



KAISAHAN
tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan
(Solidarity towards Agrarian Reform and Rural Development)
est. 1990

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REP. RENE L. RELAMPAGOS

Chairman

Committee on Agrarian Reform

POSITION PAPER ON HB 7425 "AN ACT AMENDING SECTION 6 OF REPUBLIC ACT NO. 6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988"

Dear Rep. Relampagos:

Greetings from Kaisahan!

Kaisahan would like to register our opposition to the proposed HB 7425 amending Section 6 Retention Limit of Republic Act No. 6657. We believe that the proposed amendments to existing CARL will only do harm to agrarian reform program, particularly to the interest of qualified farmer beneficiaries, the landless tillers of the soil. The following are the main reasons we oppose HB 7425:

Section 2. Section 6 of the Republic Act No. 6657, as amended, otherwise known as Comprehensive Agrarian Reform Law of 1988, is hereby further amended to read as follows:

Section 6. Retention Limits. — Except as otherwise provided in this Act, no person may own or retain, directly or indirectly, any public or private agricultural land, the size of which shall vary according to factors governing a viable family-size farm, such as commodity produced, terrain, infrastructure, and soil fertility as determined by the Presidential Agrarian Reform Council (PARC) created hereunder, but in no case shall retention by the landowner exceed five (5) hectares. A MAXIMUM OF [T] three (3) hectares may be awarded to each child of the landowner, ~~subject to the following qualifications: (1) that he is at least fifteen (15) years of age; and (2) that he is actually tilling the land or directly managing the farm.;~~ ON THE CONDITION THAT THE LAND SHALL BE USED FOR AGRICULTURAL PURPOSES ONLY, provided, that landowners whose lands have been covered by Presidential Decree No. 27 shall be allowed to keep the areas originally retained by them thereunder: provided, further, that original homestead grantees or their direct compulsory heirs who still own the original homestead at the time of the approval of this Act shall retain the same areas as long as they continue to cultivate said homestead.

1. The proposed bill does not conform to the social justice framework of agrarian reform as provided for in the 1987 constitution and RA 6657 where the spirit and mandate has *always been land to the tiller*. HB 7425 undermines this. It would allow the children of the landowners not qualified based on the present law's stipulations on who are qualified to be an agrarian reform beneficiary. The amendment may even be construed to be granting rights to person unborn as of June 15, 1988.

Another foundation of CARP is to ensure that awarded lands are to remain agricultural lands and are more productive. If we remove the "15-year age clause" as a requirement, then it will allow preferred beneficiaries to own and manage lands even if they are not physically and mentally fit to do so. How can children between 1-14 years of age be expected to have the physical and mental capacity to cultivate and manage the lands awarded to them?

2. The proposed bill may also be in violation of the Bill of Rights, particularly Article III, Section 1, of the 1987 Constitution which provides the "*equal protection*" clause. Roughly 4.724 million of hectares have already been distributed under the agrarian reform program of the government using the existing set of requirements in identifying who among the children of the landowners are qualified to become preferred beneficiaries. It is unfair for the children of former landowners whose landholdings had already been subjected to CARP and were disqualified as preferred beneficiaries due to non-compliance to the qualifications set by the law.

HB 7425 may result to a chaotic situation if the children of former landowners claim their rights to have three hectares each from their former estates. This will lead to the displacements of ARBs and cancellation of almost all of the awarded titles to the farmers to give way to the inclusion of preferred beneficiaries. This will further derail CARPER's implementation.

This proposed amendments to CARL will actually reward the landowners who *resisted* CARP implementation. We supposed that most of the remaining private agricultural lands for CARP coverage are problematic landholdings due to strong landowners' resistance. They will benefit the most from this proposal.

3. Lastly, we would also like to raise the implication of HB 7425 to the remaining land targets for acquisition and distribution by the DAR. There are around 60,000 landholdings covering more or less 600,000 hectares of agricultural lands for distribution. If you less the five (5) hectare retention of the landowners (5 hectares x 60,000 landholdings= 300,000 hectares), you will have 300,000 remaining lands for distribution to qualified farmer beneficiaries. And if this bill will be enacted, there are no more lands for landless farmers as the remaining 300,000 hectares will not be enough for preferred beneficiaries alone. If the average family size is five, the government needs 540,000 hectares for preferred beneficiaries.

We humbly submit our opposition and hope that the committee will consider our position. Thank you very much.

Sincerely,



Mr. Anthony Marzan

Executive Director, Kaisahan Inc.