

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

15 MAY 18 P1:29

SENATE

RECEIVED BY: *[Signature]*

S. B. No. 2769

Introduced by Senator GREGORIO B. HONASAN II

AN ACT
CREATING THE AGRARIAN REFORM COMMISSION TO INVESTIGATE
CIRCUMVENTIONS AND VIOLATIONS OF REPUBLIC ACT NO. 6657, OTHERWISE
KNOWN AS THE "COMPREHENSIVE AGRARIAN REFORM LAW OF 1988", AS
AMENDED, REPUBLIC ACT NO. 9700, AND OTHER AGRARIAN REFORM LAWS,
AND APPROPRIATING FUNDS THEREFOR.

EXPLANATORY NOTE

The 1987 Constitution mandates that "*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.*"

From the implementation of the Comprehensive Agrarian Reform Program (CARP), studies have shown that "between 1998 and 2011, there is a greater increase in average per capita income (12.3%) and a deeper reduction in poverty incidence (21%) among CARP households as compared to land-owning non-CARP households and the general population."¹ It has further been reported that according to former National Economic and Development Authority Secretary Cielito Habito, 81% of the farmers in Agrarian Reform Communities say their quality of lives improved with CARP.

The original target of CARP for compulsory acquisition (CA) was 1.5 million hectares. After 25 years, however, the CA accomplishment stood only at 325,720 hectares. The Department of Agrarian Reform has further estimated that 80% of collective certificates of land ownership award (CLOA) are not real cooperatives. Individual CLOAs covering around 800,000 hectares have yet to be issued. Moreover, about 600,000 hectares of long-term leaseback agreements with terms as long as 25 years and low lease rates are suspected as means to circumvent the CARP. Leaseback is only supposed to be a short term transition arrangement until the beneficiaries develop the capacity to be owner-cultivators.²

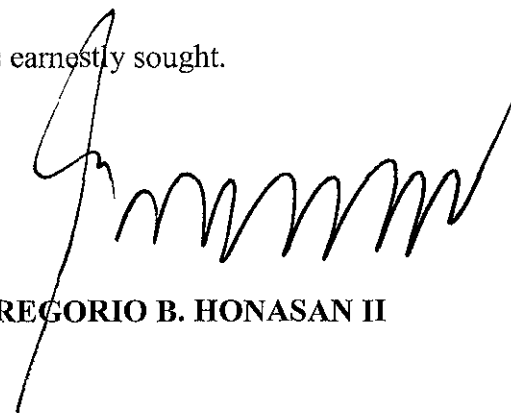
In view of the foregoing and as a social justice measure in pursuit of the just distribution of all agricultural lands as mandated by the Constitution, this bill seeks to establish the Agrarian Reform Commission to investigate circumventions and violations of the CARP. With an

¹ Monsod & Piza, *Per SE*, <http://www.econ.upd.edu.ph>, 29 March 2014

² Monsod, *Christian*, *Committee on Agrarian Reform, House of Representatives*, 06 Aug. 2014

estimated 53% of Filipinos in rural areas engaged in agriculture³, uplifting their lives by securing their means of livelihood, securing their land, will address economic, social, and national security concerns of the country.

Wherefore, the immediate enactment of this measure is earnestly sought.



GREGORIO B. HONASAN II


³ Tadeo, Jaime, Committee on Agrarian Reform, House of Representatives, 06 Aug. 2014

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S. B. No. 2769

APPROVED BY: 

Introduced by Senator GREGORIO B. HONASAN II

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

AN ACT

CREATING THE AGRARIAN REFORM COMMISSION TO INVESTIGATE CIRCUMVENTIONS AND VIOLATIONS OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE “COMPREHENSIVE AGRARIAN REFORM LAW OF 1988”, AS AMENDED, REPUBLIC ACT NO. 9700, AND OTHER AGRARIAN REFORM LAWS, AND APPROPRIATING FUNDS THEREFOR.

SECTION 1. Title. – This Act shall be known as the “*Agrarian Reform Commission Act*”;

SEC. 2. Policy. – The agrarian reform program is 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 the priorities and retention limits set forth under Republic Act 6657, otherwise known as the “Comprehensive Agrarian Reform Law (CARL)”, as amended, and Republic Act 9700, taking into account ecological, developmental, and equity considerations, and subject to the payment of just compensation. The State shall respect the right of small landowners, and shall provide incentive for voluntary land-sharing.

The acquisition and distribution of all public and private agricultural lands under Republic Act 6657, as amended, shall be successfully completed to its finality in accordance with the mandate under the 1987 Constitution.

It is, therefore, imperative to create an independent commission to review the actual accomplishments of the agrarian reform program, and to investigate circumventions and violations of the law and cause these agricultural lands to be compulsorily acquired and distributed to qualified beneficiaries. The State shall provide appropriate incentives to landowners who will comply with the recommendations of the Commission.

