DAR Celebrates — CARP’s 31st YEAR

By Resurreccion Arcaina

The Department of Agrarian Reform (DAR) celebrated last August the 31st year of the Comprehensive Agrarian Reform Program (CARP) implementation by lining up various activities at the DAR compound.

CARP is a social justice government program initiative that aims to grant landless farmers and farm workers ownership of agricultural lands. It is implemented through Republic Act No. 6657 signed by former President Corazon Aquino in 1988.

With the theme “DARE2Give It All: Simula ng Ika-2 Yugto ng Repormang Agraryo. Bagong Batas at Serbisyo ang Kailangan sa Pamamahagi ng lahat ng lupaing Agraryo”, DAR appeals for the continued implementation of the CARP.

Agrarian Reform Secretary John R. Castriciones said the agency’s fast-tracking of land acquisition and land distribution is in line with the President’s directive to hasten the implementation of CARP.

“The DAR’s mandate is to distribute land to the landless farmers because the root of poverty among our farmers is the insufficient lands to till,” Castriciones said.

Kicking off the celebration was a fun run led by Castriciones. Participants included CARP farmer-beneficiaries, employees of the DAR and other CARP-implementing agencies. The event signified the farmers’ appeal for the continued provision of support services by the DAR.

A human chain formation followed as the DAR’s response, signifying the department’s unity to continue providing assistance to the farming sector.

Oath-taking of newly promoted DAR Officers and Officials with Secretary Castriciones with Undersecretary for Support Services Office (SSO) Emily O. Padilla and Quezon City Mayor Josefina “Joy” Belmonte was also conducted during the opening ceremony.

The highlight of the day was the mass distribution of land titles to farmer-beneficiaries led by President Rodrigo Roa Duterte, together with Secretary Castriciones, at the DAR gymnasium.

To acknowledge the active role and contribution of the youth for the desired success of agrarian reform in the country, the DAR also held an on-the-spot poster making contest joined by young farmers and agriculture students.

Other highlights of the celebration included a Young Farmers’ Forum and an orientation on the Magna Carta of the Poor.

DUTERTE GRACES 31ST CARP’S ANNIVERSARY, DISTRIBUTES LAND TITLES TO BENEFICIARIES

By Richard B. Gallardo

MORE than 46,000 agrarian reform beneficiaries were freed from the bondage of the soil last August after President Rodrigo Roa Duterte distributed 47,377 land titles, covering 71,198.35 hectares of agricultural land, at the Department of Agrarian Reform (DAR) central office in Quezon City.

Agrarian Reform Secretary John R. Castriciones described the land distribution of the Philippines as “very special” after it marked the 31st anniversary of the world’s longest running land reform program.

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More than half or 24,605 of the 46,338 farmer-beneficiaries were from Central Luzon, 11,859 from Calabarzon, and 9,874 from Mimaropa.

The farmer-beneficiaries from Mimaropa, however, get the lion’s share of the distributed farmlands at 29,095.45 hectares. Central Luzon farmer-beneficiaries received 20,982.96 hectares and Calabarzon, 21,119.94 hectares.

President Duterte has previously directed all government agencies to turn over to the DAR all government-owned farmlands and place them under CARP coverage for distribution to landless farmers.

“Instead of keeping them idle, we might let the farmers till them and make them productive,” Duterte was quoted as saying.

The CARP is the only land reform program that is being implemented democratically, for which it earned the distinction of being the world’s longest running land reform program.
FREE FARM LANDS IN PROPOSED LAND REFORM BILL

By Richard B. Gallardo

FREE agricultural lands await potential agrarian reform beneficiaries (ARB) if and when the proposed bill for the second phase of the country’s land reform program passes the scrutiny of the Congress.

“So far, the signal on the ground looks positive in so far as the House of Representatives is concerned,” Undersecretary Luis Meinrado Pangulayan of DAR’s Legal Affairs Office said in November 7, shortly after a hearing called by the House Committee on Agrarian Reform inside the Batasang Pambansa Complex in Quezon City.

Pangulayan headed the team of the DAR officials and employees, including Undersecretaries Lucius “Junjun” Malsi of the Finance, Management and Administration Office, and Virginia Orogo of the Policy, Planning and Research Office, who attended the organization meeting and orientation on the latest updates in the land reform program.

