

Comprehensive agrarian reform program essay sample

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I. HISTORY

CARP or the Comprehensive Agrarian Reform Program is created through Republic Act No. 6657 also known as the Comprehensive Agrarian Reform Law of 1988. It is a policy that promotes the rights of landless Filipino farmers and farm workers. It is established to help landless Filipino farmers to own directly the lands they till or, in the case of farm workers, to have a share of the fruits harvested or produced. It aimed for a nation with equitable land ownership and empowered agrarian reform beneficiaries while, at least, improving social lives. The law was outlined by former President Corazon C. Aquino through Presidential Proclamation 131 and Executive Order 229 on June 22, 1987. The law was finally enacted by the 8th Congress of the Philippines and signed by Aquino on June 10, 1988.

CARPER also known as the Comprehensive Agrarian Reform Program Extension with Reforms Bill or Republic Act 9700. It is an act amending several provisions of Republic Act 6657, or the Comprehensive Agrarian Reform Law (CARL) of 1988. The Philippines has a program called Comprehensive Agrarian Reform Program (CARP) that aims to redistribute all agricultural lands to landless farmers. In December 2008, the budget for CARP has expired and there remains 1.2 million hectares of agricultural lands waiting to be acquired and distributed to farmers. Philippine Congress being a landlord dominated institution is reluctant to continue the funding of CARP despite the clear call by farmers and the President to pass a CARP Extension with Reforms law. It was first filed as House Bill 1527 by Akbayan Partylist Rep. Risa Hontiveros in 2007, it was later substituted by House Bill

4077, also sponsored by Hontiveros and Albay Rep. Edcel Lagman, the version made into law. Its Senate counterpart was Senate Bill 2666, filed by Sen. Gregorio Honasan.

II. COVERAGE

Comprehensive Agrarian Reform Program (CARP)

Scope. — The Comprehensive Agrarian Reform Law of 1989 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. More specifically the following lands are covered by the Comprehensive Agrarian Reform Program: (a) All alienable and disposable lands of the public domain devoted to or suitable for agriculture. No reclassification of forest or mineral lands to agricultural lands shall be undertaken after the approval of this Act until Congress, taking into account ecological, developmental and equity considerations, shall have determined by law, the specific limits of the public domain. (b) All lands of the public domain in excess of the specific limits as determined by Congress in the preceding paragraph; (c) All other lands owned by the Government devoted to or suitable for agriculture; and (d) All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon. Schedule of Implementation.

— The distribution of all lands covered by this Act shall be implemented immediately and completed within ten (10) years from the effectivity

thereof. Retention Limits. — Except as otherwise provided in this Act, no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-size 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 retention by the landowner exceed five (5) hectares.

Three (3) hectares may be awarded to each child of the landowner, subject to the following qualifications: (1) that he is at least fifteen (15) years of age; and (2) that he is actually tilling the land or directly managing the farm:

Provided, That landowners whose lands have been covered by Presidential Decree No. 27 shall be allowed to keep the areas originally retained by them thereunder: Provided, further, That original homestead grantees or their direct compulsory heirs who still own the original homestead at the time of the approval of this Act shall retain the same areas as long as they continue to cultivate said homestead.

The right to choose the area to be retained, which shall be compact or contiguous, shall pertain to the landowner: Provided, however, That in case the area selected for retention by the landowner is tenanted, the tenant shall have the option to choose whether to remain therein or be a beneficiary in the same or another agricultural land with similar or comparable features. In case the tenant chooses to remain in the retained area, he shall be considered a leaseholder and shall lose his right to be a beneficiary under this Act. In case the tenant chooses to be a beneficiary in another

agricultural land, he loses his right as a leaseholder to the land retained by the landowner. The tenant must exercise this option within a period of one (1) year from the time the landowner manifests his choice of the area for retention. In all cases, the security of tenure of the farmers or farmworkers on the land prior to the approval of this Act shall be respected.

Upon the effectivity of this Act, any sale, disposition, lease, management, contract or transfer of possession of private lands executed by the original landowner in violation of the Act shall be null and void: Provided, however, That those executed prior to this Act shall be valid only when registered with the Register of Deeds within a period of three (3) months after the effectivity of this Act. Thereafter, all Registers of Deeds shall inform the Department of Agrarian Reform (DAR) within thirty (30) days of any transaction involving agricultural lands in excess of five (5) hectares. SECTION 7. Priorities. — The Department of Agrarian Reform (DAR) in coordination with the Presidential Agrarian Reform Council (PARC) shall plan and program the acquisition and distribution of all agricultural lands through a period of ten (10) years from the effectivity of this Act.

