

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



Senate
Office of the Secretary

14 NOV 10 P4:36

SENATE
P. S. R. No. **1001**

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

EXPRESSING THE SENSE OF THE SENATE THAT THE ROSARIO, BATANGAS PROPERTY—WHETHER CONSISTING OF 145 OR 350 HECTARES—SHOULD BE PROPERLY ASSESSED BY THE DEPARTMENT OF AGRARIAN REFORM, AND IF IT FALLS UNDER THE COMPREHENSIVE AGRARIAN REFORM LAW, SHOULD BE IMMEDIATELY ACQUIRED AND DISTRIBUTED TO FARMER BENEFICIARIES; AND IN ANY EVENT, TO SUBMIT A REPORT TO THE SENATE NO LATER THAN THE LAST WORKING DAY OF DECEMBER 2014

WHEREAS, the Constitution, Article 2, Section 21 provides: “The State shall promote comprehensive rural development and agrarian reform”;

WHEREAS, the Constitution, Article 13, Section 4 provides:

The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

WHEREAS, according to various news reports, an hacienda of 145 or 350 hectares situated in Rosario, Batangas, allegedly belongs to either vice-president Jejomar Binay or his friend Antonio Tiu;

WHEREAS, according to various news reports, Tiu has claimed ownership of the hacienda, by invoking an alleged one-page memorandum of agreement – not notarized – between himself and the alleged owner Laureano Gregorio; however, the Department of Agrarian Reform (DAR) has no record that Gregorio is a landowner in that area;

WHEREAS, it appears that the town of Rosario, Batangas is agricultural in nature; thus, it is covered by the agrarian reform program;

WHEREAS, the DAR is required to obtain the geodetic maps of Rosario, but apparently, the area subject to the agrarian reform program is about 632 hectares; thus, the alleged Binay/Tiu property covers more than half of the land placed under agrarian reform;

WHEREAS, DAR records show that it has only approved some 87 hectares in Rosario for conversion, which is so much less than the 145 or 350 hectares subject of the Senate blue ribbon subcommittee probe;

WHEREAS, whether the hacienda is 145 or 350 hectares, it is in violation of the agrarian reform law, which limits land ownership to only five hectares; it indicates that the alleged hacienda is based on agricultural land without DAR approval;

WHEREAS, the size of the hacienda alone indicates non-compliance with the intent of the agrarian reform law, which was to break up haciendas and sell them to the farmers;

WHEREAS, under the Comprehensive Agrarian Reform Law, the DAR has to issue a CLOA (Certificate of Land Ownership Award) or EP (Emancipation Patent) before a person can claim ownership of agricultural land;

WHEREAS, the only exception for sale of agricultural land under agrarian reform is that land was converted in its classification from agricultural to commercial or residential land, but this needs DAR approval, and the DAR has no conversion application on record filed by Gregorio;

WHEREAS, even assuming Gregorio is a landowner or a farmer-beneficiary, he could not have sold the property within ten years from registration without DAR approval;

WHEREAS, Gregorio could not also lease the property because it requires prior clearance from the Presidential Agrarian Reform Council (PARC);

WHEREAS, the legality of the existence of an hacienda which, by definition, is a huge tract of land, is deeply suspicious, and may have involved the crimes of falsification of public documents, and of illegal conversion of agricultural land;

WHEREAS, the Senate blue ribbon subcommittee should therefore investigate the DAR officials and other persons responsible for failure to place Rosario town under the mandate to acquire and distribute agricultural land;

WHEREAS, the subcommittee should also investigate the DAR officials and other persons responsible for what appears to be the conversion of the classification of the land from agricultural to commercial;

WHEREFORE, RESOLVED TO EXPRESS, AS IT HEREBY EXPRESSES, that the Rosario, Batangas property—whether consisting of 145 or 350 hectares—should be properly assessed by the Department of Agrarian Reform, and if it falls under the Comprehensive Agrarian Reform Law, should be immediately acquired and distributed to farmer beneficiaries; and in any event, to submit a report to the Senate no later than the last working day of December 2014.

Adopted,


MIRIAM DEFENSOR SANTIAGO