Pangulayan said Committee Chairman, Ilocos Norte Rep. Solomon Chungalao and the rest of the committee members have expressed their all-out support to the said proposed bill.

“The committee chairman (Chungalao) and all the members have agreed in principle to act as principal authors of our proposed bills,” Pangulayan said.

The DAR undersecretary stressed, however, that the benefits to be gained from the proposed bill are not only for potential beneficiaries.

“There are also for those who have already been awarded with farmlands,” Pangulayan said.

Under the bill, state subsidy shall be extended to ARBs with still unpaid amortizations and interest charges, while those who have fully paid the 30-year amortization shall be given preference in new package of support services – access to credit facilities and automatic qualification to various support services, such as, housing and education, among others.

Castriciones added: “The success of our proposed bills, was already handed to the House Committee on Agrarian Reform, seeking the transformation of the DAR into the Department of Rural Development.”

He stressed that the proposed bill is necessary “to promote social justice and move the nation toward sound rural development and industrialization, and the establishment of owner-cultivatorship of economic-size farms.”

“The promotion of social justice in all phases of national development is the primordial responsibility of the State. It includes the commitment to create economic opportunities based on freedom of initiative and self-reliance,” Castriciones said, quoting a provision of the proposed bill, “An Act Transforming the Department of Agrarian Reform into the ‘Department of Rural Development,’ Mandating its Functions and Providing Funds Therefore and for Other Purposes.”

Earlier, the House committee, headed by Chairman Solomon Chungalao, expressed their all-out support to the proposed bill, as well as, to another pertaining to the second phase of the country’s land reform program.

Among the notable provisions in the proposed bill for the second phase of the land reform program is the free distribution of agricultural lands to potential agrarian reform beneficiaries, provision of subsidy to those with still unpaid amortizations and interest charges, and preferential accommodation in the provision of new package of support services to those who already paid in full the 30-year amortization.

Among the new packages of support services for farmer-beneficiaries are access to credit facilities and automatic qualification to various support services, such as, housing and education, among others.

“The committee chairman (Chungalao) and all the members even agreed in principle to act as principal authors of our proposed bills,” Pangulayan said shortly after the meeting between the house committee and DAR officials.

Castriciones said the pursuit of rural development strategy through land tenure improvement and provision of essential support services seeks the end goal of improving agricultural productivity and farm income of small farmers.

“It optimizes the productive potentials of the agricultural sector, alleviates poverty and curtails lawlessness in the countryside through equal access to productive assets like land, provisions of new packages of support services and marketing assistance of produce from awarded lands,” he said.

Castriciones added: “The success and sustainability of the agrarian reform program is determined by the increased productivity and economic growth of beneficiaries, and the maintenance of awarded land ownership within the beneficiaries or its immediate family members.”
ANTI-RED TAPE AUTHORITY LAUDS STREAMLINED SERVICES

By Pinky F. Roque

The Department of Agrarian Reform (DAR) was recently applauded by the Anti-Red Tape Authority (ARTA) for the streamlining and improvement of its critical services.

In a letter dated July 4, 2019, Director General Ernesto V. Perez, officer-in-charge of ARTA “commend(ed) the efforts of DAR” to speed up and simplify its processes.

“We commend the efforts of DAR in implementing changes in support of the implementation of R.A. 11032 or the ‘Ease of Doing Business and Efficient Delivery of Government Services Act of 2018.’” Perez wrote Undersecretary Lucius Jun-Jun G. Malsi of DAR’s Finance, Management and Administration Office.

The actions required in availing of DAR’s critical services in its central and regional offices have been cut by up to eight steps which results to faster turn arounds by up to 65 days.

Steps in the application for land use conversion under the Regional Land Use Conversion Committee of DAR’s Regional Offices have been reduced by half, down to eight from 16. Expected completion is now pegged at 26 days from 42.

Meanwhile, the processing of land use conversion for lots that are more than five hectares, which is under the Bureau of Agrarian Legal Assistance of the Central Office, shall now take only 30 days from 90.

R.A. 11032, which amends R.A. No. 9485 or the Anti-Red Tape Act of 2007, aims to reduce processing time, cut bureaucratic red tape, and also eliminate corrupt practices.