Lands shall be acquired and distributed as follows: Phase One: Rice and corn lands under Presidential Decree No. 27; all idle or abandoned lands; all private lands voluntarily offered by the owners for agrarian reform; all lands foreclosed by the government financial institutions; all lands acquired by the Presidential Commission on Good Government (PCGG); and all other lands owned by the government devoted to or suitable for agriculture, which shall be acquired and distributed immediately upon the effectivity of this Act, with

the implementation to be completed within a period of not more than four (4) years; Phase Two: All alienable and disposable public agricultural lands; all arable public agricultural lands under agro-forest, pasture and agricultural leases already cultivated and planted to crops in accordance with Section 6, Article XIII of the Constitution; all public agricultural lands which are to be opened for new development and resettlement; and all private agricultural lands in excess of fifty (50) hectares, insofar as the excess hectarage is concerned, to implement principally the rights of farmers and regular farmworkers, who are the landless, to own directly or collectively the lands they till, which shall be distributed immediately upon the effectivity of this Act, with the implementation to be completed within a period of not more than four (4) years.

Phase Three: All other private agricultural lands commencing with large landholdings and proceeding to medium and small landholdings under the following schedule: (a) Landholdings above twenty-four (24) hectares up to fifty (50) hectares, to begin on the fourth (4th) year from the effectivity of this Act and to be completed within three (3) years; and (b) Landholdings from the retention limit up to twenty-four (24) hectares, to begin on the sixth (6th) year from the effectivity of this Act and to be completed within four (4) years; to implement principally the right of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till. The schedule of acquisition and redistribution of all agricultural lands covered by this program shall be made in accordance with the above order of priority, which shall be provided in the implementing rules to be prepared by the

Presidential Agrarian Reform Council (PARC), taking into consideration the following; the need to distribute land to the tillers at the earliest practicable time; the need to enhance agricultural productivity; and the availability of funds and resources to implement and support the program.

In any case, the PARC, upon recommendation by the Provincial Agrarian Reform Coordinating Committee (PARCCOM), may declare certain provinces or region as priority land reform areas, in which the acquisition and distribution of private agricultural lands therein may be implemented ahead of the above schedules. In effecting the transfer within these guidelines, priority must be given to lands that are tenanted. The PARC shall establish guidelines to implement the above priorities and distribution scheme, including the determination of who are qualified beneficiaries: Provided, That an owner-tiller may be a beneficiary of the land he does not own but is actually cultivating to the extent of the difference between the area of the land he owns and the award ceiling of three (3) hectares. SECTION 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 by government-owned or controlled corporations, associations, institutions, or entities, devoted to existing and operational agri-business 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. Lands covered by the paragraph

immediately preceding, under lease, management, grower or service contracts, and the like, shall be disposed of as follows: (a) Lease, management, grower or service contracts covering such lands covering an aggregate area in excess of 1, 000 hectares, leased or held by foreign individuals in excess of 500 hectares are deemed amended to conform with the limits set forth in Section 3 of Article XII of the Constitution.

(b) Contracts covering areas not in excess of 1, 000 hectares in the case of such corporations and associations, and 500 hectares, in the case of such individuals, shall be allowed to continue under their original terms and conditions but not beyond August 29, 1992, or their valid termination, whichever comes sooner, after which, such agreements shall continue only when confirmed by the appropriate government agency. Such contracts shall likewise continue even after the lands has been transferred to beneficiaries or awardees thereof, which transfer shall be immediately commenced and implemented and completed within the period of three (3) years mentioned in the first paragraph hereof. (c) In no case will such leases and other agreements now being implemented extend beyond August 29, 1992, when all lands subject hereof shall have been distributed completely to qualified beneficiaries or awardees.

Such agreements can continue thereafter only under a new contract between the government or qualified beneficiaries or awardees, on the one hand, and said enterprises, on the other. Lands leased, held or possessed by multinational corporations, owned by private individuals and private non-governmental corporations, associations, institutions and entities, citizens of

the Philippines, shall be subject to immediate compulsory acquisition and distribution upon the expiration of the applicable lease, management, grower or service contract in effect as of August 29, 1987, or otherwise, upon its valid termination, whichever comes sooner, but not later than after ten (10) years following the effectivity of the Act. However during the said period of effectivity, the government shall take steps to acquire these lands for immediate distribution thereafter.

