

Salient Features of Agrarian Reform Bills Filed/Pending in the House of Representatives (14th Congress)¹

Bill No./ Author / Title	Salient Features	Notes (IDEALS)
<p>HB 2219 Rep. Guillermo Cua An Act to Amend RA No. 6657, As Amended</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>10 years</u> for CARP implementation • No provision on additional appropriation 	<p>➤ Explanatory Note -- The author claims efforts to amend the substance of CARL are "much laudable" even as he states that it would be "wise to first ensure that the funds for the Program xx for the next several years are allocated." (Author is wary about the possible delays in the passage of proposed amendments to RA 6657, for whatever reason, including the inevitable debates in Congress on the proposals) does not address the implementation problems of CARP</p> <ol style="list-style-type: none"> 1. Re: Extension of Period (G. Cua – 10 years; Enverga/ Singson -- 5 Years) -- We need to achieve efficiency in CARP implementation and complete program targets at the shortest possible time. However, while a short time frame for the coverage/ distribution of "remaining" CARP lands is advantageous as this indicates a policy in favor of completing the program as soon as possible, the said period must still allow efficient implementation of LAD and related activities. We submit that the five (5) year period is probably too short to complete LAD considering the absorptive capabilities of CARP implementing agencies; ten (10) years should be sufficient
<p>HB 2948 Rep. Wilfrido Mark Enverga</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>5 years</u> for CARP implementation 2. Additional funding appropriation of Php <u>50 Billion</u> 	<ol style="list-style-type: none"> 2. See Note No. 1 above 3. Re: Additional Funding Appropriation -- By all indications, the proposed Php 50 B (Enverga, etc.) or even Php100 B (Lagman) additional appropriation may not be enough to cover the financial requirements of the program. Higher appropriation needed in view of budgetary projections for CARP LAD balances and other activities (projection as certified by the PARC EXCOM).² Nevertheless, consider PARC EXCOM -- certified data in conjunction with other data/ factors (e.g. updated data on balances and cost projections, automatic appropriations from the GAA of servicing for mature LBP/ other bonds paid as compensation for landowners)

¹ Prepared by the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), Inc. 15 December 2007

² Resolution Approving the General Policies, Proposed Plans and Budgetary Projections for the Implementation of the Comprehensive Agrarian Reform Program Beyond CY 2008. **Breakdown:**

Land Tenure Improvement	=	PhP 241,099,609,420.00
Agrarian Justice Delivery	=	PhP 8,153,626,861.00
Program Beneficiaries Development	=	PhP 78,041,833,107
Total	=	PhP327,295,069,388.00