The Anti-Red Tape Authority, under the Office of the President, is the key implementer of the law and tasked to monitor the compliance of agencies.

The Department of Agrarian Reform is very pleased that the measures the agency has placed to streamline its services have been noticed and commended by the Anti-Red Tape Authority.

DAR has been hard at work to respond to the needs of our farmer-beneficiaries and the directives of President Duterte.

Our compliance with Republic Act No. 11032, known as the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018” is only one of DAR’s steps to ensure easier and faster delivery of quality services to the public.

We believe that more than any recognition, the satisfaction of our farmer-beneficiaries continues to be DAR’s best reward.
The evaluation of the current land acquisition and distribution (LAD) record under the Comprehensive Agrarian Reform Program (CARP) must be viewed in context, to see the true picture of CARP in this administration.

Previous administrations boast of high LAD performance simply because CARP during the earlier periods focused on alienable and disposable lands of the public domain (A&D lands), and unused agricultural government-owned lands (GOLs). These types of lands subjected to CARP were unopposed. Private agricultural lands (PALs) occupy the last rung in the implementation ladder. PALs are difficult to cover under CARP due to the resistance of landowners. The challenges from landowners have the net effect of dragging, if not altogether halting, CARP implementation.

Republic Act No. 9700 (CARP Extension with Reforms or Carper) sets June 30, 2014, as the deadline for the issuance of the notice of coverage (NOC), which is the first legal step in the LAD activity. Congress wanted to complete LAD by 2014, subject to a master plan to be formulated by the Presidential Agrarian Reform Council (PARC). It did not come to fruition because no plan was formulated. PARC was in hiatus for 10 years (2006 to 2016) when the Carper deadline took effect.

The majority of agrarian reform titles issued under the CARP were collective certificates of land ownership award (CLOAs). The collective title is far easier to issue than individual titles. The DAR simply cancelled the certificate of title and substituted it with a collective CLOA. There was no field investigation and no partitioning of the awarded land. In other words, CARP coverage, via the issuance of collective Cloas, provided a “shortcut” to CARP implementation.

Despite the difficulties, the CARP under President Duterte is in a period of reawakening. This is the second phase of agrarian reform.

President Duterte reactivated the PARC on Sept. 12, 2016. The PARC immediately revoked stock distribution option plans and agribusiness venture arrangements, which ran counter to the provisions of agrarian reform laws. Aware of the restrictions imposed by the CARPER deadline, the President issued Executive Order No. 75, Series of 2019, to cover unused GOLs, thus making available at least 300,000 hectares to our landless farmers and farmworkers. The inventory includes the Yulo King Ranch or YKR in Busuanga, Coron in Palawan (8,000 hectares), the Davao Penal Colony or DAPECOL in Davao del Norte (5,000 hectares) and the Aurora State College of Technology or Ascot in Baler, Aurora (110 hectares).

The President mandated the DAR to parcelize all collective CLOAs, and provided funding for this parcelization through the use of government and international funding facilities. He also directed the DAR to complete the LAD process by 2022.

The President is focusing on the distribution of CLOAs to agrarian reform beneficiaries (ARBs) nationwide. Agrarian reform cooperatives and the unbanked segment of the ARBs have increased credit access through the Land Bank of the Philippines.

The Duterte administration is heir to an agrarian reform program with several shortcomings. While it is a fact that 4.8 million hectares of agricultural lands have been distributed to 2.7 million ARBs, there is still a lack of sufficient support services to ARBs and their dependents. The lack of support services is the proximate cause why ARBs engage in illegal sales or lease transactions.

The CARP in the Philippine setting has a mixed record. We have successful agrarian reform cooperatives. Inversely, there are ARBs who are still waiting to be installed despite the fact that CLOAs have been issued to them. We have ARBs in possession of their awarded titles who have been removed from what they already own through violent means.

These are the challenges in CARP under the current administration. These problems have been in existence since the previous administrations. What sets the Duterte administration apart from its predecessors is the fact that this presidency has agrarian reform in its heart.
Carp Anniversary Celebration in the Regions

Contributed by regional and provincial information officers

**REGION I**

Ilocos Region celebrated the 31st CARP anniversary by highlighting various ARC sites in the region through a media tour. The media group were from PTV 4-Ilocos, Philippine News Agency, Radyo Pilipinas, Balat newspaper, bloggers from La Union, DAZTP, and DZNL through the support of the Philippine Information Agency-Region I.

