

Comprehensive agrian reform program essay sample

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CHAPTER I – PRELIMINARY CHAPTER

•1 Title. – This Act shall be known as the Comprehensive Agrarian Reform Law of 1988. •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 farm workers will receive the highest consideration to promote social justice and to move the nation towards sound rural development and industrialization, and the establishment of owner cultivator ship of economic-sized farms as the basis of Philippine agriculture. •3. Definitions – For the purpose of this Act, unless the context indicates otherwise: Agrarian Reform means the redistribution of lands, regardless of crops or fruits produced, to farmers and regular farm workers who are landless, irrespective of tenurial arrangement, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other arrangements alternative to the physical redistribution of lands, such as production or profit-sharing, labor administration, and the distribution of shares of stock which will allow beneficiaries to receive a just share of the fruits of the lands they work.

CHAPTER II – COVERAGE

•4. Scope. – The Comprehensive Agrarian Reform Law of 1988 shall cover, regardless of tenurial arrangement and commodity produced, all public and private agricultural lands as provided in Proclamation No. 131 and Executive Order No. 229, including other lands of the public domain suitable for agriculture. •5. Schedule of Implementation. – The distribution of all lands covered by this Act shall be implemented immediately and completed within

ten (10) years from the effectively thereof. •6. Retention Limits. – Except as otherwise provided in this Act, no person may own or retain, directly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-sized farm, such as commodity produced, terrain, infrastructure, and soil fertility as determined by the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall the retention by the landowner exceed five (5) hectares •7. Priorities. – The DAR, in coordination with the PARC shall plan and program the acquisition and distribution of all agricultural lands through a period of ten (10) years from the effectively of this Act.

•8. Multinational Corporations. – All lands of the public domain leased, held or possessed by multinational corporations or associations, and other lands owned by the government or government-owned or controlled corporations, associations, institutions or entities, devoted to existing and operational agribusiness or agro-industrial enterprises, operated by multinational corporations and associations, shall be programmed for acquisition and distribution immediately upon the effectivity of this Act, with the implementation to be completed within three (3) years.

•9. Ancestral Lands. – For purposes of this Act, ancestral lands of each indigenous cultural community shall include, but not be limited to, lands in the actual, continuous and open possession and occupation of the community and its members: Provided, That the Torrens System shall be respected. •10. Exemptions and Exclusions.- Lands actually, directly and exclusively used for parks, wildlife, forest reserves, reforestation, fish

sanctuaries and breeding grounds, watersheds and mangroves shall be exempt from the coverage of this Act. •11. Commercial Farming. –

Commercial farms which are private agricultural lands devoted to salt beds, fruit farms, orchards, vegetable and cut-flower farms, and cacao, coffee and rubber plantations, shall be subject to immediate compulsory acquisition and distribution after ten (10) years from the effectivity of this Act. In the case of new farms, the ten-year period shall begin from the first year of commercial production and operation, as determined by the DAR.

CHAPTER III – IMPROVEMENT OF TENURIAL AND LABOR RELATIONS

•12. Determination of Lease Rentals. – In order to protect and improve the tenurial and economic status of the farmers in tenanted lands under the retention limit and lands not yet acquired under this Act, the DAR is mandated to determine and fix immediately the lease rentals thereof in accordance with Section 34 of R. A. No. 3844 as amended : Provided, That the DAR shall immediately and periodically review and adjust the rental structure for different crops, including rice and corn, of different regions in order to improve progressively the conditions of the farmer, tenant or lessee.

•13. Production-Sharing Plan. – Any enterprise adopting the scheme provided for in Section 32 or operating under a production venture, lease, management contract or other similar arrangement and any farm covered by Sections 8 and 11 hereof is hereby mandated to execute within ninety (90) days from the effectivity of this Act, a production-sharing plan under guidelines prescribed by the appropriate government agency.

