine, or unless the tenant is ejected for cause, and only after the expiration of forty-five days following such severance of relationship or dismissal for cause.

xxx xxx xxx

Sec. 6. Subsections (1) and (2) of Section twenty-five of the same Act are hereby amended to read as follows:

Sec. 25. Rights of the Landholder:

(1) The landholder shall have the right to choose the kind of crop and the seeds which the tenant shall plant in his holdings: Provided, That if the tenant should object, the court shall settle the conflict according to the best interest of both parties: Provided, further, That in no case shall a tenant be ejected as a consequence of a change in crop.

(2) The landholder shall have the right to require the tenant to follow those proven farm practices which have been found to contribute towards increased agricultural production and to use fertilizer of the kind or kinds shown by proven farm practices to be adopted to the requirements of the land: Provided, That in case of disagreement thereto by the tenant, the court shall settle the conflict according to the best interest of both parties.

xxx xxx xxx

Sec. 7. Subsection (a) of section twenty-six of the same Act is hereby amended to read as follows:

Sec. 26. Obligations of the Landholder:

(a) The landholder shall furnish the tenant with a home lot as provided in section 22 (3): Provided, That should the landholder designated another site for such home lot than that already occupied by the tenant, the former shall bear the expenses of transferring the existing house and improvements from the home lot already occupied by the tenant to the site newly designated by the former: Provided, further, That if the tenant disagrees to the transfer of the home lot, the matter shall be submitted to the court for determination.

xxx xxx xxx

Sec. 8. Section twenty-seven of the same Act is hereby amended by inserting the following subsections to be known as subsections (4) and (5):

Sec. 27. Prohibition to the Landholder:

(4) The landholder shall not mortgage the share of the tenant in the crop, and any mortgage executed by the landholder on the land and/or its crop shall not affect the share of the tenant in such crop.

(5) The landholder shall not discourage, directly or indirectly, the formation, maintenance or growth of a union or organization of tenants in his landholding, but he shall not initiate, dominate, assist or interfere in the formation or administration of any such union or organization.

Sec. 9. Subsection (2) of section twenty-eight of the same Act is hereby amended to read as follows:

Sec. 28. Expenses for Seeds; Fertilizers; Pest and Weed Control Expenses:

xxx xxx xxx

(2) The cost of fertilizer and expenses for pest and disease control, as evidenced by sales invoices and/or receipts, as well as the cost of weeding beyond the customary practice in the locality shall be paid out of the gross harvest and returned to the party who advanced the cost expenses. In case of disagreement as to the cost of weeding, the court shall determine the same.

Sec. 10. Section thirty-one of the same Act is hereby amended to read as follows:

Sec. 31. Cost of Fertilizer, Etc.; When to be Advanced by the Landholder. - Whenever the use of fertilizer, the application of insect, disease and rodent control measures or weeding beyond the customary practice in the locality is directed by the landholder, he shall advance their cost, which shall be deducted from the gross produce.

Sec. 11. Section thirty-two of the same Act is hereby amended to read as follows:

Sec. 32. Share Basis. - The parties shall, on ricelands which produce a normal average of more than forty cavans per hectare for the three agricultural years next preceding the current harvest, receive as shares in the gross produce, after setting aside the same amount of palay used as seed, and after deducting the cost of fertilizer, pest and weed control, irrigation fees, reaping of not more than ten per centum of the gross harvest, threshing and, whenever applicable, broadcasting or other farm operations not listed in this Act as contributions or labor of tenant, the amount corresponding to the total equivalent of their individual contributions, computed as follows:

contributions Participation

Per cent

- 1. Land..... 30
- 2. Labor..... 30
- 3. Farm Implements..... 5
- 4. Work Animals..... 5
- 5. Final harrowing of the field immediately before the transplanting... 5
- 6. Transplanting..... 25:

Provided, however, That the participation of any of the contributions enumerated above which are not actually contributed because of the nature of the farming culture followed, shall be divided between the landholder and tenant in the same proportion as their total contribution to the production.

Sec. 12. Subsection (4) of section thirty-seven of the same Act is hereby amended to read as follows:

Sec. 37. Further Rights of the Landholder:

xxx xxx xxx

(4) The date of threshing which should not be beyond one month from the date of stacking of the harvest into big stacks.

xxx xxx xxx

Sec. 13. Section thirty-nine of the same Act is amended to read as follows:

Sec. 39. Prohibition on Pre-Threshing. - It shall be unlawful for either the tenant or landholder, without mutual consent, to reap or thresh a portion of the crop at any time previous to the date set, for its threshing: Provided, That if the tenant needs food for his family and the landholder does not or cannot furnish such and refuses to allow the tenant to reap or thresh a portion of the crop previous to the date set for its threshing, the tenant can reap or thresh not more than ten per cent of his net share in the last normal harvest after giving notice thereof to the landholder or his representative. Any violation of this section by either party shall be treated and penalized in accordance with this Act and/or under the general provisions of law applicable to the act committed.

Sec. 14. Subsections (a) and (b) of section forty-six of the same Act is hereby amended to read as follows:

Sec. 46. Consideration for the Use of Land. -

(a) The fixed consideration for the use of ricelands, shall not be more than the equivalent of twenty-five per centum in case of first class land and twenty per centum in case of second class land of the average gross produce after deducting the same amount of palay used as seed and the cost of harvesting and threshing of the past three normal harvest: Provided, That if the landholder introduced improvements on the farm which will increase its productivity, he may demand for an increase in the rental proportionate to the increase in production resulting from such improvements. In case of disagreement the court shall determine the reasonable increase in rental. Classification of ricelands shall be determined by productivity; first class lands being those which yield more than forty cavans per hectare and second class lands being those which yield forty cavans or less, the same to be computed upon the normal average harvest of the three preceding years.