**REGION VI**

The DAR-Western Visayas gathered in San Jose, Antique in July 15 for the official kickoff of the regional office’s Employees’ Day in line with the 31st CARP Anniversary Celebration. The three-day activity commenced with a thanksgiving mass followed by a foot parade, fun run, Hataw, and sportsfest. The celebration was capped with a fiesta themed culminating activity which highlighted the giving of service awards and the ARB Composo Contest, among others.

**REGION VII**

A distribution of land titles, held August 8, at the Multi-purpose Hall in Poblacion, Balamban town, was one of the highlights in celebrating the 31st year of the Comprehensive Agrarian Reform Program (CARP) implementation in Central Visayas. A photo exhibit, showcasing different agri-products of the agrarian reform beneficiaries’ organizations was also displayed during the celebration.
The DAR-Caraga celebrated the 31st Comprehensive Agrarian Reform Program with the public as it opened its information and photo gallery, dubbed “Ani at Biyaya ng Repormang Agraryo,” on June 18, 2019 at the South Atrium of the Robinsons Mall in Butuan City.

The Eastern Visayas region celebrated the 31st CARP anniversary by holding different events, including a mini trade fair, Gabi ng Parangal, tree planting, laro ng lahi and a fun run.

One of Davao Region’s activities to mark the 31st CARP anniversary was planting Bougainvillea flowers around the DAR Provincial Office.
FULL TEXT OF PROPOSED LEGISLATION

“AN ACT TRANSFORMING THE DEPARTMENT OF AGRARIAN REFORM INTO ‘DEPARTMENT OF RURAL DEVELOPMENT’ MANDATING ITS FUNCTIONS AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES”

Section 1 – Book IV, Title XI of Executive Order No. 292, The Administrative Code of 1987 is hereby amended to read as follows: “Rural Development”. All reference under this law pertaining to the Department of Agrarian Reform shall henceforth be transformed into the “Department of Rural Development” (DRD).

Section 2 – Section 2 of Republic Act No. 6657, as amended, is hereby further amended to read:

Section 2. Declaration of Principles and Policies. It is the policy of the State to pursue a Comprehensive Agrarian Reform Program (CARP). The welfare of the landless farmers and farmworkers will receive the highest consideration to promote social justice and to mobilize agricultural development and industrialization, and the establishment of owner-cultivators of economic-size farms as the basis of Philippine Agriculture.

The promotion of social justice in all phases of national development is the primordial responsibility of the State, which includes the commitment to create economic opportunities based on freedom of initiative and self-reliance.

The Comprehensive Agrarian Reform Program (CARP) has been the Philippine Government’s principal area-based rural development program. With CARP as both social justice and poverty alleviation program, the pursuit of rural development strategy through land tenure improvement and provision on essential support services seeks the end goal of improving agricultural productivity and farm income of small farmers.

In line with this, the State recognizes that rural development is an effective tool for social equity strategy by ensuring participative and broad based growth among the marginalized and rural sector. It promotes optimizing the productive potentials of the agricultural sector and in alleviating poverty and curtail lawlessness in the countryside through equal access to productive assets like land, provisions for necessary support services packages to its beneficiaries and in preserving of produce from awarded lands.

Agrarian reform being among the component elements of rural development, the State acknowledges that the provision of support services to agrarian reform beneficiaries is critical to the success and sustainability of the purposes for which agrarian reform beneficiaries are engaged. The incorporation in the mandate on the provision of housing facilities to qualified agrarian reform beneficiaries is recognized as among the highlighted component in the provision of support services to ARBs beneficiaries.

The success and sustainability of the agrarian reform program is determined by the increased productivity and economic growth of beneficiaries, and the maintenance of awarded land ownership within the beneficiaries or its immediate family members subject to qualification criteria set forth under applicable laws. The transferability of ownership and the lands of the immediate family members of the beneficiary, is restricted.

It is further the mandate of the State to sustain rural development along with the attainment of the purposes of the agrarian reform program. Consequently, the mandate of the DRD needs parallel track geared towards rural development, particularly on areas where land distribution are completed.