SEC. 3. Agrarian Reform Commission. – There is hereby created the Agrarian Reform Commission (ARC) composed of a Chairperson and four (4) members of impeccable integrity, probity and independence, with experience involving the agrarian reform program, at least two of whom members of the Philippine Bar and engaged in the practice of law for at least 10 years. The Chairperson and the members of the Commission shall have the rank and privileges equivalent to the rank of an Ombudsman and Deputy Ombudsman, respectively.

The President of the Republic of the Philippines shall appoint the best qualified Chairperson and members of the Commission within thirty (30) days from the submission of a short list of ten (10) nominees recommended by a screening committee which shall be submitted by the screening committee within thirty (30) days from the deadline set by such committee for the submission of nominees by individuals or stakeholder groups. The members of the Screening Committee, who will act in their ex-officio capacity, shall be composed of the following:

- (1) The Chairperson of the Civil Service Commission;
- (2) The Secretary of the Department of Justice;
- (3) The Ombudsman; and
- (4) The Chairperson of the Commission on Audit;

The Screening Committee shall be *functus officio* upon submission of the short list to the President.

The Agrarian Reform Commission shall function as a collegial body and shall formulate its own rules and regulations. The term of the Commission shall expire after all agricultural lands covered by the agrarian reform program under the Constitution shall have been distributed to our farmer beneficiaries.

The Commission shall be an independent and autonomous body. It shall be attached to the Office of the President.

An amount of Ten Million Pesos (Php10, 000,000.00) per year is hereby appropriated in order to fund the operations of the Agrarian Reform Commission.

SEC. 4. Powers and Functions of the Agrarian Reform Commission. — The Commission shall have the following powers and functions:

- a. Investigate any and all circumventions and violations in the implementation of Republic Act No. 6657 or the CARL, as amended by Republic Act No. 9700, particularly on the acquisition and distribution of all agricultural lands under the program, and other applicable laws for the purpose of prosecuting those responsible therefor, and to put such agricultural lands under the coverage of the program by the CARP implementing agencies and/or to clarify or correct the modalities that deprive the farmer beneficiaries of full ownership or stewardship rights on, and control of the land. This includes circumventions and violations involving the delivery of support services and agrarian justice;
- b. Recommend to the Presidential Agrarian Reform Council (PARC) the appropriate incentives for landowners who will comply with the orders of the Commission or recommend to the Department of Justice, the Ombudsman and other prosecutorial authorities the possible filing of appropriate cases against persons found by the Commission to have violated any agrarian reform laws and refuse to have their agricultural land undergo comprehensive agrarian reform program (CARP) processes;
- c. Submit the results of its investigation to the Office of the President (OP), Presidential Agrarian Reform Council (PARC), Department of Agrarian Reform (DAR), Congressional Oversight Committee on Agrarian Reform (COCAR), Department of Justice (DOJ) and other CARP implementing agencies, for appropriate action;
- d. Invite or summon by subpoena any witness, public or private citizen, to testify before this Commission, and for that purpose administer oath or affirmation;
- e. May punish or cite in contempt any witness who disobeys any order of the Commission or refuses to be sworn or to testify or to answer a proper question by the Commission or any of its members, or testifying, testifies falsely or evasively, or who unduly refuses to appear or bring before the Commission certain documents and/or object evidence required by the Commission notwithstanding the issuance of the appropriate subpoena therefor;

- f. Require by the issuance of subpoena duces tecum any agency, official or employee of the executive branch, including government-owned or controlled corporations, to produce before it such documents, books, records, reports, or other documents as may be necessary in the performance of its functions;
- g. Require the Philippine National Police and other law enforcement agencies to provide security and assistance to the Commission during its investigation when circumstances so require;
- h. Upon proper request, obtain from the courts, including the Sandiganbayan and the Office of the Court Administrator, information or documents in respect to agrarian cases filed;
- i. Promulgate rules and regulations and rules of procedure; and,
- j. Exercise such other acts incident to or appropriate and necessary in connection with the Commission's objectives.

SEC. 5. The Secretariat. – The Commission shall organize a secretariat which shall provide technical and administrative support to the Commission. The staffing, pattern and compensation schedule of the secretariat shall be determined by the Commission in accordance with existing Civil Service rules, regulations and laws, policies of the Department of Budget and Management (DBM), as well as other applicable laws, rules and regulations.

The term of the Secretariat shall be co-terminus with the Commission.

SEC. 6. Repealing Clause. – All other laws, decrees, executive orders, issuances, rules and regulations, or part thereof inconsistent with this Act are hereby likewise repealed or amended accordingly.

SEC. 7. Separability Clause. – If, for any reason, any section or provisions of this Act is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 8. Effectivity Clause. – This Act shall take effect after fifteen (15) days upon publication in at least two (2) newspapers of general circulation.

Approved,