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<p>HB 2280 Rep. Ronald V. Singson</p> <p>An Act Extending the Effectivity of the CARP, Amending for the Purpose the Comprehensive Agrarian Reform Law of 1988</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>5 years</u> for CARP implementation 2. Additional funding appropriation of Php <u>50 Billion</u> 3. Increase in the share of Support Service Delivery from the total CARP allocation to <u>50% from 25%</u> 	<ol style="list-style-type: none"> 4. See Note No. 1 above 5. Re: Increased funding allocation for Support Services (Singson – 50%; Lagman – 40%; Mitra – 50%) -- From the outset of the discussions on the post-2008 CARP question, IDEALS has been consistent in clamoring for enhanced delivery of support and other services for our agrarian reform beneficiaries (ARBs). The fundamental considerations for this are as follows: (1) the insufficiency of the quality and quantity of beneficiary and support services given to ARBs; (2) the fact that there are ARBs who have lost the lands awarded to them and many are still in danger of losing their lands, with the general lack of support and other services for making their lands productive and/or economically viable, being a major contributory cause to such loss (as such, CARP reversals are not merely due to CLOA cancellations and exemptions); and (3) the fact that, despite the shortcomings of the program, the number of ARBs in the country is significant and increasing. These engender our agreement to the proposals for the increase in the allocation for ARB support services from the total CARP appropriation.
<p>HB 328 Rep. Edcel Lagman</p> <p>An Act Sustaining the Implementation of CARP, Extending the Acquisition and Distribution of All Agricultural Lands, Providing Funds Therefor and for Other Purposes</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>5 years</u> for the “acquisition and distribution of all agricultural lands” 2. Additional funding appropriation of Php <u>100 Billion</u> 3. Increased share of CARP in the GAA to <u>Php 5 Billion from Php 3 Billion</u> per year 4. Increase in the share of Support Service Delivery from the total CARP allocation to <u>40% from 25%</u> 5. Increase in the number of ARCs to be established per year (<u>from 1 to 3 ARCs xxx /year</u> in legislative districts with a predominantly agricultural population) 6. Submission by the DAR of detailed annual <u>Progress Report</u> on CARP 	<ol style="list-style-type: none"> ➤ Rep. Lagman explained that only the period for doing LAD requires extension as this is the only CARP component that has a “deadline”; 6. Re: Extension of Period (G. Cua – 10 years; Singson/ Lagman / Mitra: 5 Years) -- See also Note No. 1 7. Re: Additional Funding Appropriation – As stated above (Note No. 3), the proposed Php100 B (Lagman) or Php 50 B (Enverga, Singson, Mitra..) additional appropriation may not be enough to cover the financial requirements of the program. Higher appropriation needed in view of budgetary projections for CARP LAD balances and other activities (projection as certified by the PARC EXCOM). Nevertheless, consider PARC EXCOM -- certified data in conjunction with other data/ factors (e.g. updated data on balances and cost projections, automatic appropriations from the GAA of servicing for mature LBP/ other bonds paid as compensation for landowners) 8. Re: Increased funding allocation for Support Services (Singson – 50%; Lagman – 40%; Mitra – 50%) -- We agree to the proposals for the increase in the allocation for ARB support services from the total CARP appropriation. -- See Note No. 5 above 9. Re: Increased share of the CARP in the GAA (Lagman/ Mitra: from 3B to 5B per year) -- The increase from P 3B to P 5B of the authorized share of CARP in the GAA is both desirable and justified. In fact, due to

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	<p>implementation to the Senate and the House of Representatives.</p> <p>➤ Provision that the appropriate Congressional committees may <i>motu proprio</i> or upon the request by a legitimate CARP stakeholder jointly conduct a <u>public hearing on the report</u>.</p>	<p>the critical value of the program, and given the “end-game” stage of its implementation, it would be best if all of CARP’s funding requirements be assured through the GAA. This would guard against funding instabilities commonly cited by CARP implementers as a one of the major culprits for the low performance of the agrarian reform program, principally in LAD. If this is not possible, then a substantial increase in the share in the annual general appropriations must be asserted and defended. This bill recommends that Php 5 B /year from the GAA allocated for agrarian reform (from Php 3 Billion annually under R.A. No. 8532). We find this to be reasonable even as the proponents should be advised to consider asserting a higher share during the deliberations on the CARP beyond 2008 bills.</p>
<p>HB No. 1265 Rep. Kahlil Abraham Mitra</p> <p>An Act Strengthening Further the Comprehensive Agrarian Reform Program (CARP) by Providing Augmentation Fund, Amending for this Purpose Sections 2, 36 and 63 of RA No. 6657 xxx, Directing the Conduct of a Process for Carp Impact Validation, and for Other Purposes</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>5 years</u> for program implementation 2. Additional appropriation of Php <u>50 Billion</u> 3. Increased share of CARP in the GAA to <u>Php 5 Billion from Php 3 Billion</u> per year 4. Increase in the share of Support Service Delivery from the total CARP allocation to <u>50% from 25%</u> 5. Increase in the number of ARCs to be established per year (<u>from 1 to 3 ARCs xxx /year</u> in legislative districts with a predominantly agricultural population) 6. Creation of an <u>Oversight Committee</u> composed of 3 Reps. each from: Senate, HR, DAR, DA, DENR <p>➤ Committee to meet once every year “to submit a report to the Senate and the HR on their <u>evaluation as to the performance</u> of the agrarian reform program.”</p>	<p>10. Re: Proposal for the Submission of Annual Progress Report (Lagman) / Creation of an Oversight Committee (Mitra)</p> <p>The submission of an annual detailed progress report could be done even under the existing “legislative -- executive mechanisms” wherein Congress performs or should perform general oversight functions over executive agencies in relation to the implementation of laws.</p> <p>To ensure the sustainability of the program, IDEALS endorses the creation of the proposed Oversight Committee even as the submission by the DAR of an annual detailed progress report on CARP implementation would necessarily be covered by the functions of this committee. As to its membership, we have proposed that two (2) representatives from the major agencies involved in the implementation of CARP³ be included instead of 3 each from the DAR, DA, and DENR. Moreover, to be a truly functional, it must be required to meet more than once in every year.</p>

³ DAR, DA, DENR, LBP, LRA, etc.