Incorporating rural development on Land Acquisition and Distribution (LAD) free area is primarily the key component in maximizing the gains that were derived in the implementation of agrarian reform program. Towards this end, the State shall utilize such tangible gains as platform to rural development.

The State is cognizant of the indispensable role of the Barangay Agrarian Reform Council (BARC) which shall henceforth be named as Barangay Rural Development Council (BRDC) as the basic unit equipped with institutional information at the local level. The role of the BRDC in the entire process of the implementation of this Act as well as in the alternative resolution of agrarian-related conflict is imperative to accelerate the commencement and completion of the second phase of agrarian reform program. Hence, there is a need to revitalize and strengthen the BRDC by enabling it with corresponding organizational role, function and authority and the provision of budgetary allocation for its operation, as may be determined by the Presidential Agrarian Reform Council (PARC), which shall henceforth be named as the Presidential Rural Development Council (PRDC).

The State moreover recognizes the indispensable role of the private sector, encouragement of private enterprise, provision of incentives for necessary investments requirements, and trade policies that serves general welfare and utilization. In pursuance therefore, all forms of agribusiness arrangements or agreements of exchange with private enterprises, investors, Provided, it is based on equality and reciprocity that is aimed for increased agricultural productivity and income of all stakeholders of agrarian reform program, as may be approved and determined by the DRD, are sanctioned by the State.

The potential produce of the lands awarded to beneficiaries of agrarian reform program in the Title of ownership may be the subject of collateral for loans with private financing institution subject to certain limitations as may be provided by law.

In realization, the DAR shall be transformed into a body that shall lead in the fulfillment of the sound rural development in conjunction with LAD-free declared areas.

The State furthermore recognizes the manpower resources required to fully attain the objectives of the rural development program.

Thus, it is imperative to transform the Department of Agrarian Reform into the “Department of Rural Development”.

Section 3 – Section 4 of Republic Act No. 6657, as amended, is hereby further amended to read:

Section 4. Scope – The rural development program shall cover all private agricultural lands and public agricultural lands with actual cultivators. It shall include:

4.1 GOVERNMENT OWNED LANDS

(a) All alienable and disposable lands of public domain devoted to or suitable for agriculture.

(b) All lands of the public domain in excess of the specific limits granted by this Act.

(c) All lands or portions thereof reserved by virtue of existing Decrees and Proclamations, other laws and issuances for specific public purposes by the government, its agencies and instrumentalities, including government-owned or controlled corporations suitable for agriculture and no longer actually, directly and exclusively used or necessary for the purposes for which they have been reserved, as determined by the Department of Agriculture in coordination with the government agency or instrumentality concerned in favor of the reservation was established.

In the case of military reservations, the determination of areas suitable for agriculture and no longer actually, directly and exclusively used or necessary for the purposes for which they have been reserved shall be based on the actual use for the military installations or facilities.

In the case of lands affected by public sector development projects located in the reservations of specific economic and social purpose where such development projects have not started within the period of five (5) years from the grant of such, such land or portion thereof not developed shall be covered by this Act.

(d) All agricultural land acquired by Government Financial Institution (GFI) through sale or foreclosure proceedings which have been occupied and cultivated by tillers and not have been used or remained idle for a period of more than ten (10) years or abandoned as such.

(e) All public agricultural lands granted by Congress to religious or juridical persons for specific purposes and which are no longer needed for the purposes for which it was granted and when the same are occupied and cultivated by tillers and/or when the same have remained idle for a period of more than ten (10) years or abandoned as such.

(f) All agricultural lands held by the government in a proprietary capacity and which are no longer used for the proprietary purposes for which it is being held and which are occupied and cultivated by tillers.

(g) All agricultural lands acquired by the government through sale or by reason of other legal proceedings, which have been occupied and cultivated by tillers, and which are no longer actually, directly and exclusively used or necessary for the purposes for which they have been reserved and have remained idle for a period of more than ten (10) years and/or abandoned as such.

(h) All lands of public schools colleges and universities as well as Friar lands or lands owned by religious or charitable institutions, which are no longer actually, directly and exclusively used for educational, religious or charitable purposes and have remained undeveloped or idle for a period of more than ten (10) years and/or abandoned as such.

