

Controversies in the left on the land reform issue (part II)

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Political Round Up: Future of Agrarian Reform Hangs in the Balance

Congress has been debating the future of the Comprehensive Agrarian Reform Program (CARP) since last year, with particular focus on the extension of funding for its key component — land acquisition and distribution (LAD), which expired last June 10.

Created by the Comprehensive Agrarian Reform Law (RA 6657) in 1988, CARP was given a 10-year extension in 1998 by RA 8532. Considered the most comprehensive agrarian reform initiative in the country, CARP is supposed to distribute 8 million hectares of agricultural lands to more than five million landless men and women farmers and farmworkers. Crafted within a democracy, the CARP is a product of a compromise to accommodate competing interest, resulting in tensions and inconsistencies in its implementation. The Department of Agrarian Reform (DAR) has the primary task of distributing all private agricultural lands, while the Department of Environment and Natural Resources (DENR) has the responsibility for all public lands. The government allotted a total of 130 billion pesos to the program since its inception. Based on its 2007 accomplishment report, CARP distributed nearly six million hectares of land and 1 million hectares in leasehold areas to around three million peasant households. This outcome, though partial and the accuracy of which continues to be questioned, can be deemed significant given the political difficulty in implementation.

Official statistics claim that one million hectares of land have yet to be distributed. Bulk of the land still up for redistribution are private agricultural lands in Negros Occidental, Leyte, Negros Oriental, Maguindanao, and North Cotabato where large landholdings are located. DAR estimates that they need an additional 160 million pesos to complete the LAD. According to civil society groups, the completion gap in land redistribution and support services is larger than what official data suggest, making the extension of the CARP funding even more urgent.

Despite President Gloria Macapagal-Arroyo's certification of the extension bill as urgent, Congress failed to pass a law to extend CARP before it went on recess on June 12. The House of Representatives deferred action on House Bill 4077, the consolidated bill which represents the outcome of the Committee on Agrarian Reform hearings, local public consultations, and deliberations on a number of CARP extension bills. Instead, the House passed Resolution No. 21 which seeks to extend LAD until December 31, 2008. However, the same resolution failed to pass in the Senate.

During the lower house floor debates on June 10, Speaker Prospero Nograles called for a closed-door all-members executive caucus to tackle HB 4077. Ninety-seven (97) representatives voted for the passing of HB 4077, 82 voted against it, and five abstained. However, the House leadership decided to postpone the plenary votes citing that the “votes are not yet in the bag”. The Senate, on the other hand, has yet to produce both its committee report and its own version of the bill, insisting that CARP still has a budget until December 31 and that its extension does not hinge on the June 10 expiry date.

The possibility of termination of the CARP raises a lot of uncertainties, prompting agrarian reform beneficiaries, farmers and farmworkers still seeking to be covered by the program, and wider civil society including pro-CARP reform forces from the farmers’ groups, academics, NGOs, and even the influential Catholic Bishops Conference of the Philippines (CBCP) to step up their campaigns and lobby work. On July 7-8, the CBCP will convene the Second National Rural Congress, a gathering of the rural poor from around the country, with agrarian reform taking a big space on the agenda.

Clearly, the landed bloc has consolidated its forces in Congress, and more importantly, President Arroyo has failed to exercise leadership and political will to see the program through. The battle over the extension and reform of CARP, however, is far from over.

Focus on the Philippines, June 2008

20-year CARP fails to end feudal relations especially in Negros Occ

MANILA, Philippines - Republic Act 6657 or the Comprehensive Agrarian Reform Law (CARL) of 1988 has failed to break centuries-old feudal relations in Philippine rural areas, particularly in the province of Negros Occidental where big sugar haciendas tilled by poor farmers largely remain in the hands of few landowners.

As Republic Act 8532 or the law extending the CARL’s appropriation until 2008 expires on June 15, data obtained by GMANews.TV from the Department of Agrarian Reform (DAR) show that there are still 1,173,706 hectares of private agricultural landholdings (PAL) in the country that have not yet been distributed to farmer-beneficiaries (FB).

According to the DAR data, the 1.17 million hectares of PALs are still in the hands of 81,541 landowners. At three hectares per beneficiary, the balance could benefit 391,235 farmers.

Most of these undistributed landholdings — about 12.6 percent of the total balance or 147,889 hectares — are found in Negros Occidental, touted as the country’s bedrock of feudalism.

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These

Negros landholdings, according to the DAR data, are held by 6,329 landowners

or 23 hectares per landowner.