In general, lands shall be distributed directly to the individual worker beneficiaries. In case it is not economically feasible and sound to divide the land, then they shall form a workers' cooperative or association which will deal with the corporation or business association or any other proper party for the purpose of entering into a lease or growers agreement and for all other legitimate purposes. Until a new agreement is entered into by and between the workers' cooperative or association and the corporation or business association or any other proper party, any agreement existing at the time this Act takes effect between the former and the previous landowner shall be respected by both the workers' cooperative or association and the corporation, business, association or such other proper party. In no case shall the implementation or application of this Act justify or result in the reduction of status or diminution of any benefits received or enjoyed by the worker-beneficiaries, or in which they may have a vested right, at the time this Act becomes effective.

The provisions of Section 32 of this Act, with regard to production and income-sharing shall apply to farms operated by multinational corporations.

During the transition period, the new owners shall be assisted in their efforts to learn modern technology in production. Enterprises which show a willingness and commitment and good-faith efforts to impart voluntarily such advanced technology will be given preferential treatment where feasible. In no case shall a foreign corporation, association, entity or individual enjoy any rights or privileges better than those enjoyed by a domestic corporation, association, entity or individual. SECTION 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 Systems shall be respected. The right of these communities to their ancestral lands shall be protected to ensure their economic, social and cultural well-being. In line with the principles of self-determination and autonomy, the systems of land ownership, land use, and the modes of settling land disputes of all these communities must be recognized and respected. Any provision of law to the contrary notwithstanding, the PARC may suspend the implementation of this Act with respect to ancestral lands for the purpose of identifying and delineating such lands: Provided, That in the autonomous regions, the respective legislatures may enact their own laws on ancestral domain subject to the provisions of the Constitution and the principles enunciated in this Act and other national laws.

SECTION 10. Exemptions and Exclusions. —Lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest

reserves, reforestation, fish sanctuaries and breeding grounds, watersheds, and mangroves, national defense, school sites and campuses including experimental farm stations operated by public or private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites and convents appurtenant thereto, mosque sites and Islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers and all lands with eighteen percent (18%) slope and over, except those already developed shall be exempt from the coverage of the Act.

SECTION 11. Commercial Farming. — Commercial farms, which are private agricultural lands devoted to commercial livestock, poultry and swine raising, and aquaculture including saltbeds, fishponds and prawn ponds, fruit farms, orchards, vegetable and cut-flower farms, and cacao, coffee and rubber plantations, shall be subject to immediate compulsory acquisition and distribution after (10) years from the effectivity of the 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.

During the ten-year period, the government shall initiate the steps necessary to acquire these lands, upon payment of just compensation for the land and the improvements thereon, preferably in favor of organized cooperatives or associations, which shall hereafter manage the said lands for the worker-beneficiaries. If the DAR determines that the purposes for which this deferment is granted no longer exist, such areas shall automatically

be subject to redistribution. The provisions of Section 32 of the Act, with regard to production-and income sharing, shall apply to commercial farms.

Comprehensive Agrarian Reform Program Extension with Reforms (CARPER)

SECTION 3. Section 4 of Republic Act No. 6657, as amended, is hereby

further amended to read as follows: " SECTION 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:

Provided, That landholdings of landowners with a total area of five (5)

hectares and below shall not be covered for acquisition and distribution to

qualified beneficiaries. " More specifically, the following lands are covered by

the CARP: " (a) All alienable and disposable lands of the public domain

devoted to or suitable for agriculture.

No reclassification of forest or mineral lands to agricultural lands shall be

undertaken after the approval of this Act until Congress, taking into account

ecological, developmental and equity considerations, shall have determined

by law, the specific limits of the public domain; " (b) All lands of the public

domain in excess of the specific limits as determined by Congress in the

preceding paragraph; " (c) All other lands owned by the Government

devoted to or suitable for agriculture; and " (d) All private lands devoted to

or suitable for agriculture regardless of the agricultural products raised or

that can be raised thereon. " A comprehensive inventory system in

consonance with the national land use plan shall be instituted by the

Department of Agrarian Reform (DAR), in accordance with the Local Government Code, for the purpose of properly identifying and classifying farmlands within one (1) year from effectivity of this Act, without prejudice to the implementation of the land acquisition and distribution.”

