Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 1528

Introduced by HON. MUJIV S. HATAMAN of Anak Mindanao (AMIN) Party List

EXPLANATORY NOTE

While the classification and reclassification of lands of the public domain are, as a rule, a function of the executive department, the law itself, Commonwealth Act No. 141 (The Public Land Act), in its Section 8, recognizes that the legislative department may on occasion declare public lands open to concession or disposition. To be sure, this power of Congress should be exercised sparingly and for good reason. This is one of such case.

This is a case with a history of inaction of the executive department regarding the plight and the pleas of the farmer-tillers and their families in three barangays of Tukuran, Zamboanga del Sur. They have occupied and tilled the land since 1948. In 1997, there were at least 860 individuals from 167 families occupants in said barangays. They have made the land, consisting of about 810 hectares, productive by planting corn, cassava, bananas, peanuts and fruit trees like mango in a sustainable manner through Sloping Agricultural Land Technology (SALT).

The land had been declared as alienable and disposable in 1956, which saw the start of land tax payments by the farmer-tillers. However, 30 years later, in 1986, the land was declared timberland as a result of the declaration in the early 1980's of nine barangays (including the aforementioned three) as a reforestation area called the Baclay-Pulacan Reforestation Project. However, this project is a failure because not even 25% of the total projected area has been

reforested. The farmer-tillers of the three barangays have opposed their coverage by this project because of its dire implications and consequences on their security of land tenure. But they are willing to become partners in reforestation and have even proposed the conversion of the project into one for agro-forest farms.

Since the declaration of the land as timberland in the 1980's, the farmer-tillers of the three barangays and their people's organization *Mag-uumang Nagkahiusa sa Manlayag, Man-ilan ug Tabuan* (MANMATA), with the support of the barangay and municipal councils, the Municipal Agrarian Reform Officer, and several NGOs like the Rural-Urban Missionaries of West Mindanao and the Zamboanga del Sur Alliance of Human Rights Advocates (ZAHRA), have regularly and consistently petitioned the concerned agencies of the executive department up to the President for the release of the land to its occupants cultivating the same - all to no avail.

This inaction defeats the constitutional right of the farmer-tillers to petition the government for the redress of their grievances. It is not only their security of land tenure, which is at stake. There are other issues evolving, among others are food security, human-ecological security, livelihood, avoidance of flash floods (like those of Southern Leyte), aversions of local tensions and violence, and long-term peace building. Inaction on the pleas and plight of the farmer-tillers has brought the situation to a head where it could explode like a small social volcano - as in fact, no less than 100 persons have been killed in sporadic violence and struggle for possession and control over the land for over several years.

This bill takes decisive action to redress this situation by finally declaring public lands in the three barangays Manlayag, Man-ilan and Tabuan of Tukuran, Zamboanga del Sur open to disposition to its long-time farmer-tillers. Soonest approval is urgently sought.

MUJIW S. HATAMAN

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Introduced by HON. MUJIV S. HATAMAN of Anak Mindanao (AMIN) Party List

AN ACT DECLARING PUBLIC LANDS IN BARANGAYS MANLAYAG, MAN-ILAN AND TABUAN OF THE MUNICIPALITY OF TUKURAN, PROVINCE OF ZAMBOANGA DEL SUR AS OPEN TO DISPOSITION

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

SECTION 1. ***Declaration & Coverage.*** - The lands of the public domain in barangays Manlayag, Man-ilan and Tabuan of the municipality of Tukuran, province of Zamboanga del Sur are hereby declared alienable and disposable, and open to disposition to its long-time farmer-tillers for reasons of public interest. In the case of barangay Manlayag, this covers the six sitios of Lantawan, Bakilid, Bag-ong (New) Catmon, Upper Manlayag, Lower Manlayag, and Talamban.

SECTION 2. ***Facilitation & Mapping.*** - The relevant government agencies such as the Department of Environment and Natural Resources and the Department of Agrarian Reform shall facilitate the implementation of this Act. This shall include any necessary survey and mapping of the whole area as well as of individual lots of its long-time farmer-tillers.

SECTION 3. ***Supercession.*** - This Act shall supercede any previous declaration of the abovementioned public lands as

timberland, particularly as part of the Baclay-Pulacan Reforestation Project.

SECTION 4. ***Effectivity.*** - This Act shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Approved,

MUJIV S. HATAMAN