CHAPTER IV -REGISTRATION

•14. Registration of Landowners. – Within one hundred eighty (180) days from the effectivity of this Act, natural or juridical, including government entities, that own or claim to own agricultural lands, whether in their names or in the name of others, except those who have already registered pursuant to Executive Order No. 229, who shall be entitled to such incentives as may be provided for by PARC, shall file a sworn statement in the proper assessors office in the form to be prescribed by the DAR

CHAPTER V – LAND ACQUISITION

•16. Procedure for Acquisition of Private Lands.- For purposes of acquisition of private lands

CHAPTER VI – COMPENSATION

•17. Determination of Just Compensation. – 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 assessment made by government assessors, shall be considered. The social and economic benefits contributed by the farmers and the farmworkers and by government to the property as well as the non-payment of taxes or loans secured from any government financing institution on the said land shall be considered as additional factors to determine its valuation. •18. Valuation and Mode of Compensation. – The LBP shall compensate the landowner in such amount as may be agreed upon by the landowner and the DAR and LBP or as may be finally determined by

the court as just compensation for the land. •19. Incentives for Voluntary Offers for Sale. – Landowners other than banks and other financial institutions who voluntarily offer their lands for sale shall be entitled to an additional five percent (5%) cash payment. •20. Voluntary Land Transfer.

– Landowners of agricultural lands subject to acquisition under this Act may enter into a voluntary arrangement for direct transfer of their lands to qualified beneficiaries subject to the following guidelines •21. Payment of Compensation by Beneficiaries Under Voluntary Land Transfer.- Direct payment in cash or in kind may be made by the farmer-beneficiary to the landowner under terms to be mutually agreed upon by both parties, which shall be binding upon them, upon registration with and approval by the DAR.

•22. Qualified Beneficiaries. – The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless residents of the same municipality in the following order of priority •23. Distribution Limit. – No qualified beneficiary

may own more than three (3) hectares of agricultural land. •Award to Beneficiaries. – The rights and responsibilities of the beneficiary shall commence from the time the DAR makes an award of the land to him, which award shall be completed within one hundred eighty (180) days from the time the DAR takes actual possession of the land •25. Award Ceilings for Beneficiaries.

– Beneficiaries shall be awarded an area not exceeding three (3) hectares, which may cover a contiguous tract of land or several parcels of land cumulated up to the prescribed award limits. •26. Payment by Beneficiaries.

– Lands awarded pursuant to this Act shall be paid for by the beneficiaries to the LBP in thirty (30) annual amortizations at six percent (6%) interest per annum. •27. Transferability of Awarded Lands. – Lands acquired by beneficiaries under this Act may not be sold, transferred or conveyed except through hereditary succession, or to the government, or to the LBP, or to other qualified beneficiaries for a period of ten (10) years: Provided, however, That the children or the spouse of the transferor shall have a right to repurchase the land from the government or LBP within a period of two years. •28 Standing Crops at the Time of Acquisition. – The landowner shall retain his share of any standing crops unharvested at the time the DAR shall take possession of the land under Section 16 of this Act, and shall be given a reasonable time to harvest the same.

CHAPTER VIII – CORPORATE FARMS

•29. Farms Owned or Operated by Corporations or Other Business Associations. – In the case of farms owned or operated by corporations or other business associations, the following rules shall be observed by the PARC. •30. Homelots and Farmlots for Members of Cooperatives. – The individual members of the cooperatives or corporations mentioned in the preceding section shall be provided with homelots and small farmlots for their family use, to be taken from the land owned by the cooperative or corporation. •31. Corporate Landowners. – Corporate landowners may voluntarily transfer ownership over their agricultural landholdings to the Republic of the Philippines pursuant to Section 20 hereof or to qualified beneficiaries, under such terms and conditions consistent with this Act, as

they may agree upon, subject to confirmation by the DAR. •33. Payment of Shares of Cooperative or Association. – Shares of a cooperative or association acquired by farmers-beneficiaries or workers-beneficiaries shall be fully paid for in an amount corresponding to the valuation as determined in the immediately succeeding section. The landowner and the LBP shall assist the farmer-beneficiaries and worker-beneficiaries in the payment for said shares by providing credit financing.

