

Philippines: RA 11953: Emancipation of what and for whom?

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New Agrarian Emancipation Act (RA 11953)

The New Agrarian Emancipation Act or RA 11953 is an act emancipating agrarian reform beneficiaries (ARBs) from financial burden by condoning all principal loans, unpaid amortizations, and interests and exempting payment of estate tax on agricultural lands awarded under the comprehensive agrarian reform program.

The New Agrarian Emancipation Act condones all loans, including interests, penalties, and surcharges incurred by agrarian reform beneficiaries (ARBs) from land awarded to them under Presidential Decree (PD) 27, RA 6657, and RA 9700.

Looking back, PD 27 is the Tenant Emancipation Decree of the late President Ferdinand Marcos Sr. issued on Oct. 21, 1972. While RA 6657 is the Comprehensive Agrarian Reform Law of 1988, and RA 9700 is the legislation extending the acquisition and distribution of agricultural lands under the Comprehensive Agrarian Reform Program (CARP).

RA 11953 law covers PHP 57.56 billion in agrarian arrears, benefiting 610,054 ARBs who are tilling a total of 1,173,101.57 hectares of awarded land. Under the newly signed law, the ARBs will also be included in the Registry System for Basic Sectors in Agriculture of the Department of Agriculture (DA) concurrently headed by BBM. Their inclusion entitles them to all support services given to farmers by the DA and other government agencies. Sixty days after the effectivity of RA 11953, the Department of Agrarian Reform (DAR), in coordination with the Executive Committee of the Presidential Agrarian Reform Council, will issue Implementing Rules and Regulations (IRR) for the effective implementation of the new law. The New Agrarian Emancipation Act is the fulfilment of Marcos' call on Congress during his first State of the Nation Address in July 2022 to pass a law condoning the farmers' unpaid debt.

Unfortunately, despite that the act looks promising, there is more to it that needs to be highlighted.

1. The process of condoning the debts must cover all ARBs. The law stipulates that the condoning of debts will happen in two stages. For the first stage, there will be outright condonation for around 260,000 agrarian reform beneficiaries (ARBs); these represent 43 percent of the total number of beneficiaries. Their names and other loan details had already been submitted by the Land Bank of the Philippines to Congress. The issue is that for the second stage, the remaining balance of more than 346,000 ARBs—representing 57% of all beneficiaries and tilling more than 763,000 hectares—shall only be added when the LBP and the DAR have submitted the specifics of indebtedness to Congress. It is still unknown which ARBs are included in the list that has already been filed and will therefore have full legal protection, and which ARBs will be included in the list that LBP and DAR still need to create and present to Congress within a three-year timeframe.

2. Tenants who are still in the process of land tenurial issues and landless tillers must be ensured that they will not be left behind. The undeniable number of land tenurial issues faced by many tenants and those who are landless farmers must be catered and have an equal opportunity to enjoy the same benefits of RA 11953.
3. Ancestral Domain Claims. The act must ensure that the lands and its corresponding financial obligations must strictly not include those in conflict relating to the ancestral domain claims of the Indigenous and Bangsamoro people.
4. Lack of genuine participation and involvement of ARBs. In creating and generating the submitted list and to be processed it is also unclear if there is a genuine participation and involvement of ARBs.
5. Actual land owner and who has control over the land must be monitored and revalidated. Certificate of Land Owner Award (CLOA) must be reviewed and checked especially in landholdings that are leased or mortgaged, and to determine if farmer-beneficiaries and their families still have actual possession of their awarded farmlands, this must be noted in ancestral domains also. This is to ensure that the purpose of the law is being exercised, which emancipates the financial burden of ARBs.
6. Strict enforcement of the implementing rules and regulations. The government must ensure that the Implementing Rules and Regulations (IRR) of the act are properly implemented, such as the 10-year moratorium, issuance of titles to unlawful beneficiaries, and cancellation of CLOAs.
7. This act if genuinely implemented should not diminished the right of the Bangsamoro and Indigenous People of their ancestral lands.

Finally, the enactment of RA 11953 is untimely since this time, unfortunately, there are lands that were already sold or leased and even converted to non-agricultural use and are not productive anymore. This might lead to facilitating the transfer to lease arrangement for big corporations, mono-cropping and real estate developments. Especially now that RA 11954 or the Maharlika Investment Fund is enacted, which includes in its objectives the Infrastructure and Real Estate Development that might lead to compromise and jeopardize RA 11953 and the Agrarian Reform.

We, in Kilos Ka as a rural poor movement in Mindanao, believes that this act will be more comprehensive by being uncompromising and fixing the loopholes in order to truly exercise its mandate which to emancipate the financial burden of the farmers and the democratic rights of the peasantry as a whole.

Statement during the 1st Council meeting by the 4th Congress on July 22, 2023.

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