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<p>HB No. 743 Rep. Junie E. Cua</p> <p>An Act Strengthening the CARP, Further Amending for the purpose Sections 63 and 37 of RA 6675, as amended, otherwise known as the CARL of 1988</p>	<p>Provides for:</p> <ol style="list-style-type: none"> 1. Extension of <u>10 years</u> for program implementation 2. Additional funding appropriation of Php <u>162 Billion</u> 3. <u>"Farmland as Collateral"</u> (FAC) <p>Directive on all financial institutions to accept ARBs' CLOAs/ EPs or leaseholders' Market or Purchase Orders or expected harvest as collateral for loans</p> <ul style="list-style-type: none"> ➤ The loan should be in an amount consistent with existing financial practices ➤ The loans obtained shall be used for: improvement or development of the farmholding or establishment of facilities that will enhance the production or marketing of agri. products or increase farm income 	<ol style="list-style-type: none"> 11. Additional period of 10 years for LAD completion: Considering the projected balance of around 1.078 million hectares with the quantitative levels of DAR performance in terms of in LAD, the period may be sufficient to complete land transfer activities relative to the said balance; 12. Re: Additional Appropriation: The amount Php162 B may be substantial but the same falls short of the Php 327 Billion which is the PARC estimate of the cost of CARP implementation (to complete the LAD balance and for Program Beneficiary Development and Agrarian Justice Delivery for a period of ten years). See also observations in Note No. 3 above; 13. Re: FAC Provision Compared to FAC proposals assaulted with serious dissension in the past, this FAC provision presents relatively less dangers of land reconsolidation and, in general, reversal of the gains of the agrarian reform program on account of the "onerous provisions" that were proposed alongside the recognition of the collateral value of awarded lands. SB No. 2553 was the most prominent of these dangerous FAC Bills. Its onerous provisions seek to: <ol style="list-style-type: none"> (a) Lift the ten-year prohibition period on the sale, transfer, lease, usufruct or conveyance of awarded lands (and the necessary removal of the restriction on the modes of transfer of the awarded lands – which is limited to transfer through hereditary succession, to the DAR, Landbank, or government); (b) Lift the five-hectare landholding ceiling or limit in the acquisition and ownership of private agricultural lands by any person; (c) Allow the mortgage of awarded lands to any person with a 2-yr. redemption period; (d) Allow the sale, transfer, conveyance of ownership of distributed and retained lands to any person without limit size; (e) Introduce a new tenure system of selling and mortgaging cultivation rights; (f) Remove the notice of availability of lands by the LBP to the BARC; and (g) Do away with DAR's approving authority re: the sale, transfer and conveyance of agricultural lands. <p>This Bill does not feature any of the changes / proposals listed above, making HB 743 relatively "harmless" compared to SB 2553 (or any of its precursor bills), which reveals the intention of liberalizing agricultural land market in the country even if the same would jeopardize whatever agrarian reform gains have been achieved.</p>