(i) All other lands owned by government devoted to or suitable for agriculture.

4.2 PRIVATE AGRICULTURAL LANDS

(a) All private agricultural lands in excess of the five (5) hectares ownership as provided for by RA 6657.

(b) All private agricultural lands identified by PD 27 and RA 6657, as amended by RA 9700, but was not converted to either ARB landholding or farmer-beneficiaries in accordance with said laws.

(c) All private agricultural lands that were approved by the Department of Agriculture and other government agencies that were not undeveloped according to their reclassification program or when deemed necessary or favorable the violation of RA 6657, as amended.

(d) All private agricultural lands, having approved land use conversion Order (LUCO) for non-agricultural purposes for which conversion was granted or that subsequent conversion plan was approved, with PD 27 and RA 6657, as amended.

Section 6. – There shall be incorporated after Section 6 of Republic Act No. 6657, as amended, a new section to read as follows:

“SECTION 6 – A. Identification of Private Agricultural Lands. – The DRD shall identify all covered private agricultural lands after the effectivity of this Act and shall ascertain the
amended to read:

"Section 24. - The Department of Rural Development - The Department of Rural Development shall be headed by a Secretary who shall be appointed by the President, subject to confirmation by the Commission on Appointments. The Secretary shall be responsible for the overall policy formulation, direction in the implementation of programs and projects, and supervision of the Department's various offices. The Secretary shall have authority over the general administration of the Department and the various offices under its supervision, the powers, functions, and duties of which are hereby vested in him.

"Section 56. - Amendments To Republic Act 6657 - The provisions of Republic Act 6657, as amended, are hereby further amended to read:

"Section 11. - Resolution Cases - Any case and/or proceeding involving the implementation of the provisions of Republic Act No. 6657, as amended, shall be submitted to the primary jurisdiction of the Agrarian Reform Adjudication Board (DRDAB) for determination and execution even beyond such date.

"Section 12. - The Rural Development Program - The rural development program as provided in Section 53 of Republic Act No. 9700, as amended, is further hereby amended to read:

"Section 13. - The Agrarian Reform Program - The Department of Agrarian Reform (DAR) shall be headed by a Director who shall be appointed by the President with the concurrence of the Commission on Appointments. DAR's powers, functions, and duties shall be as provided in Republic Act 6657, as amended.

"Section 14. - The Rural Development Program - The rural development program as herein provided for shall be pursued by a Rural Development Service (RDSO) with staff complement, which shall be headed by a Director, who shall be appointed by the President upon recommendation of the Department of Rural Development. The Director shall be responsible for the overall direction and supervision of the rural development program and the Rural Development Service.

"Section 15. - The Agrarian Reform Program - The rural development program as herein provided for shall be pursued by a Rural Development Service (RDSO) with staff complement, which shall be headed by a Director, who shall be appointed by the President upon recommendation of the Department of Rural Development. The Director shall be responsible for the overall direction and supervision of the rural development program and the Rural Development Service.

"Section 16. - The Agrarian Reform Program - The rural development program as herein provided for shall be pursued by a Rural Development Service (RDSO) with staff complement, which shall be headed by a Director, who shall be appointed by the President upon recommendation of the Department of Rural Development. The Director shall be responsible for the overall direction and supervision of the rural development program and the Rural Development Service.

"Section 17. - The Agrarian Reform Program - The rural development program as herein provided for shall be pursued by a Rural Development Service (RDSO) with staff complement, which shall be headed by a Director, who shall be appointed by the President upon recommendation of the Department of Rural Development. The Director shall be responsible for the overall direction and supervision of the rural development program and the Rural Development Service.

"Section 18. - The Agrarian Reform Program - The rural development program as herein provided for shall be pursued by a Rural Development Service (RDSO) with staff complement, which shall be headed by a Director, who shall be appointed by the President upon recommendation of the Department of Rural Development. The Director shall be responsible for the overall direction and supervision of the rural development program and the Rural Development Service.
“AN ACT INSTITUTING THE SECOND PHASE OF AGRARIAN REFORM IN THE COUNTRY THEREBY COMPLETING THE COVERAGE OF AGRICULTURAL LANDS UNDER THE AGRARIAN REFORM PROGRAM, PROVIDING STATE SUBSIDY IN THE ACQUISITION AND DISTRIBUTION”

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. State Subsidy in the Acquisition and Distribution of Agricultural Lands thereby Implementing Farmer Land Tenure Conversion to Qualified Beneficiaries. The distribution of agricultural lands to qualified beneficiaries which shall be directly and fully subsidized by the State shall comprise the second phase of the agrarian reform program in the country. Agrarian Reform Beneficiaries shall no longer pay any amortization for their awarded lands.