The total area of Negros Occidental lands could benefit 49,296 tillers, if the farms would be distributed to them at 3 hectares per beneficiary.

PALs should have been first

In a study, peasant federation Task Force Mapalad (TFM) claimed that instead of following CARL's mandate of prioritizing the coverage of PALs, the DAR acquired and distributed "less contentious landholdings," such as government-owned lands.

"Had the government religiously followed the original intent of the CARL, Negros could have long been practically freed of problems on land tenure improvement as early as 1998," said TFM in its study.

It said that under the CARL, PALs in excess of 50 hectares "shall be distributed immediately" to landless farmers and farm workers "with the implementation to be completed within a period of not more than four years."

Meanwhile, TFM said the same law mandates that PALs above 24 hectares to 50 hectares should have been finished on the fourth year of the CARL or in 1992. While the distribution of those with sizes of 24 hectares and below should have started on the sixth year of the law's implementation or 1994, and completed within four years or in 1998.

TFM helps FBs in Negros Occidental, and in other provinces acquire the lands they till through the Comprehensive Agrarian Reform Program (CARP).

The organization has so far helped 3,150 FBs acquire and occupy 7,200 hectares of farmlands in 312 haciendas in Negros Occidental.

Undistributed PALs in Negros

The DAR data also show that most of the undistributed PALs in Negros Occidental — 45 percent or 66,604 hectares — are landholdings with sizes above 50 hectares. Some 37.5 percent or 55,388 hectares are above 5 to 24 hectares, while the remaining 17.5 percent or 25,896 hectares are those with sizes of above 24 to 50 hectares.

TFM said the data meant "that Negros Occidental lagged behind the schedule (mandated under the CARL)."

"Asset redistribution through CARP implementation was so slow that this gave so much time for the landowners to consolidate their forces and set up machinations to ensure that the CARP will never be a success in Negros," TFM said in its study.

The same study also claimed that only about 18 family groups with interlocking genealogical relations control most of the vast sugar plantations in Negros Occidental where 80 percent of sugar is produced.

The TFM said these are the families of Lizares, Jalandoni, Lacson, Lopez,

Javellana, Montelibano, Montilla, Arroyo, Villanueva, Soriano, Javellana, Benedicto, Ledesma, Araneta, Gonzaga, Montinola, Yulo, and Cojuangco.

CARP: Kill or extend?

Although peasant-based organizations and lawmakers differ in their calls — some reject bills seeking CARL's extension, while others support measures prolonging RA 6657 — all, if not most of them want an enactment of a new agrarian reform measure that will ensure farmers' full and effective control of the lands distributed to them.

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HOPELESS STARE? Negros farmers still landless after 20 years of CARP. These organizations criticize the CARL, claiming that several of its provisions have allowed landowners to evade the program largely through conversions, exemptions, and the so-called non-redistributive schemes of CARP acquisition such as voluntary offer to sell (VOS) and voluntary land transfer (VLT).

While groups led by Representatives Ana Theresia Baraquel of Akbayan and Edcel Lagman of Albay want to extend the CARL, they said the measure extending the law must contain "reform provisions."

Baraquel and Lagman's measures were among those consolidated under House Bill 4077 that was recently approved by the House Committee on Agrarian Reform. The bill, which seeks a five-year extension of the CARL, allots a P100-billion fund for the agrarian reform program.

Under HB 4077, 60 percent of the fund would be for land tenure improvement or land acquisition and distribution, while 40 percent would be for program beneficiaries development or support services to FBs.

To protect an FB's ownership of the land, the bill would make certificates of landownership award "indefeasible," a year after the CLOA's registration with the Office of the Registry of Deeds.

Moreover, the measure seeks to guarantee the productivity of lands awarded to FBs. Thus, HB 4077 requires the DAR to establish within the five-year-extension, a minimum of three agrarian reform communities in each legislative district with a predominantly agricultural population.

The measure also has a provision that promotes "gender responsive support services." The provision requires the State to "recognize and enforce the right of rural women to own and control land or to receive a just share of the fruits thereof."

This portion of the measure was the response to the gender inequality between male and female FBs, which the CARL failed to address.

Data culled by GMA News.TV from the DAR showed that under the CARL, the government failed to equitably distribute farmlands to male and female FBs.

From 2002 to 2004, only 506,571 female CARP beneficiaries, representing 27 percent of the total beneficiaries, were awarded their emancipation patents (EP) and CLOAs. The bulk of the EP and CLOA were awarded to 1,338,701 male tillers or 73 percent of the beneficiaries.

Extension of a 'flawed' law

But other groups and lawmakers are not convinced of the reforms sought through HB 4077.

