

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P3:02

S E N A T E

RECEIVED BY: S. No. 238

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

R. A. 6657 otherwise known as the Comprehensive Agrarian Reform Law sought to redistribute ownership of agricultural lands, and free the Filipino farmer from the bondage of poverty and deprivation.

Voluntary land transfers as provided in Section 20 of the CARL encourages both land-owner and farmer-beneficiary to enter directly into a contract for the sale and transfer of agricultural land in order to facilitate the implementation of the law. In reality however, this process has been mired in tedious procedures entailing a multi-layered bureaucratic system of review and approval.

This bill seeks to address the situation by simplifying the procedure, and minimizing bureaucratic red tape. As proposed, land-owner and farmer-beneficiary may freely set the terms of such transfer, provided that those terms are not less favorable than those imposed by R.A. 6657. Hence, the land transfer may take effect when the farmer-beneficiary signifies his agreement to the amount and terms of payment. In addition, the bill mandates that the farmer-beneficiary be granted access to financial support from the Land Bank of the Philippines for production, technology transfer and marketing facilities, up to an amount equal to 85% of the selling price of the land acquired under CARL.

The government's commitment to social redistributive justice will be measured by the effectiveness and efficiency with which the agrarian reform law is implemented to deliver a better life for the Filipino farmer. Empowering the farmer also means empowering him to negotiate on equal terms with the land-owner to take possession of what is his by virtue of the law.

In view of the foregoing, the immediate approval of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

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SENATE

S. No. 238

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**AN ACT
PROVIDING AMPLE OPPORTUNITY TO ALLOW LANDOWNERS AND TENANTS
TO ENTER UNTO VOLUNTARY LAND TRANSFER AND/OR DIRECT PAYMENT
SCHEME AND AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED
SIXTY-SIX HUNDRED AND FIFTY-SEVEN OTHERWISE KNOWN AS THE
COMPREHENSIVE AGRARIAN REFORM LAW OF NINETEEN HUNDRED AND
EIGHTY-EIGHT, AMENDED**

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

1 SECTION 1. Section 20 of Republic Act No. 6657, otherwise known as
2 the Comprehensive Agrarian Reform Law of 1988, as amended, is hereby
3 amended to read as follows:

4 "Section 20. **Voluntary Land Transfer.** – Landowners of
5 agricultural lands subject to acquisition under this Act may enter into a
6 voluntary agreement for direct transfer of their lands to qualified
7 beneficiaries subject to the following guidelines:

8 "(a) All notices petitions for voluntary land transfer must be
9 submitted to the DAR within the first year of the implementation of the
10 CARP and should be acted upon within thirty (30) days from receipt
11 thereof. Negotiations between the landowners and qualified beneficiaries
12 covering any voluntary land transfer which remain unresolved after one
13 (1) year from submission of petitions shall not be recognized and such
14 land shall instead be acquired by the government and transferred
15 pursuant to this Act; b) The terms and conditions of such transfer shall

1 not be less favorable to the transferee than those of the government's
2 standing offer to purchase from the landowner and to resell to the
3 beneficiaries, if such offers have been made and are fully known to both
4 parties;

5 (C) THE AGRARIAN REFORM BENEFICIARY AGREES TO THE
6 AMOUNT AND THE TERMS OF PAYMENT;

7 (D) THE DAR SHALL ACT AS MEDIATOR IN CASES OF
8 DISAGREEMENT BETWEEN THE LANDOWNER AND THE FARMER
9 AND/OR FARMER BENEFICIARY;

10 [c] (E) The voluntary agreement shall include sanctions for non-
11 compliance by either party and shall be duly recorded and its
12 implementation monitored by the DAR;

13 (F) TO ENSURE THE VIABILITY OF THIS SCHEME, THE LAND BANK
14 OF THE PHILIPPINES (LBP) SHALL EXTEND TO THE FARMER
15 BENEFICIARIES FINANCIAL SUPPORT FOR PRODUCTION,
16 TECHNOLOGY TRANSFER AND MARKETING FACILITIES AND/OR
17 ACTIVITIES; AND

18 (G) THE FARMER AND/OR FARMER BENEFICIARY SHALL BE
19 ELIGIBLE TO BORROW FROM THE LBP AN AMOUNT EQUAL TO
20 EIGHTY FIVE PERCENT (85%) OF THE SELLING PRICE OF THE LAND
21 THAT THEY HAVE ACQUIRED."

22 SEC.2. All laws, decrees, executive orders, rules and regulations, or
23 parts hereof inconsistent with the provision of this Act are hereby repealed,
24 amended or modified accordingly.

25 SEC. 3. This Act shall take effect fifteen (15) days after its publication in
26 the Official Gazette or in at least two (2) newspapers of general circulation
27 whichever comes earlier.

28 Approved,