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<p>HB No. 2083 Rep. Junie E. Cua</p> <p>An Act Strengthening the CARP, Further Amending for the purpose Sections 63 and 37 of RA 6675, as amended, otherwise known as the CARL of 1988</p>	<ul style="list-style-type: none"> ▪ Essentially the same as HB 743; the only difference is that this bill supplemented the section on “FAC” of HB 743 by adding the following provisos: <ol style="list-style-type: none"> 1. That where there is failure of repayment and foreclosure supervenes – the property forthwith shall be transferred to the DAR for redistribution to other similarly qualified beneficiaries; 2. That the beneficiary whose land has been foreclosed shall permanently be disqualified from becoming a beneficiary under this Act. 	<p>If any, the objection against the farmland collateralization provision of HB 743 lies in its lack of promise to introduce any real improvement in the access to credit of beneficiaries⁴ and the lack of complimentary provisions setting up additional safeguards – such as guarantee arrangements -- to protect the interest of beneficiaries, even while they choose to take on loans backed up by their EP or CLOA as collateral.</p> <p>14. This proviso presents underscores a policy in favor of immediate land transfer to ARBs through the agrarian reform program.</p> <p>15. To a certain extent, this proviso presents a disincentive to mortgaging awarded lands.</p>
<p>HB No. 935 Rep. Reno G. Lim</p> <p>An Act Strengthening the CARP by Providing Additional Funding and amending for this Purpose Sections 63 and 37 of RA 6657, as amended xxx, thereby directing the conduct of processes for a more efficient CARP Implementation and Appropriating funds therefor;</p>	<ul style="list-style-type: none"> ▪ This bill is virtually the same as HB 743. The only difference between the bills is as to the directive on the amount of loan that must be allowed the ARB who presents his/her CLOA or EP as collateral. Thus, HB 743 provides that the loan amount must be that which is “consistent with existing financial practices”; the Lim bill directs that the loan amount must not be less than 60% of the face value of the collateral. 	<p>16. Same with HB. No. 743; We adopt Note Nos. 10-12 relative to the pertinent provisions of this bill.</p>

⁴ Given the general reluctance of financing institutions to lend to farmers / beneficiaries because of their low absorptive capacity, high default rate experienced by institutions lending to the agricultural sector, among others.

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<p>HB 1257 Rep. Risa Hontiveros-Baraquel</p> <p>"An Act Accelerating the Completion of the LAD component of the CARP by providing automatic appropriation thereof, and addressing major implementation problems of the Program, amending for the purpose RA 6657, as amended, otherwise known as the CARP Law of 1988, and EO 129, as amended"</p>	<ol style="list-style-type: none"> 1. "Extension" <ul style="list-style-type: none"> • LAD Completion within <u>7 years</u> (from 2008) – "fully implemented by 2015" • Other program components -- Indefinite 2. Proposes the automatic appropriation by government of 3.8 of the annual national budget for CARP, which shall not be less than Php 38 Billion/ year <ul style="list-style-type: none"> • Until LAD is completed – 70% to be allocated for LAD // 30% to Support Services • Upon completion of LAD – 100% to be allocated for support services and agrarian justice delivery 3. Adds "10% of the annual gross income of PAGCOR and PCSO" in the list of sources of the ARF 4. Increase to 30% (from 25%) of the allocation for PBD out of the total appropriations for CARP. 1/3 of the 30% shall be allocated for subsidies to support the initial capitalization for agricultural production upon the awarding of the EP/CLOA 5. Creation of an <u>Oversight Committee</u> composed of: <ul style="list-style-type: none"> • 3 Reps. each from the Senate; • 2 Reps each from " agencies involved in the program" <ul style="list-style-type: none"> ➤ Committee to meet once every year "to submit a report to the Senate and the HR on their <u>evaluation as to the performance</u> of the agrarian reform program." 6. Provision for the conduct of a CARP Accomplishment Validation 7. Numerous and substantial amendments to pertinent provisions of RA 6657, <u>including</u>: 	<ol style="list-style-type: none"> 17. Additional period of 7 years for LAD completion: Considering the projected balance of around 1.078 million hectares with the quantitative levels of DAR performance in terms of in LAD, the period may be workable to complete land transfer activities relative to the said balance; 18. Continuous funding for all other program components of CARP affirms continuing nature of the need to respond to requirements of Support Services and Agrarian Justice delivery; 19. See Note No. 5 above; 20. Similar to a provision of the HB 1265 (Mitra); thus, see Note No. 9 above; 21. The proposed provision on CARP accomplishment Validation reflects what the stakeholders in the entire country have been calling out for -- a process to determine the extent of CARP implementation and a mechanism by which the designated institutions may be held accountable for the delivery of the various services required by law to be extended to the program's various stakeholders. In CARP's almost 20 years of implementation, the data as to its accomplishment in the area of land acquisition