Agrarian Reform Beneficiaries under the previous agrarian reform laws shall benefit from the state subsidy to the extent of the unpaid amortizations and interest charges which are due. Those who have completed payment of the forty-year amortization schedule and the payment of interest charges shall be given preference in the award and acquisition of the new package of support services which includes access to credit facilities and automatic amortization of support services including availsments for housing, education, and other loans.

SECTION 2. Resumption of the Coverage of Private Agricultural Lands Under the Comprehensive Agrarian Reform Program. The Department of Agrarian Reform (DAR) shall resume the issuance and service of the Notice of Coverage to all landowners of privately held agricultural lands whose ownership exceeds the five-hectare ceiling imposed by Section 6 of Republic Act (R.A.) No. 6657, as amended, and which had not been covered under the agrarian reform program, but which had been covered under the agrarian reform program, but which had not been covered under the agrarian reform program.

For the purpose of this Section, a landholding is deemed actually, directly, and exclusively used for the purposes of a government agency, department, bureau, office, or and instrumentationality concerned when it is immediately occupied, utilized, and applied for the purpose for which it was reserved or acquired.

The just compensation to the landowner shall be the future value of the land determined at the time of the taking, taking into consideration the market value of the land at the time of the actual taking of the property. Just compensation is computed at the time of the taking because it replaces the value of the rights to property taken from the owner.

For purposes of acquisition under the agrarian reform program, the land value of an agricultural land shall be computed based on the legally permissible and best use of the land at the time of expropriation, taking into consideration inflation and the valuation factors enumerated in Section 17 of R.A. No. 6657, as amended.

The just compensation to the landowner shall be the future value of the land determined at the time of expropriation, computed at the prevailing market rates as of the time of payment, broken down into:

(a) 30% Cash
(b) 70% Agrarian Reform Bond with interest aligned with 91-day Treasury Bills rate; 10% of the face value of the bonds shall mature every year from the date of issuance until the 10th year

The breakdown applies regardless of the nature of the landholding, the use of the land, the agricultural activities conducted therein, and the manner of its use.

SECTION 3. Determination of Just Compensation

Due Landowners. The fair market value shall be the value of the land at the time of the taking but the amount to be paid must be the present value of the amount that should have been paid. The DAR shall be given preference in the award and acquisition of the new package of support services which includes access to credit facilities and automatic amortization of support services including availsments for housing, education, and other loans.

Agrarian Reform Beneficiaries under the previous agrarian reform laws shall benefit from the state subsidy to the extent of the unpaid amortizations and interest charges which are due. Those who have completed payment of the forty-year amortization schedule and the payment of interest charges shall be given preference in the award and acquisition of the new package of support services which includes access to credit facilities and automatic amortization of support services including availsments for housing, education, and other loans.

Any issue, dispute, or controversy arising from the issuance of the Notice of Coverage shall be resolved by the DAR Secretary.

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Agrarian Reform Beneficiaries under the previous agrarian reform laws shall benefit from the state subsidy to the extent of the unpaid amortizations and interest charges which are due. Those who have completed payment of the forty-year amortization schedule and the payment of interest charges shall be given preference in the award and acquisition of the new package of support services which includes access to credit facilities and automatic amortization of support services including availsments for housing, education, and other loans.

Any issue, dispute, or controversy arising from the issuance of the Notice of Coverage shall be resolved by the DAR Secretary.
Section 17. Appropriation of Funds for Land Distribution. — The appropriations shall include the necessary funding requirements for the acquisition of private and other agricultural lands for distribution to the agrarian reform beneficiaries.