(b) The fixed consideration for agricultural land where exist fruit trees and other useful trees, crops and plants, from which the whole or any portion of the produce of the said land is taken, shall not be more than twenty-five per cent of the average gross produce of the past three normal harvests: Provided, however, That additional considerations for the enjoyment of said trees and useful plants, if the principal product is rice or other crops, shall be decided and specified by negotiation between the landholder-lessor and the tenant-lessee: Provided, further, That when the tenant-lessee, during the period of the lease and/or in consideration thereof, plants and/or takes care of said trees and plants, with the consent of the landholder-lessor, the tenant-lessee shall be compensated by the latter in the manner agreed between them.

Sec. 15. The following new subsection is added to section forty-six of the same Act:

(d) In case the landholding is planted to auxiliary crops, the landholder-lessor and tenant-lessee shall divide the same in accordance with the provision of section thirty of this Act.

Sec. 16. Section forty-nine of the same Act is hereby amended to read as follows:

Sec. 49. Ejectment of Tenant. - Notwithstanding any agreement or provision of law as to the period or future surrender of the land, in all cases where land devoted to any agricultural purpose is held under any system of tenancy, the tenant shall not be dispossessed of his holdings by the landholder except for any of the causes hereinafter enumerated and only after the same has been proved before and the dispossession is authorized by the court.

It shall likewise be unlawful for any third party to dispossess the tenant of his holding except by order of the Court. Any violation of this provision shall be penalized in accordance with section fifty-seven of this Act and/or under the general provisions of law applicable to the act committed.

Sec. 17. Subsection (a) of section fifty of the same Act. is hereby amended to read as follows:

Sec. 50. Causes for the Dispossession of Tenant. - Any of the following and no other, shall be sufficient cause for the dispossession of a tenant from his holdings:

(a) The bona fide intention of the landholder-owner or his relative within the first degree by consanguinity to cultivate the land himself personally or through the employment of farm machinery and implements: Provided, however, That should the landholder-owner or the aforesaid relative not cultivate the land himself for at least three years or the landholder-owner and his successor in interest should fail to employ mechanical farm implements for a period of at least five years after dispossession of the tenant, it shall be presumed that he acted in bad faith and the tenant shall have the right to demand possession of the land and damages for any loss incurred by him because of said dispossession: Provided, further, That the landholder-owner or the aforesaid relative shall, at least one year but not more than two years prior to the date of his petition to dispossess the tenant under this sub-section, file notice with the court and shall inform the tenant in writing in a language or dialect known to the latter of his intention to cultivate the land himself, either personally or

through the employment of mechanical implements: Provided, That in the latter case, the notice to the tenant and to the court should be accompanied by a certification of the agricultural tenancy commission that the land is suited for mechanization and by a certification by the manager of the national resettlement and rehabilitation administration that it will be able to provide immediate resettlement to the tenants in case their dispossession is authorized by the court: Provided, further, That in case any dispossessed tenant is not willing to be resettled, his possession shall not be enforced until the lapse of one year from the date the decision becomes final: Provided, further, That the dispossessed tenant and the members of the immediate household who were not resettled shall be preferred in the employment of necessary laborers under the new set-up: Provided finally, That a landholder may mechanize certain farm operations in a tenanted farm without ejecting any tenant by filing a petition with the court accompanied by a certification of the farm operations applied for will lower the cost of production and will improve the farm culture, in which case the increase in the share of the landholder shall be fixed by the Court in proportion to the labor of the tenant that will be displaced by the farm machine.

xxx xxx xxx

(e) When a share-tenant fails to follow these proven farm practices which, as determined by the court of agrarian relations, will contribute towards the proper care of the land and increased agricultural production in case of conflict as to whether the margate or any other accepted scientific system is a proven farm practice for any particular land, the conflict shall be decided by the court taking the testimony of the proper government officials.

Sec. 18. The first paragraph of section fifty-two of the same Act is hereby amended to read as follows:

Sec. 52. Duties of the agricultural Tenancy Commission. - It shall be the duty of the Agricultural Tenancy Commission to:

xxx xxx xxx

Sec. 19. Section fifty-three of the same Act is hereby amended to read as follows:

Sec. 53. Duties of Secretary of Justice. - The Secretary of Justice, acting through a tenancy mediation commission shall carry out a rational enforcement program, which shall include among other things, mediation of tenancy disputes.

Sec. 20. Section fifty-four of the same act is hereby amended to read as follows:

Sec. 54. Representation by Counsel. - In all cases herein a tenant cannot afford to be represented by counsel, it shall be the duty of the trial attorney of the tenancy mediation commission to represent him, upon proper notification by the party concerned, or the court of competent jurisdiction shall assign or appoint counsel de oficio for the indigent tenant.

Sec. 21. Section fifty-seven of the same Act is hereby amended to read as follows:

Sec. 57. Penal Provision. - Violation of the provisions of subsections one and three, section twenty-seven and of sections thirty-nine and forty-nine of this Act shall be punished by a fine not exceeding two thousand pesos or imprisonment not exceeding one year, or both, in the discretion of the Court. Any person who in bad faith shall induce or cause anybody to violate the aforesaid sections of Republic Act numbered one thousand one hundred ninety-nine shall be punished with a fine not exceeding four thousand pesos or imprisonment not exceeding two years, or both, at the discretion of the court.

In case of juridical persons, the manager or the person who has charge of the management or administration of the property or, in their default, the person acting in their stead, shall be liable under this section.

Sec. 22. The provisions of this Act shall be applicable to all cases pending in any Court at the time of the approval of this Act.

Sec. 23. If for any reason any section of provision of this Act shall be questioned in any Court, and shall be held to be unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

Sec. 24. This Act shall take effect upon its approval.

Approved, June 19, 1959.