•34. Valuation of Lands. – A valuation scheme for the land shall be formulated by the PARC, taking into account the factors enumerated in Section 17, in addition to the need to stimulate the growth of cooperatives and the objective of fostering responsible participation of the workers-beneficiaries in the creation of wealth.

CHAPTER IX – SUPPORT SERVICES

•35. Creation of Support Services Office. – There is hereby created the Office of Support Service •37. Support Services to the Beneficiaries. – The PARC shall ensure that support services to farmer-beneficiaries are provided •38. Support Services to Landowners. – The PARC, with the assistance of such other government agencies and instrumentalities as it may direct, shall provide landowners affected by the CARP and proper agrarian reform programs with the following services

CHAPTER X – SPECIAL AREAS OF CONCERN

- 40. Special Areas of Concern. – As an integral part of the Comprehensive Agrarian Reform Program, the following principles in these special areas of concern shall be observed

CHAPTER XI – PROGRAM IMPLEMENTATION

- 41. The Presidential Agrarian Reform Council. – The Presidential Agrarian Reform Council (PARC) shall be composed of the President of the Philippines as Chairman, the Secretary of Agrarian Reform as Vice-Chairman and the following as members: Secretaries of the Departments of Agriculture; Environment and Natural Resources; Budget and Management ; Local Government; Public Works and Highways; Trade and Industry; Finance; Labor and Employment; Director-General of the National Economic and Development Authority; President, Land Bank of the Philippines; Administrator, National Irrigation Administration; and three (3) representatives of affected landowners to represent Luzon, Visayas and Mindanao: Provided, that one of them shall be from the cultural communities.

- 42. Executive Committee. – There shall be an Executive Committee (EXCOM) of the PARC composed of the Secretary of the DAR as Chairman, and such other members as the president may designate, taking into account Article XIII, Section 5 of the Constitution. Unless otherwise directed by the PARC, the EXCOM may meet and decide on any and all matters in between meetings of the PARC: Provided, however, That its decisions must be reported to the PARC immediately and not later than the next meeting.

- 43. Secretariat. – A PARC Secretariat is hereby established to provide general support and coordinative services such as inter-agency linkages; program and project appraisal and evaluation and general operations monitoring for the PARC.
- 44. Provincial Agrarian Reform Coordinating Committee (PARCCOM). – A Provincial Agrarian Reform Coordinating Committee is hereby created in each province, composed of a Chairman, who shall be appointed by the President upon the recommendation of the EXCOM, the Provincial Agrarian Reform Officer as Executive Officer, and one representative each from the Department of Agriculture, Department of Environment and Natural Resources and from the LBP; one representative each from existing farmers' organizations, agricultural cooperatives and non-governmental organizations in the province; two representatives from landowners at least one of whom shall be a producer representing the principal crop of the province; and two representatives from farmers and farm workers or beneficiaries, at least one of whom shall be a farmer or farmworker representing the principal crop of the province, as members: Provided, That in areas where there are cultural communities, the latter shall likewise have one (1) representative.
- 45 Province-by-Province Implementation. – The PARC shall provide the guidelines for the province-by-province implementation of the CARP, taking into account peculiarities and needs of each place, kind of crops needed or suited, land distribution workload, beneficiaries' development activities and other factors prevalent or obtaining in the area. In all cases, the implementing agencies at the provincial level shall promote the

development of identified ARCs without neglecting the needs and problems of other beneficiaries. The ten-year program of distribution of public and private land in each province shall be adjusted from year to year by the province's PARCCOM in accordance with the level of operations previously established by the PARC, in every case ensuring that support services are available or have been programmed before actual distribution is effected.