CASTRICIONES TO LEAD DAR IN THE 2ND PHASE OF AGRARIAN REFORM

By Pinky F. Roque with reports from Resurreccion F. Arcaina and Medel T. Mercado

The Department of Agrarian Reform (DAR) will step up the distribution of land covered by the Comprehensive Agrarian Reform Program (CARP), as it gears up for the implementation of the program’s second phase under President Rodrigo Roa Duterte’s administration.

According to the agency’s records, the land acquisition and distribution (LAD) balance as of June 2019 was 561,000 hectares.

With an annual target distribution of 50,000 hectares, the DAR will need at least 10 years to complete the distribution. But with Duterte’s order to complete the LAD process before the end of his term, the leading CARP-implementing agency is preparing to taken on the challenge.

Agrarian Reform Secretary John R. Castriciones, who will lead the agency in this new frontier, urged officials and employees of the agency to be more proactive not only in the distribution of land but in providing much-needed support services to agrarian reform beneficiaries (ARB) as well.

Castriciones said foremost in his directive for the department is to increase the issuance of certificates of land ownership award (CLOA) and to speed up the provision various support services to ARBs.

“It’s foolishness to ever state that farmers or farm workers do not want to own land. There is no such reason for the slow distribution of land next year. That’s why we are streamlining procedures on land distribution to hasten the processes in acquisition and distribution of lands and land use conversion,” Castriciones said.

In April 2019, the Department issued Administrative Order No.1, containing guidelines and procedures to streamline the tedious process for land use conversion.

Certain provisions of A.O. No. 1, series of 2002, are amended to ensure the speedy disposition of land conversion. An example is that no application shall now be accepted, docketed and processed unless the documentary requirements for conversion grant are complete and sufficient in form and substance.

The DAR is also focusing on Executive Order (EO) 75 where it is ordered to distribute all government-owned lands devoted to or suitable for agriculture but are no longer actually, directly, and exclusively used for the purpose for which they have been reserved so they can be distributed to qualified beneficiaries.

“This EO will be a boost to CARP. It will fast-track the distribution of lands, particularly government-owned lands, to qualified beneficiaries,” Castriciones said.

In February, the DAR has released the implementing rules and regulations of the EO, signed by Castriciones and Justice Secretary Menardo Guevarra.

“Since its release, we are now proceeding with the process of land acquisition and distribution of government-owned lands,” Castriciones said.

In May, the President has also ordered DAR to facilitate the survey and re-documentation of collective land titles to individual CLOAAs. The directive was given by the President during the 36th Cabinet Meeting held on April 1, 2019 at the Malacañan Palace.

To accomplish this, the DAR has issued guidelines and procedures on the parcellation of landholdings with collective certificates of landownership award (CCLOA) through AO No. 2, series of 2019, which seeks to stabilize ownership, tenure and control of the lands awarded to ARBs.

Castriciones said pursuant to Section 25 of the Republic Act (RA) 5567, as amended by Section 10 of RA 9700, the DAR is mandated to immediately undertake the parcellation of CCLOAAs over lands that are not collectively farmed or operated in an integrated manner.

In the past decades, many landholdings were awarded to ARBs under a collective and non-subdivided form of ownership wherein qualified beneficiaries may opt for collective ownership, through farmers’ cooperatives, associations or some other form of organizations for the issuance of CCLOAAs.

“There are reports from field implementers and civil society organizations regarding disputes or controversies among ARBs with existing CCLOAAs due to boundary conflicts, inclusions and exclusions of ARBs, and other conflicts resulting to the splitting of groups into sub-groups and co-owners opting for individual ownership,” Castriciones said.

He said that through parcellation, the DAR will subdivide and determine the exact meters and bounds of the areas, allocate lots for each ARB in a CCLOA, identify common use areas and portions with common service facilities, and establish areas capable of being alienated and disposed by the government.

Meanwhile, the Court of Appeals ruled in September affirming the original and exclusive power of the DAR on the LAD process and the issuance of CLOAs.

“This is a legal victory for DAR,” said Undersecretary for Legal Affairs Atty. Luis Meinrado C. Pañgulayan on the decision that also upheld the agency’s quasi-judicial powers.

Pañgulayan headed the legal team that won for DAR this agrarian case.

“This brings to an end the 20-year preliminary injunction issued against the DAR and the beneficiaries of the CARP processes and the agrarian reform titles,” Pañgulayan added.