

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

13 FEB -> P4:01

SENATE  
P.S. Res. No. 936

*AV*

---

Introduced by Senator LACSON

---

**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON AGRARIAN REFORM, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE REPORTED ANOMALOUS TRANSFER OF PRIVATE LANDS TO COMPREHENSIVE AGRARIAN REFORM PROGRAM BENEFICIARIES DESPITE THE LANDHOLDING'S CLEAR EXEMPTION FROM ITS COVERAGE AND NON-COMPLIANCE WITH THE PROCEDURES LAID DOWN BY REPUBLIC ACT NO. 6657 AS AMENDED, WITH THE END IN VIEW OF DETERMINING WHAT CORRECTIVE AND REMEDIAL MEASURES ARE NECESSARY IN ORDER TO PREVENT FURTHER OCCURRENCE OF SAID ANOMALIES THAT TEND TO DESTROY THE OBJECTIVES OF THE CARP LAW.**

**WHEREAS**, consistent with the policy of the state to pursue a Comprehensive Agrarian Reform Program, Congress enacted Republic Act 6657, otherwise known the Comprehensive Agrarian Reform Law in 1998. Said law was further amended by Republic Act No 9700 on August 7, 2009 when the funding source for the program lapsed in FY 2008 as provided for under Republic Act No. 8532. This new law seeks to strengthen CARP, extends the acquisition and distribution of all agricultural lands, institutes necessary reforms in order to address the different problems besetting the program and to accelerate the acquisition and distribution of said lands;

**WHEREAS**, the government's agrarian reform program is founded on the right of farmers and regular farm workers, who are landless, to own directly or collectively the lands they till or, in the case of other farm workers, to receive a share of the harvest thereof. Towards this end, the State encourages the just distribution of all agricultural lands, subject to the priorities and retention limits set forth under the Act, taking into account ecological, developmental, and equity considerations, and the payment of just compensation. However, its implementation is being marred with numerous problems resulting in a slow pace of the distribution of the lands to the farmer beneficiaries;

**WHEREAS**, Section 16 of Republic Act. No. 6657 as amended provides that for purposes of acquisition of private lands, the following procedures shall be followed, to wit: (a) Notice to the landowners of the property sought to be covered by the program; (b) response by the landowner signifying either his acceptance or rejection of the agency's offer; (c) if the offer is accepted, payment by the LBP of the purchase price of the land to the landowner and surrender by him of his Certificate of Title and other muniments of title over the said property; (d) if the offer is rejected or if the landowner fails to file a reply, DAR shall conduct summary administrative proceedings to determine compensation for the land; (e) upon receipt of the landowner of the corresponding payment or in case of rejection or no response from the landowner, DAR shall deposit with an accessible bank the compensation in cash or LBP bonds and it shall take immediate possession of the land and request the proper Register of Deeds to issue a Transfer Certificate of Title in the name of the Republic of the Philippines; (f) if a party disagrees with the decision, he/she may bring the matter to the court for final determination of just compensation;

**WHEREAS**, the Honorable Supreme Court ruled in *Roxas & Co., Inc. v. Court of Appeals* (G.R. No. 127876, December 17, 1999), that the "notice requirements under the Comprehensive Agrarian Reform Law (CARL) are not confined to the Notice of Acquisition set forth in Section 16 of the law. They also include the Notice of Coverage first laid down in DAR A.O. No. 12, Series of 1989 and subsequently amended in DAR A.O. No. 9, Series of 1990 and DAR A.O. No. 1, Series of 1993;

**WHEREAS**, there are reports that certain private lands were titled to the Republic of the Philippines and transferred to CARP beneficiaries despite non-compliance with the above-mentioned procedures in gross violation of the fundamental right to due process of law by the registered owners of said lands;

**WHEREAS**, it appears that unscrupulous individuals with spurious documents were able to title lands belonging to private individuals with the cooperation of some officials of DAR and the Register of Deeds despite failure to conform with the procedures mandated by law;

**WHEREAS**, in one case, 211,500 square meters of private land in the Municipality of Sibulan, Negros Oriental was titled to the Republic of the Philippines under TCT No. T-35306 and subsequently transferred to several persons under Transfer Certificate of Title No. 702 despite the fact that the registered owners were not notified of the hearings undertaken by the Municipal Agrarian Reform Officer (MARO) nor were they furnished copies of the Investigative Report of said MARO regarding the said property. It also appeared that DAR overlooked the fact that said property lies within a geothermal reservation per Proclamation No. 1413 issued by President Marcos and sustained by Executive Order No. 223 of President Corazon Aquino which exempts it from the coverage of CARL;

**WHEREAS**, as a result thereof, the private owners of said land were deprived of their ownership and possession of their property through a surreptitious and highly questionable proceeding undertaken by the Department of Agrarian Reform thru its Municipal Agrarian Reform Officer;

**WHEREAS**, there is a need to look into this matter in order to prevent the DAR from short-circuiting the process to the detriment of the owners of said lands and to the prejudice of the farmer beneficiaries whose ownership of the land will be in dispute.

**NOW ,THEREFORE, BE IT RESOLVED** as it is hereby resolved by the Senate of the Philippines, to direct the Senate Committee on Agrarian Reform to look into the procedure being undertaken by the Department of Agrarian Reform in its acquisition and distribution of lands under the Comprehensive Agrarian Reform Program in light of reports that numerous parcel of lands were subjected to coverage and titled to the Republic of the Philippines in spite of its exemption from the coverage of RA No. 6657 as amended and non-compliance with the procedures provided for under the CARP, with the end in view of providing remedial measures that will prevent the occurrence of similar cases in the future thereby protecting equally the rights of the farmer beneficiaries and registered owners of said lands.

**ADOPTED,**

  
**PANFILO M. LACSON**  
Senator