



Agrarian Justice Foundation, Inc.

POSITION PAPER ON HOUSE BILLS PROPOSING THE EXTENSION AND ACCELERATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (House Bills Nos. 328, 743, 1257, 1265, 2083, 2219, 2280)

In general, the Agrarian Justice Foundation, Inc. (AJFI) supports all of these House Bills as they all propose the extension of the funding authority for the Comprehensive Agrarian Reform Program (CARP), albeit for different periods of time, with different budgetary appropriations, and with varying complexities of the proposed amendments to the original CARP Law, R.A. 6657. (We note, however, that H.B. 2083, introduced by Rep. Junie Evangelista Cua, is an amended version of H.B. 743, also introduced by Rep. Junie Cua. We, therefore, assume that H.B.743 has been withdrawn, or will be withdrawn, by Rep. Junie Cua. We also note that the above list does not include the House Bill that was reported in the newspapers to have been introduced by Representative Crispin Beltran of the Party List Anak Pawis, billed as the "Genuine Agrarian Reform Bill" or "GARB".)

The AJFI supports all these House Bills because it is of the opinion that the most important and urgent amendment to R.A. 6657 (as amended by R.A.8532) is the extension of the funding authority for the CARP. Without such an amendment, CARP will simply "slip into oblivion" when the current funding authority under R.A. 8532 expires in June 2008.

Of course, given a choice, the AJFI would like to see the House Bill that introduces the most number of improvements to the implementation of CARP passed. This is House Bill No. 1257, introduced by the Honorable **AKBAYAN Party List Representative Ana Theresia Hontiveros-Baraquel**, with the rather long title of **"AN ACT ACCELERATING THE COMPLETION OF THE LAND ACQUISITION AND DISTRIBUTION COMPONENT OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP), BY PROVIDING AUTOMATIC APPROPRIATION THEREOF, AND ADDRESSING MAJOR IMPLEMENTATION PROBLEMS OF THE PROGRAM, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6657, AS AMENDED, OTHERWISE KNOWN AS "THE CARP LAW OF 1988" AND EXECUTIVE ORDER 129, AS AMENDED"**.

Position Paper of the Agrarian Justice Foundation, Inc. (AJFI) on House Bills for the Extension & Acceleration of the Comprehensive Agrarian Reform Program (CARP), presented at the Hearing of the Committee on Agrarian Reform of the House of Representatives on 21 November 2007.

Indeed, our experience with the implementation of the CARP for the past 19 years show that the Program is “full of holes”, so to speak. “Holes” through which much of the promised benefits to our agrarian reform beneficiaries have “leaked”, and continue to “leak”, thus severely diluting the great promise of what has been hailed as the “centerpiece program” of the Aquino Administration, under which the original CARP Law was passed.

In fact, the implementation of the CARP is so full of “holes” that some quarters have even taken the position that **it is better not to extend the Program if it could not be extended with the much-needed reforms.**

However, we differ with those who take this position. While we agree that a CARP that is full of “holes” will not be able to fulfill all that it has promised in the beginning, a **“no CARP extension” scenario is worse in that there is nothing at all that could be achieved anymore after June 2008 under such a scenario.** This means that all the tenant farmers and farmworkers who are still waiting to receive their piece of land will no longer do so. This means also that those agrarian reform beneficiaries who are still waiting for the support services that they need to make their awarded lands productive will no longer receive those services. The result will be: more awarded lands being mortgaged or sold by their beneficiaries, because they cannot afford the agricultural inputs that are needed to make those lands productive. Better to try their luck in the cities as unskilled laborers, thus swelling the ranks of the unemployed and the “informal settlers”!

No, a “no CARP extension” scenario is **not acceptable**, Your Honors.

However, **neither is a “business-as-usual” CARP extension scenario**, as proposed by the Honorable Guillermo P. Cua in House Bill 2219, as we understand it.

If the Honorable Members of this Committee are unable to agree on **all** the amendments that are being proposed by the different House Bills, then we humbly submit that they should, at least, agree upon the following amendments which, we believe, are minimum requirements to ensure that the CARP extension scenario will be one that will be truly beneficial to the agrarian reform beneficiaries, even if they will not be able to deliver in full all the promises of R.A. 6657. These proposed minimum amendments are as follows:

- 1. An amendment that requires DAR to exhaust all efforts to convince the first priority beneficiaries of CARP, particularly the regular farmworkers in plantations, to sign up for the Program before selecting the second or third priority beneficiaries in lieu of the first priority beneficiaries.**

Many of the conflicts that have arisen over the past 19 years between groups of farmworkers in plantations that have been covered under the CARP – the recent, well-publicized conflict between two groups of farmworkers over the Cuenca Property in Negros Occidental that resulted in several deaths is just one example of this – have been due to **the haste with which DAR has awarded the lands to the second or third priority beneficiaries after the first priority beneficiaries have initially refused to sign up for the Program** for various reasons (either for fear that their services will be terminated by the landowner if they sign up to be CARP beneficiaries; or for lack of information on their rights and obligations under the Program; or simply for believing that they are better off remaining as farmworkers). This haste, in turn, is due to the performance evaluation system of DAR, where its personnel, from the Secretary of Agrarian Reform, down to the Municipal Agrarian Reform Officers or MAROs, are pressured to meet their annual targets for lands acquisition and distribution. Indeed, as the end of each year draws near, there is a frantic rush in all the DAR offices nationwide to acquire and distribute as much land as possible, in order to meet, if not surpass, these targets. (Visit the office of any DAR Regional Director, Provincial Agrarian Reform Officer, or Municipal Agrarian Reform Officer and you are likely to see that the most prominent feature of the office is a chart that shows the status of the lands targeted for distribution to the CARP beneficiaries.!)

2. **An amendment that brings the full force of the law to bear upon landowners who refuse to allow agrarian reform beneficiaries to occupy and cultivate the lands awarded to them even after all prescribed requirements have been met and all legal questions have been settled.** While the original CARP Law (R.A. 6657) already penalizes (under Section 73) “(A)ny prevention or obstruction by any person, association or entity of the implementation of the CARP”, **we still have to see a single landowner brought to court and convicted for this offense!** (This is one of the amendments proposed in H.B. 1257.)
3. **An amendment that provides that criminal cases filed against farmers, farmworkers, their relatives or co-workers shall automatically be referred by the Prosecutors to the DAR if there is an allegation from any of the parties that the case is agrarian in nature, or if the Prosecutor has reason to believe that the case is actually an agrarian dispute.** This provision (which is also among the amendments proposed in H.B. 1257) is to provide relief to the agrarian reform beneficiaries, whether actual or potential, and their relatives and co-workers, who are brought to court by landowners on fabricated criminal charges (usually of estafa, theft or qualified theft) in order to hamper the implementation of the CARP. This