SECTION 4. There shall be incorporated after Section 6 of Republic Act No. 6657, as amended, new sections to read as follows: EHTISC “ SEC. 6-A. Exception to Retention Limits. — Provincial, city and municipal government units acquiring private agricultural lands by expropriation or other modes of acquisition to be used for actual, direct and exclusive public purposes, such as roads and bridges, public markets, school sites, resettlement sites, local government facilities, public parks and barangay plazas or squares, consistent with the approved local comprehensive land use plan, shall not be subject to the five (5)-hectare retention limit under this Section and Sections 70 and 73(a) of Republic Act No. 6657, as amended: Provided, That lands subject to CARP shall first undergo the land acquisition and distribution process of the program: Provided, further, That when these lands have been subjected to expropriation, the agrarian reform beneficiaries therein shall be paid just compensation.”

“ SEC. 6-B. Review of Limits of Land Size. — Within six (6) months from the effectivity of this Act, the DAR shall submit a comprehensive study on the land size appropriate for each type of crop to Congress for a possible review of limits of land sizes provided in this Act.” SECTION 5. Section 7 of Republic Act No. 6657, as amended, is hereby further amended to read as follows: “ SEC. 7. Priorities. — The DAR, in coordination with the Presidential Agrarian

Reform Council (PARC) shall plan and program the final acquisition and distribution of all remaining unacquired and undistributed agricultural lands from the effectivity of this Act until June 30, 2014. Lands shall be acquired and distributed as follows: " Phase One: During the five (5)-year extension period hereafter all remaining lands above fifty (50) hectares shall be covered for purposes of agrarian reform upon the effectivity of this Act.

All private agricultural lands of landowners with aggregate landholdings in excess of fifty (50) hectares which have already been subjected to a notice of coverage issued on or before December 10, 2008; rice and corn lands under Presidential Decree No. 27; all idle or abandoned lands; all private lands voluntarily offered by the owners for agrarian reform: Provided, That with respect to voluntary land transfer, only those submitted by June 30, 2009 shall be allowed: Provided, further, That after June 30, 2009, the modes of acquisition shall be limited to voluntary offer to sell and compulsory acquisition: Provided, furthermore, That all previously acquired lands wherein valuation is subject to challenge by landowners shall be completed and finally resolved pursuant to Section 17 of Republic Act No. 6657, as amended: Provided, finally, as mandated by the Constitution, Republic Act No. 6657, as amended, and Republic Act No. 3844, as amended, only farmers (tenants or lessees) and regular farmworkers actually tilling the lands, as certified under oath by the Barangay Agrarian Reform Council (BARC) and attested under oath by the landowners, are the qualified beneficiaries.

The intended beneficiary shall state under oath before the judge of the city or municipal court that he/she is willing to work on the land to make it productive and to assume the obligation of paying the amortization for the compensation of the land and the land taxes thereon; all lands foreclosed by government financial institutions; all lands acquired by the Presidential Commission on Good Government (PCGG); and all other lands owned by the government devoted to or suitable for agriculture, which shall be acquired and distributed immediately upon the effectivity of this Act, with the implementation to be completed by June 30, 2012; “ Phase Two: (a) Lands twenty-four (24) hectares up to fifty (50) hectares shall likewise be covered for purposes of agrarian reform upon the effectivity of this Act.

All alienable and disposable public agricultural lands; all arable public agricultural lands under agro-forest, pasture and agricultural leases already cultivated and planted to crops in accordance with Section 6, Article XIII of the Constitution; all public agricultural lands which are to be opened for new development and resettlement; and all private agricultural lands of landowners with aggregate landholdings: above twenty-four (24) hectares up to fifty (50) hectares which have already been subjected to a notice of coverage issued on or before December 10, 2008, to implement principally the rights of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till, which shall be distributed immediately upon the effectivity of this Act, with the implementation to be completed by June 30, 2012; and “(b) All remaining private agricultural lands of landowners with aggregate landholdings in excess of twenty-four (24)

hectares, regardless as to whether these have been subjected to notices of coverage or not, with the implementation to begin on July 1, 2012 and to be completed by June 30, 2013;

“ Phase Three: All other private agricultural lands commencing with large landholdings and proceeding to medium and small landholdings under the following schedule: “(a) Lands of landowners with aggregate landholdings above ten (10) hectares up to twenty-four (24) hectares, insofar as the excess hectarage above ten (10) hectares is concerned, to begin on July 1, 2012 and to be completed by June 30, 2013; and “(b) Lands of landowners with aggregate landholdings from the retention limit up to ten (10) hectares, to begin on July 1, 2013 and to be completed by June 30, 2014; to implement principally the right of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till.