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	<p>a. Enhancement of the provision on the Declaration of Principles and Policies of AR by:</p> <ul style="list-style-type: none"> ▪ Providing AR is an exercise of the 3 inherent powers of the State (eminent domain, police power, taxation) ▪ Promotion of gender equality in terms of rights as ARBs and access to support services ▪ Etc. <p>b. Amendments in the Section of Definition of Terms</p> <ul style="list-style-type: none"> ▪ Enhancement of the definition of AR to make it explicitly state that the same is the “direct and physical” redistribution of lands xxx; ▪ Clarification of the definition of “Agricultural Lands” by including the phrase “suitable for agricultural activity” as a benchmark in qualifying parcel of land as agricultural; ▪ Introduction of a provision defining “all other qualified beneficiaries”; ▪ Incorporating a definition of “Actual and Physical Introduction of a definition of “Rural Women”; <p>c. Providing for additional conditions for a child of the landowner to be considered a preferred beneficiary;</p> <p>d. Providing that the child of landowner shall not be considered a preferred beneficiary if land is tenanted;</p> <p>e. Providing that the DAR shall, on its own, determine the landowner’s retention area within 60 days from the posting of the notice of coverage;</p> <p>f. Providing that titles issued in violation of RA 6657 shall be annulled xxx and a new title in the name of the RP shall thereafter be issued;</p> <p>g. Providing for the incorporation of the value of visible crops planted by the landowner at the time of valuation in the valuation of the property;</p> <p>h. Prohibition of SDO, lease back and other non-distributive schemes; review of the non-distributive schemes for the purpose of direct and physical distribution to ARBs;</p> <p>i. Provision enumerating the elements of tenancy; provision on the establishment of tenancy;</p> <p>j. Provision directing the strict review and monitoring of the PARC of VLT arrangements; directing that all VLT arrangements shall be subject to the approval of the PARC</p>	<p>and distribution, delivery of support services, access to agrarian justice, and other related areas have been criticized for being inaccurate, inconsistent, or conflicting. The problem is exacerbated by the fact that efforts to assess the accomplishment of the CARP and to validate its impact on the stakeholders, have been done with very limited, if any participation by the beneficiaries, concerned CSOs, and other agrarian reform stakeholders.</p>

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	<ul style="list-style-type: none"> k. Providing for the Indefeasibility of EPs/CLOAs after 1 year from registration; l. Provision giving the DARAB original and exclusive jurisdiction in the cancellation of registered CLOAs and other titles issued under the AR program; m. Provision imposing Tax on Idle and Big Landholdings; n. Provision directing the LGU to expropriate the idle and unproductive landholding; o. Provision on payment of amortization by ARBS -- to start one year from the date of actual, physical, and continuous physical possession of the awarded land; p. Provision lengthening the period of prohibition for the sale/ transfer of awarded lands to 30 yrs (fr. 10) q. Reorganization of the DAR r. A yearly target of not less than 200,000 has. every year for 7 years for LAD s. Clarification of the old provision on Conversion; provision that failure to implement the conversion plan within 5 years from its approval shall cause the land to be automatically covered under the CARP; t. Provision -- that DAR Decision is final despite an appeal to the RTC, Ct. of Appeals or Supreme Court; u. DAR has Exclusive Jurisdiction on Agrarian Related Dispute; referral of the case to the DAR for determination of tenancy relations, or agrarian dispute when an ejectment, estafa, qualified theft, and other similar cases by the Court or Prosecutor. v. Increase of the Penalties: violation of Sec.73 (E), in relation to Sec. 4 Par. 6 is punishable by imprisonment of 6 years and 1 day to 12 years and/or a fine of PHP 100,000 to PHP 500,000 or both at the discretion of the court. If the landowner or his or her agent commits the act describe in Sec. 73 (D) he shall be punished by imprisonment of 20 years and/or a fine of one million pesos (Php1,000,000) at the discretion of the court. w. Creation of Interagency Committees task to plan, implement and monitor all support service undertakings in coordination with local stakeholders (Sec. 28) 	