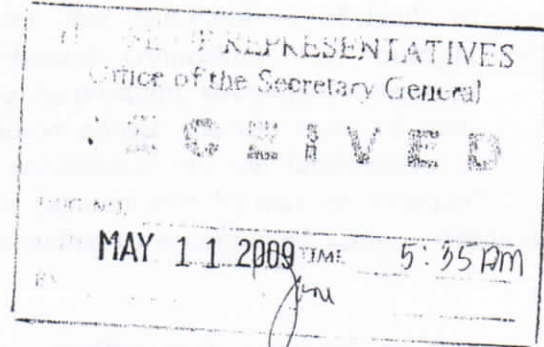




COMMITTEE ON AGRARIAN REFORM

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11 May 2009

The Honorable
SPEAKER PROSPERO C. NOGRALES
House of Representatives

Dear **Speaker Nograles**:

We have the honor to transmit herewith an Addendum to the Report of the Technical Working Group (TWG) on the Law on the Comprehensive Agrarian Reform Program (CARP), which explains the recommendations made therein.

Thank you.

Truly yours,

The Technical Staff
COMMITTEE ON AGRARIAN REFORM

Proby Castillo
5/11/09

ADDENDUM TO THE TWG REPORT

(An Explanation on the Recommendations Made in the Final TWG Report)

1. **that issues on landowners' compensation be addressed through appropriate administrative action instead of including it in a general legislation**

Although the issues raised on delayed payments and non-payment of lands to landowners are valid concerns, Attorney Monsod commented that outright compensation cannot be a condition in continuing the program, stressing on the point that a general legislation cannot be made to accommodate specific cases of non-compensation of landowners. The difficulties encountered by the landowners in complying with the documentary requirements for payment may be remedied or settled administratively by DAR, without prejudice to a continued compulsory acquisition of lands.

2. **to continue on using Sec. 17 of RA 6657 on dealing with concerns on just compensation as this provision is deemed as sufficient**

Sec. 17 of RA 6657 deals with the determination of just compensation, to wit:

“In determining just compensation, the cost of acquisition of the land, the current value of like properties, its nature, actual use and income, the sworn valuation by the owner, the tax declarations, and the assessments made by government assessors shall be considered. The social and economic benefits contributed by the farmers and the farmworkers and by the government to the property as well as the non-payment of taxes or loans secured from any government financing institutions on the said land shall be considered as additional factors to determine its valuation.”

3. **reinstatement of compulsory acquisition as a mode of land acquisition and distribution**

It was emphasized that compulsory acquisition should be reinstated as the *primary mode of acquisition*. This was explicitly removed by virtue of Joint Resolution No. 1 (JR 1) which was approved on 23 January 2009). The fact remains that voluntary offer to sell (VOS) and voluntary land transfer (VLT) are *mere alternative modes*.

4. to add another paragraph in Sec. 6 of HB 4077, as suggested by Attorney Hernandez, to read as follows:

“THE TITLE OF THE LAND AWARDED UNDER AGRARIAN REFORM MUST INDICATE THAT IT IS AN EP OR CLOA AND SUBSEQUENT TRANSFER MUST ALSO INDICATE THAT IT IS AN EP OR CLOA.”

Attorney Hernandez explained that the above-cited provision will prevent the farmer beneficiaries (FBs) from selling their lands distributed through CARP. It was said that developers have financed EP and CLOA holders to subdivide their land from one (1)

to two (2) has. into sublots of 2,000 to 3,000 sq.m. and sold the same as commercial/industrial lots particularly along highways through the Registry of Deeds which cancelled said EPs/CLOAs and issued ordinary Transfer of Certificate of Titles (TCTs) allowing buyers to claim good faith in buying such agricultural lands.

5. **to revise the provision pertaining to gender responsive support services (Sec. 5 of HB 4077)**
 - a. **to delete the word AND/OR REPRODUCTIVE in line 15**
 - b. **delete AND/OR FISHING in line 16**
 - c. **remove the last sentence on lines 17, 18, and 19**
 - d. **to add the phrase “AGRICULTURAL AND/OR HOUSEHOLD/FAMILY-BASED labor”, in lieu of AND/OR REPRODUCTIVE in line 15**
 - e. **insert after the word ‘labor’ in line 15 and before the word ‘engage’ in line 16, the phrase “INCLUDING HOME AND FAMILY MANAGEMENT, OR WOMEN WHO ARE”**

The apprehension of using the term ‘reproductive labor’ stemmed from the idea that such which may be interpreted differently to open demands for reproductive health services as part of support services to rural women.

It was further elaborated that the term ‘household based labor’ with reference to rural women has its common understanding and usage, which is, that it refers to women/mothers’ work in the farm-family home in the nurturance of her family—her spouse, their children, and the extended family.

6. **to possibly increase the proposed funding allocation from Php100B to Php147B if DAR would be able to substantiate the need for such amount**

House Bill 4077 proposes a Php100B allocation for the five (5) year CARP extension while the Senate Bill 2666 provides for a Php147B allocation, which is more proximate to the Php 162B ballpark figure estimate of the Presidential Agrarian Reform Council (PARC). The version of Rep. Junie Cua which stipulates a Phph162B allocation is based on the PARC ballpark figure. The TWG members posited that the House members may be open to increase the budget for the five (5) year extension perhaps up to Php 147B—as stipulated in the Senate version if DAR can substantiate its budgetary requirements.