“ The schedule of acquisition and redistribution of all agricultural lands covered by this program shall be made in accordance with the above order of priority, which shall be provided in the implementing rules to be prepared by the PARC, taking into consideration the following: the landholdings wherein the farmers are organized and understand the meaning and obligations of farmland ownership; the distribution of lands to the tillers at the earliest practicable time; the enhancement of agricultural productivity; and the availability of funds and resources to implement and support the program: Provided, That the PARC shall design and conduct seminars, symposia, information campaigns, and other similar programs for farmers who are not organized or not covered by any landholdings. Completion by

these farmers of the aforementioned seminars, symposia, and other similar programs shall be encouraged in the implementation of this Act particularly the provisions of this Section. " Land acquisition and distribution shall be completed by June 30, 2014 on a province-by-province basis.

In any case, the PARC or the PARC Executive Committee (PARC EXCOM), upon recommendation by the Provincial Agrarian Reform Coordinating Committee (PARCCOM), may declare certain provinces as priority land reform areas, in which case the acquisition and distribution of private agricultural lands therein under advanced phases may be implemented ahead of the above schedules on the condition that prior phases in these provinces have been completed: Provided, That notwithstanding the above schedules, phase three (b) shall not be implemented in a particular province until at least ninety percent (90%) of the provincial balance of that particular province as of January 1, 2009 under Phase One, Phase Two (a), Phase Two (b), and Phase Three (a), excluding lands under the jurisdiction of the Department of Environment and Natural Resources (DENR), have been successfully completed.

" The PARC shall establish guidelines to implement the above priorities and distribution scheme, including the determination of who are qualified beneficiaries: Provided, That an owner-tiller may be a beneficiary of the land he/she does not own but is actually cultivating to the extent of the difference between the area of the land he/she owns and the award ceiling of three (3) hectares: Provided, further, That collective ownership by the farmer beneficiaries shall be subject to Section 25 of Republic Act No. 6657, as

amended: Provided, furthermore, That rural women shall be given the opportunity to participate in the development planning and implementation of this Act: Provided, finally, That in no case should the agrarian reform beneficiaries' sex, economic, religious, social, cultural and political attributes adversely affect the distribution of lands." Source: <http://www.dar.gov.ph/>

III. OBSERVATION

Almost 26 years have passed since the Comprehensive Agrarian Reform Program (CARP) has been established. The main objective of the program is to help landless farmers to directly own the land they cultivate. However, the time given to implement and complete the program seems to be not enough to serve its purpose. By its deadline in 2008, some 1.2 million hectares of agricultural lands remained undistributed to farmers. Due to this, an additional 5 years extension were given to continue the program, it is known to be the Comprehensive Agrarian Reform Program Extension with Reform (CARPER). The goal of the extension is to complete the land acquisition and distribution by June 30, 2014, but has again failed to fulfill its mission. Both CARP and CARPER are considered to be a useless waste of both time and money. They all knew that CARPER won't be able to work but still doing it. Look what happened, they failed again! They have failed the landless farmers who dream to have their own land to till. But who should be blamed?

As Bishop Pabillo reiterated " CARPER is good and will succeed if there is political will among the implementors to really help poor. All these years our government officials have not really given their best to make the agrarian reform succeed. It is not fair to blame CARPER. Blame the implementors!" I

strongly believe that the Comprehensive Agrarian Reform Program and the Extension should be abolished. There should be no more extension. In other words, all activities of the Department of Agrarian Reform (DAR) regarding CARP and CARPER should be stop. But after the failure of the CARPER, the Department of Agrarian Reform (DAR) assured farmer-groups that the program of distributing lands to farmer-beneficiaries will not end. What does the government mean? Another extension for the program? CARPERER maybe? But I think the question here is, how much will it costs to totally complete the program? And how long will the farmers wait? The question now hangs in the air: Will the government make it?