- 46 Barangay Agrarian Reform Committee (BARC). – Unless otherwise provided in this Act, the provisions of Executive Order No. 229 regarding the organization of the Barangay Agrarian Reform Committee (BARC) shall be in effect.
- 47. Functions of the BARC. – In addition to those provided in Executive Order No. 229, the BARC shall have the following function
- 48. Legal Assistance. – The BARC or any member thereof may, whenever necessary in the exercise of any of its functions hereunder, seek the legal assistance of the DAR and the provincial, city, or municipal government.
- 49. Rules and Regulations. – The PARC and the DAR shall have the power to issue rules and regulations, whether substantive or procedural, to carry out the objects and purposes of this Act. Said rules shall take effect ten (10) days after publication in two (2) national newspapers of general circulation.

CHAPTER XII – ADMINISTRATIVE ADJUDICATION

- 50. Quasi-Judicial Powers of the DAR. – The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform, except those falling under the exclusive

jurisdiction of the Department of Agricultural (DA) and the Department of Environment and Natural Resources (DENR).

•51. Finality of Determination. – Any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for consideration shall be allowed. Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof. •52. Frivolous Appeals. – To discourage frivolous or dilatory appeals from the decisions or orders on the local or provincial levels, the DAR may impose reasonable penalties, including but not limited to, fines or censures upon erring parties.

•53. Certification of BARC. – The DAR shall not take cognizance of any agrarian dispute or controversy unless a certification from the BARC that the dispute has been submitted to it for mediation and conciliation without any success of settlement is presented: Provided, however, that if no certification is issued by the BARC within thirty (30) days after a matter or issue is submitted to it for mediation or conciliation, the case or dispute may be brought before the PARC.

CHAPTER XIII – JUDICIAL REVIEW

•54. Certiorari. – Any decision, order, award or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by certiorari except as otherwise provided in this Act within fifteen (15) days

from receipt of a copy thereof. •55. No Restraining Order or Preliminary Injunction.- No court in the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against PARC or any of its duly authorized or designated agencies in any case, dispute or controversy arising from, necessary to, or in connection with the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform. •56. Special Agrarian Court. – The supreme Court shall designate at least one (1) branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court.

•57. Special Jurisdiction – The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts unless modified by this Act. •58. Appointment of Commissioners. – The Special Agrarian Courts, upon their own initiative or at the instance of any of the parties, may appoint one or more commissioners to examine, investigate and ascertain facts relevant to the dispute, including the valuation of properties, and to file a written report thereof with the court.

•59. Orders of the Special Agrarian Courts.

– No order of the Special Agrarian Courts on any issue, question, matter or incident raised before them shall be elevated to the appellate courts until the hearing shall have been terminated and the case decided on the merits.

•60. Appeals.- An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the Court of Appeals

fifteen (15) days from receipt of notice of the decision; otherwise, the decision shall become final. •61. Procedure on Review. – Review by the Court of Appeals or the Supreme Court, as the case may be, shall be governed by the Rules of Court. The Court of Appeals, however, may require the parties to file simultaneous memoranda within a period of fifteen (15) days from notice, after which the case is deemed submitted for decision. •62.

Preferential Attention in Courts. – All courts in the Philippines, both trial and appellate, are hereby enjoined to give preferential attention to all cases arising from or in connection with the implementation of the provisions of this Act.

CHAPTER XIV – FINANCING

•63. Funding Source.- The initial amount needed to implement this Act for the period of ten (10) years upon approval hereof shall be funded from the Agrarian Reform Fund created under Sections 20 and 21 of Executive Order No. 229. Additional amounts are hereby authorized to be appropriated as and when needed to augment the Agrarian Reform Fund in order to fully implement the provisions of this Act.

