

General Principles

Category: Groud Control Procedures

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Written by redpinar

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- The registrations made by declaration of the registered person do not accredit filial degree, it must be indicated the accomplishment of the filiatorio process before the Municipal Popular Court.
- The practice of sharecropping does not generate rights for those who work the land.
- In all cases where there is a difference in the extension of land, the Resolution of Area Adjustment must be issued.
- The award of the inheritance in accordance with Article 32 is requested directly from the Minister of Agriculture, by the Provincial Delegate or Director, and ANAP President at that level in order not to delay the procedure; that is, if it is demonstrated that an heir does not comply with the five-year term of work, but is on the land before the deceased dies, the award must be submitted to the consideration of the Minister by this provision, a decision against which no appeal or procedure is appropriate, since it is the discretionary power of the aforementioned authority to grant or not this right. In this way, the Provincial Delegate or Director, does not have to issue a resolution denying the right since it would originate an unnecessary appeal, against which a revision can be requested, in addition, if in the provincial instance the possibility of adjudicating the inheritance by this precept is considered, it avoids delaying the procedure.
- When there is an heir who fulfills the requirement of working on the land, it is not possible to grant exceptionality to another relative, since we would be injuring the right of that one; that is, working 5 years before the death of the deceased, excludes the application of articles 32 and 23 to another relative of the deceased owner.
- Article 23 is applicable to the relatives of the deceased who relate Articles 20 and 21 and proceeds when there is no family member who fulfills the requirement of 5 years of permanent and stable work regulated by article 18 of Decree-Law No. 125/91, or who does not fulfill this period, but may be a creditor of the application of article 32, that is, it only proceeds when the UPA can be transferred to the state patrimony, therefore, this right is excluded by the application of articles 18 and 32.
- If the appeal is filed outside the 30 calendar day period, it is not admitted directly in accordance with the provisions of Resolution 853/03 of the Minister of Agriculture or the corresponding resolution will be issued by the Minister of Agriculture declaring NOT TO ADMIT such appeal, without knowing the substance of the matter, the same shall be done in the event that the aforementioned application is filed by a person not legitimized for such purposes (i.e., a person not legitimized is one who is not related to the cause, as provided for in Article

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18 of Decree-Law No. 853/03). 125/91).

- Decisions granting rights that constitute the discretionary power of the issuing authority are final upon notification and no appeal or procedure in judicial or administrative proceedings is applicable against such notification.
- When there are doubts about any procedure, the specialist of the higher instance must be consulted before deciding.
- Notwithstanding the provisions of the related proceedings, if the parties propose the inclusion of any document, it will be included in the Record, provided that the legal opinion has not been concluded, at the national level the presentation of new evidence is not allowed.
- The land shall be inheritable by the family members who work it.
- In conflict over land, the best right is for the one who he works it.
- The land in usufruct is not transmissible by any concept.
- The usufruct is personal.
- A person who receives in usufruct the land left by a deceased landlord has no right to receive a pension and vice versa.
- The working age in Cuba is 17 years old, therefore minors under that age will not have the right to receive the land by inheritance.
- Legal consultants may only represent natural persons with the authorization issued by the Minister of Justice.
- Witnesses are taken before a public official; those directly presented by the parties are dismissed.
- The application of article 37 is without violating what is established in it as to the term and the inadmissibility of the resolution combated, in addition the pronouncement must be in the same sense of the claim of the plaintiff.
- The legal opinion must state the date of presentation of the appeal or procedure and the date of notification of the resolution being combated.
- - The body that accredits the filial degree or the civil status of the natural persons is the Civil Registry, being obligatory that when the same is not accredited, it is necessary to order the accomplishment of the civil process before the corresponding court.
- - The removal of areas of agricultural use for non-agricultural use corresponds to state areas, and in favor of state entities, never in favor of natural persons, does not authorize the construction of works other than housing or for the investment process (see Resolution 363/93 of the Minister of Agriculture).
- The declaration of non-agricultural interest to register the areas in the land tenure register is only for those who are not registered and must be very exceptional since in 2002 the patios were legalized and from January 1, 2004, according to the

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agreement 4793 dated May 20, 2003 of the CECM, all lands with an area greater than 800 square meters, had to be registered in the Land Tenure Register.

- The figure of the provisional administrator authorized by article 32 of Resolution 24/91, is to protect possible heirs in the continuity of work on the land while the adjudication concludes.
- The second paragraph of article 29 of Decree-Law 125/91 establishes that the State shall take the appropriate measures to provisionally guarantee the exploitation of land that is temporarily abandoned.