

General principles

Category: Earth Control

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Written by EPN

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In the Control of the Earth at municipal, provincial and national level the following subjects are filed and processed:

General principles

- The registrations made by the inscribed's declaration do not accredit a filial degree, the filiation process must be indicated before the Municipal People's 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 land area, the Area Adjustment Resolution must be issued.
- The award of the inheritance in accordance with the provisions of article 32, is requested directly from the Minister of Agriculture, by the Provincial Delegate or Director and the President of ANAP at that level so as not to delay the process; that is to say, if it is demonstrated that an heir does not fulfill the term of 5 years of work, but that he is in the land before the deceased dies, the adjudication by this precept must be submitted to the consideration of the Minister, a decision against which no No recourse or procedure is necessary, as the discretion of the mentioned instance is 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 create an unnecessary appeal, against which a review can also be requested, if the possibility of awarding the inheritance is considered in the provincial instance. by this precept, dilation of the procedure is avoided.
- When there is an heir that meets the work requirement on the land, it is not possible to grant an exception to another family member, since we would be infringing the right of that one; that is, working 5 years before the deceased dies, excludes the application of articles 32 and 23 to another relative of the deceased owner.
- Article 23 is applicable to the next of kin of the deceased who are related to articles 20 and 21 and proceeds when there is no family member who meets the requirement of 5 years of permanent and stable work that regulates article 18 of Decree-Law No. 125 / 91, or that it does not meet this period, but that it may be creditor of the application of article 32, that is, it only proceeds when the UPA can be transferred to the state heritage, therefore, this right is excluded by the application of articles 18 and 32.
- If the request for the resource is presented outside the term of 30 calendar days, 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

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the Minister of Agriculture declaring NOT ADMITTING such recourse, without disclosing the merits of the matter, the same action will be taken in the case of the aforementioned request being presented by a person not legitimized for such purposes, (an unlawful person is understood as one who does not have the relationship of kinship with the deceased , provided for in article 18 of Decree-Law No. 125/91).

- The resolutions issued granting rights that constitute discretionary power of the issuing authority are firm as of the notification and against it there is no recourse or procedure in the judicial or administrative way.
- When in doubt about any procedure, the specialist of the higher instance should be consulted before deciding.
- However, what is indicated in the related processes, if the parties propose the inclusion of any document, will be incorporated into the File, provided that the legal opinion has not been concluded, at the national level the presentation of new evidence is not allowed.
- The land will be inheritable by the relatives who work it.
- In conflict over land, the best right is for the one who works it.
- The land in usufruct is not transferable under any circumstances.
- The usufruct is personal.
- Whoever receives the land left by a deceased landlord in usufruct is not entitled to receive a pension and vice versa.
- The working age in Cuba is 17 years, therefore, minors of that age will not have the right to inherit the land.
- Legal consultants may only represent natural persons proving the authorization issued by the Minister of Justice.
- The taking of witness statements is made before a public official, those presented directly by the parties are dismissed.
- The application of article 37 is without violating what is established therein regarding the term and the inadmissibility of the resolution being challenged, and the pronouncement must be in the same sense as the actor's claim.
- The Legal Opinion must state the date of the presentation of the appeal or procedure and the date of notification of the resolution being challenged.
- The body that accredits the filial degree or marital status of natural persons is the Civil Registry, and it is mandatory that when it is not accredited, it is necessary to order that the civil process be carried out before the corresponding court.
- The disaffection of areas of agricultural use for non-agricultural uses corresponds to state areas, and in favor of state entities, never in favor of natural persons, the construction of works other than houses or for the investment

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process is not authorized (see Resolution 363 / 93 of the Minister of Agriculture).

- The declaration of non-agricultural interest to register the areas in the land tenure registry, is only for those who are not registered and must be very exceptional since in 2002 the courtyards were legalized and from the 1st of January 2004, according to the 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 Registry.
- The figure of the provisional administrator who authorizes article 32 of Resolution 24/91, is to protect potential heirs in the continuity of work on the land while the adjudication is concluded.
- The second paragraph of article 29 of Decree-Law 125/91, establishes that the state will adopt the measures that are pertinent to provisionally guarantee the exploitation of the land that is temporarily abandoned.