CHAPTER XV – GENERAL PROVISIONS

•65. Conversion of Lands- After the lapse of five (5) years from its award, when the land ceases to be economically feasible and sound for agricultural purposes, or the locality has become urbanized and the land will have greater economic value for residential, commercial or industrial purposes, the DAR, upon application of the beneficiary or the landowner, with due

notice to the affected parties, and subject to existing laws, may authorize the reclassification or conversion of the land and its disposition: Provided, That the beneficiary shall have fully paid his obligation. •66. Exemptions from Taxes and Fees of Land Transfers. – Transactions under this Act involving a transfer of ownership, whether form natural or juridical persons, shall be exempted form taxes arising from capital gains. •67. Free Registration of Patents and Titles. – All Registers of Deeds are hereby directed to register, free from payment of all fees and other charges, patents, titles and documents required for the implementation of the CARP.

•68. Immunity of Government Agencies from Undue Interference. – No injunction, restraining order, prohibition or mandamus shall be issued by the lower courts against the Departments of Agrarian Reform (DAR), Department of Agriculture (DA), the Department of Environment and Natural Resources (DENR), and the Department of Justice (DOJ) in their implementation of the Program. •69. Assistance of Other Government Entities.- The PARC, in the exercise of its functions, is hereby authorized to call upon the assistance and support of other government agencies, bureaus and offices, including government-owned and controlled corporations. •70. Disposition of Private Agricultural Lands. – The sale or disposition of agricultural lands retained by a landowner as a consequence of Section 6 hereof shall be valid as long as the total landholdings that shall be owned by the transferee thereof inclusive of the land to be acquired shall not exceed the landholdings ceilings provided for in this Act. Any sale or disposition of agricultural lands after the

effectivity of this Act found to be contrary to the provisions hereof shall be null and void.

Transferees of agricultural lands shall furnish the appropriate Register of Deeds and the BARC with an affidavit attesting that his total landholdings as a result of the said acquisition do not exceed the landholding ceiling. The Register of Deeds shall not register the transfer of any agricultural land without the submission of this sworn statement together with proof of service of a copy thereof to the BARC. •71. Bank Mortgages. – Banks and other financial institutions allowed by law to hold mortgage rights or security interests in agricultural lands to secure loans and other obligations of borrowers, may acquire title to these mortgaged properties, regardless of area, subject to existing laws on compulsory transfer of foreclosed assets and acquisition as prescribed under Section 16 of this Act. •72 Leases, Management, Grower or Services Contracts, Mortgages and Other Claims. – Lands covered by this Act under lease, management, grower or service contracts •73. Exception.

– The provisions of Section 73, paragraph (e) to the contrary notwithstanding, the sale and/or transfer of agricultural land in cases where such sale, transfer or conveyance is made necessary as a result of a bank's foreclosure of the mortgaged land is hereby permitted.(As added by R. A. 7881) •74Penalties. – Any person who knowingly or willfully violates the provisions of this Act shall be punished by imprisonment of not less than one (1) month to not more than three (3) years or a fine of not less than one thousand pesos (P1, 000. 00) and not more than fifteen thousand pesos

(P15, 000. 00), or both, at the discretion of the court. If the offender is a corporation or association, the officer responsible therefor shall be criminally liable •75. Suppletory Application of Existing Legislation.

– The provisions of Republic Act Number 3844, as amended, Presidential Decree Numbers 27 and 266 as amended, Executive Order Numbers 228 and 229, both Series of 1987, and other laws not inconsistent with this Act shall have suppletory effect. •76. Repealing Clause. – Section 35 of Republic Act Number 3844, Presidential Decree Number 316, the last two paragraphs of Section 12 of Presidential Decree Number 1038, and all other laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or amended accordingly. •77. Separability Clause. – If, for any reason, any section or provision of this Act is declared null and void, no other section, provision or part thereof shall be affected and the same shall remain in full force and effect •78. Effectivity Clause. – This Act Shall take effect immediately after publication in at least two (2) national newspapers of general circulation.