Bayan Muna Rep. Teodoro Casiño, for instance, claimed that the bill's enactment would "only mean the extension of a flawed CARP."

He said the measure failed to include the acquisition and distribution of other agricultural landholdings, such as livestock and poultry farms, that were exempted from CARP through RA 6657.

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Casiño

also claimed that HB 4077 did not exclude "non-redistributive" CARP acquisition schemes such as VOS, VLT, and SDOs or stock distribution option, which gave leeway to landowners to circumvent the law, and retain control of landholdings.

According to TFM, VOS is often used by landlords and corrupt government officials in jacking up the prices of agricultural lands.

VLT, meanwhile, often facilitates fake land transfers, according to TFM. "At times, VLT becomes a virtual real-estate transaction between the former landlord and the FBs."

SDO, according to agrarian reform specialist Saturnino Borrás, "is a distinct mode designed for corporate farms... (which) does not involve physical land transfer of land (but the) distribution of corporate stocks to peasants."

Data from the DAR showed that a total of 7,703 hectares of farmlands were placed under the SDO scheme. Included in the list is the 4,916-hectare Hacienda Luisita in Tarlac province owned by the family of former President Corason Aquino.

Another "flaw" of RA 6657 cited by Casiño is the obligation of FBs to repay the government through a 30-year-amortization for the lands awarded to them through CARP.

He said this "is too burdensome for farmers who can't make their lands productive because they are not provided sufficient support services by the government."

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Casiño

likewise criticized the landowners and their children's right under the CARL to retain five and three hectares respectively after their landholdings are acquired by the government and distributed to FBs.

Enact GARB instead

While one group led by Hontiveros want CARL's extension "with reform," the other group led by Casiño, fellow Bayan Muna Rep. Satur Ocampo and Gabriela Rep. Liza Masa want another measure "more progressive" than CARL enacted.

This is House Bill 3059 or the "Genuine Agrarian Reform Bill (GARB)" that contains the following salient provisions:

- * Expansion of the definition of agricultural land to broaden its scope and coverage of land distribution
- * Abrogation of the alternative schemes to physical land distribution, such as SDOs
- * Expropriation of all private lands exceeding five hectares
- * Completion of the distribution of lands within five years
- * Distribution of lands to FBs at no cost, and issuance of full title of emancipation
- * Writing off amortization payments on lands distributed under Presidential Decree 27 and RA 6657 and
- * Full restoration of the canceled CLOAs, certificates of land transfer, and EPs to FBs who fail to amortize on their lands. - Text, photo, graphics by AR Sabangan, GMA News.TV

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CARP extension meant to benefit landowners - IBON

MANILA, Philippines - Proposals from Malacañang and some lawmakers to extend the Comprehensive Agrarian Reform Program (CARP) may benefit landowners in the end, militant think tank IBON Foundation said Wednesday.

In a statement, IBON said merely extending the recently lapsed CARP will create more opportunities for landowners and agribusiness firms to consolidate their control over agricultural lands.

The group said proposals for CARP extension include the "farmland as collateral" provision, a key component of so-called market-oriented land reform.

"Farmers availing of the provision to access credit may find their lands foreclosed, resulting in reconsolidation of already-redistributed agricultural lands in the hands of landlords and large agribusiness firms," it said.

It added the present flawed program has failed to stop bankrupt farmers from selling or transferring distributed lands, despite 10-year prohibitions on such transfers.

On the other hand, it said Malacañang will be able to use the proposal to push for its initiatives to develop corporate farms and facilitate foreign and local agricultural investment through the Agrarian Reform Community (ARC) concept.

This will further increase the insecurity of land tenure in the countryside, it said.

"The proposal to extend CARP is meant to fine-tune the bankrupt program to continue restructuring local agriculture in order to suit the needs of big land owners and agro-corporations," it said.

IBON also said bills filed at the House of Representatives are even more dangerous for small and landless farmers since introducing reforms to the flawed CARP "undermines the historical and moral claim of farmers to own the land they till for free." "Requiring farmers to pay for the land perpetuates one of the biggest flaws of CARP—that the program is essentially a real estate transaction between landlords and farmers, with the government as the middle man," it said.

IBON said the present agrarian situation proves that CARP in its 20 years of implementation has failed and has been used to legitimize various forms of land-grabbing.

Thus, it said that instead of extending the flawed CARP, what is needed is a "genuine program that is not designed to perpetuate landlord-business and agro-corporate interests but upholds land distribution as key for social justice." - GMANews.TV

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