

On House Resolution No. 80

Amidst the debate and controversy surrounding the extension of the Comprehensive Agrarian Reform Program (CARP) in view of its expiration next year, the resolution **filed by the Honorable Representatives Satur Ocampo, Crispin Beltran, Liza Maza, Teodoro Casino and Luzviminda Ilagan** should be subjected to serious scrutiny.

Entitled a “**Resolution Expressing the Sense of the House of Representatives Against the Extension of the Comprehensive Agrarian Reform Program (CARP) Because it Has Failed to Implement Actual Land Distribution to Landless Farmers**”, said resolution raises several noteworthy points and contains many valid premises.

Indeed, the almost twenty years of CARP implementation have stood witness to a wide gamut of problems that have impacted heavily and adversely on the right of the farmers to till their own lands. The lack of political will on the part of the Department of Agrarian Reform (DAR) to implement the law, especially in contentious landholdings, has largely been responsible for the failure to meet redistribution targets. Recalcitrant landowners have resorted to creative legal gymnastics in order to retain their landholdings, such as the filing of unfounded exemption, conversion, and related cases -- and even if farmer-beneficiaries have already been issued their land transfer certificates. Numerous landholdings, such as Hacienda Luisita, have been subjected to the non-land transfer scheme of Stock Distribution Option or allowed to be subject of leaseback agreements and other corporate venture schemes which the Comprehensive Agrarian Reform Law (CARL) had allowed.

Policy problems have been compounded even further by various extralegal maneuvers being employed by landowners, including the filing of criminal cases to harass and intimidate the farmers -- sometimes even resorting to the use of physical violence and scare tactics. In Hacienda Velez Malaga owned by Roberto Cuenca, a total of eleven peasant leaders had been killed between 2001 and 2007. Bondoc Peninsula has long been in the glare of publicity for being a hotbed of agrarian violence against farmers who merely want to claim a stake in the government’s agrarian reform program. Manifested in various, even systematic forms of harassment and/or physical violence, the commission of these acts have invariably been attributed to state actors (e.g. police) and non-state actors including landowners, their hired goons, and even elements of the New

People's Army.¹ By and large, national and local government structures are routinely being abused to guarantee impunity.

Given this landscape, it is all too easy to make the call against the "extension" of RA 6657. But while the premises of our honorable representatives are valid and based on documented evidence, the conclusion reached should be reexamined. We submit, that in the absence of real and concrete alternatives, eradicating CARP altogether will only eliminate the already scant protections granted under the law to farmers and farmworkers in relation to their land tenure rights.

Without the CARL, agrarian reform advocates would be rendered bereft of any legal basis on which to anchor calls for distribution of lands to the farmers and farmworkers that till the same. Under the rule of law, the power to take lands from landlords with huge tracts of lands and redistribute them is a power that only the State can exercise. Legally, no other entity or institution is clothed with that power. Likewise, the provision of support services post-redistribution cannot be relegated to any other entity. Hence, it is well nigh impossible to envision an agrarian reform program that is not state-sponsored or does not make use of state mechanisms. Operating within that framework and cognizant of that limitation, calling for the termination of the CARL in 2008 would only entrench even deeper landed interests and make the status quo even harder to dismantle.

Moreover, the 1987 Constitution mandates that the "State shall undertake an agrarian reform program founded on the right of farmers and regular farmworkers who are landless to own directly or collectively the lands that they till." There is therefore a clear imperative to maintain in place a mechanism to forward this guiding principle.

The long list of problems with regard to the implementation of the existing agrarian reform program should not be a reason to eliminate the program altogether, in the absence of any other sustainable and viable alternative. Rather, the operational "expiration" of CARP in 2008 should be seen as an opportunity to lobby changes that reflect experiences on the

¹ See "Land, Life, and Justice," An NGO Report on Agrarian Reform and Human Rights Situation (Presented by PAHRA, et. al.), June 06 (<http://72.14.235.104/search?q=cache:CvzIEFqXJKOJ:pinoyhr.net/reports/PARRDS1>); "Philippines: Landless tenants suffer harassment and hunger in Bondoc Peninsula," featured in FIAN Letter Campaign 0607UPHL http://www.fian.org/live/index.php?option=com_urgentactions&Itemid=81&ualD=61; "Escalating Harassment and Criminalization of Agrarian Reform-Related Cases In Bondoc Peninsula, Quezon Province, an Urgent Action Request posted in the Asian Human Rights Commission-Urgent Appeals Programme web page <http://www.ahrchk.net/ua/mainfile.php/2006/1900/>);

ground and attempt to provide solutions to address persisting issues of landlessness, rural poverty and disenfranchisement.

Truly, genuine agrarian reform can only take place in a setting wherein there is a State that: (1) understands the strategic importance of agrarian reform in eliminating rural poverty, (2) has the political will to break away from the hold of the landed class amidst a climate of political favors and clientelism; and (3) has a functioning and efficient bureaucracy that will speedily implement the program without fear or favor.

This does not mean, however, that failure to meet these criteria should result in a shelving of the agrarian reform program. There is much more to be lost than to be gained by relinquishing CARP at this particular juncture. If we are to move forward, then the incremental gains accrued from CARP should be preserved, the protections it affords to farmers and should be maintained, and the deficiencies and infirmities in its provisions should be corrected.//