

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2532



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INTRODUCED BY ANAKPAWIS PARTY-LIST
REPRESENTATIVE RAFAEL V. MARIANO
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EXPLANATORY NOTE

As an agricultural country, the Philippine population is composed mainly of peasants. Data from the National Statistics office shows that there are about eleven (11) million employed in agriculture in April 2004, six (6) million of it are farmers and fisherfolk. As the country's primary food producers, their significance in the economic and social development especially in attaining national food security and self-sufficiency has never been situated sideways.

Land, as their main source of income and livelihood, has been denied to majority of farmers. Accordingly, of the total farming families, seven (7) out of ten (10) are landless or do not own the land they till. This condition has subjected them to intense poverty due to impermanent and insufficient source of income and livelihood.

Notwithstanding such worth, peasants are among the most marginalized sectors of the society. Poverty incidence in the rural areas covers 10.18 million Filipinos or 1.76 million families. This is 41.4% of the national poverty incidence based on the 2000 figures posted by the National Statistics and Coordination Board. Most of these Filipinos are from the peasant sector, placed below the poverty line based on P11,130 rural poverty threshold.

Indisputably, this condition has caught the government's attention as evidenced by the numerous programs and laws passed from agrarian reform to provisions for farmers' social and economic protection. Despite such acts, farmers have never been lifted from continued economic degradation. The supposed success of agrarian reform implementation through the Comprehensive Agrarian Reform Program (CARP) has been exposed as false at the law and planning implementation level. Cancellation of Certificate of Land Ownership Awards (CLOAs), Emancipation Patents (EPs) and Certificate of Land Transfers (CLTs) has turned out to be the main trust of the program. As evidence, data from the Department of Agrarian Reform Adjudication Board (DARAB) shows that from 1988-2001, there were about 3,883 cases of CLT cancellations from just only 10 provinces in the country.

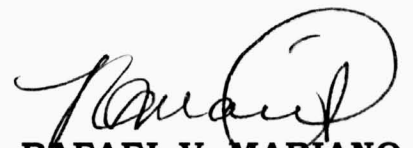
Another problem that adds to the peasant burden is the massive conversion of agricultural lands to other uses paving the way for golf-courses, resorts and other eco-tourism projects at the expense of the welfare of the Filipino peasantry. Data from the Presidential Agrarian Reform Council (PARC) shows that from 1979-2003 there were about 40,486 hectares of land that have been converted to other uses. These incidents had displaced thousands of farmers from the land that they are tilling.

Furthermore, no such policy and regulation that entails the direct rights of farmers over the land they till has been wrought.

In this regard, this bill imposes the direct right of farmers to the land they till in every aspect so as to ensure their security of tenure and be more productive.

As a whole, without genuine agrarian reform and genuine land distribution, there will never be legitimate industrialization and economic prosperity.

In view of the foregoing, the approval of this measure is earnestly requested.



RAFAEL V. MARIANO

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**AN ACT PROVIDING FOR THE RIGHTS OF FARMERS TO LAND
AND FOR OTHER PURPOSES**

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

SECTION 1. Title – This Act shall be known and cited as
the “Farmers’ Land Rights Act”.

**CHAPTER 1
GENERAL PROVISIONS**

SEC. 2. Declaration of Principles and Policies – It is the
declared policy of the State that the rights and welfare of the farmers
receive the highest priority to promote social justice and to move the
nation toward sound rural development and national industrialization.

To this end, a more and renewed equitable grant, award,
distribution and ownership of land shall be undertaken to provide
farmers with the opportunity to enhance their dignity, improve the
quality of their lives and to address the centuries-old problem of
landlessness and rural poverty.

The State recognizes the role of farmers in conserving and
maintaining the diversity of plant genetic resources for food and
agriculture. They are the country's primary food producers vital to
achieving national food self-sufficiency and sovereignty. Towards this
end, the State declares as a policy the protection and promotion not only
of the rights of these farmers to their traditional knowledge over the
conservation, development and use of these plant genetic resources, but
also to other rights such as the right to the sharing of benefits arising
from the use of these plant genetic resources and the right to participate
in decision-making processes concerning these matters.

It is the policy of the State to preserve prime agricultural land to ensure food self-sufficiency. To this end, conversion of agricultural lands to non-agricultural uses shall be strictly prohibited.

SEC. 3. Definitions – For the purpose of this Act, unless the context indicates otherwise:

(a) Agriculture or Agricultural Activity refers to the actual cultivation and/or tillage of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities and practices performed by a farmer or farmworker.

(b) Agricultural Land refers to land devoted to agricultural activity as defined in this Act and not classified as forest, mineral and national parks.

(c) Agrarian Dispute refers to any controversy as defined in Republic Act No. 6657, as amended.

(d) Idle or Abandoned Land refers to any agricultural land not devoted to agricultural activity by reason of man-made cause or *force majeure* or any other fortuitous event.

(e) Farmer refers to a natural person whose primary livelihood and source of income is actual and direct cultivation of land or the production of agricultural crops, growing of fruit trees, raising of livestock, poultry or fish, either by himself/herself, or primarily with the assistance of his/her immediate farm household, whether the land is owned by him, or by another person under a leasehold or share tenancy agreement or any other arrangement with the owner thereof. The term includes an individual whose actual cultivation and/or tillage has ceased as a consequence of, or in connection with, a pending agrarian dispute. For the purpose of this Act, it includes farmworker, regular farmworker, seasonal farmworker and other farmworker as defined in Republic Act No. 6657, as amended and fisherfolk as defined in Republic Act No. 8550.

(f) Land Use Conversion is the change in use of land from one agricultural activity to another use.

CHAPTER II LAND RIGHTS OF FARMERS

SEC. 4. General Provisions. – Land rights of farmers refers to provision of mandatory rights whereby farmers can have access to ownership or management of the land they actually and directly cultivate and other production resources. To achieve this, land rights of farmers are hereby given a legislative mantle. Through these provisions, the farmers' rights to participate in the charting of their political, economic, social and cultural development are made inviolable with respect to land.

SEC. 5. Land Rights of Farmers. – Farmers as defined in this Act shall have the right to:

- (a) Maintain the land they own free from interference of whatever nature and kind subject to existing laws;
- (b) Own the lands enumerated under Section 6 (scope) hereof, whether by grant, award, redistribution process or any similar act;
- (c) Plant genetic resources including but not limited to:
 - (i) Save, use, exchange, share, sell and develop plant genetic resources, including the right to choose the planting materials for their own needs;
 - (ii) Share equitably in the benefits arising from the use of these plant genetic resources;
 - (iii) Develop *sui generis* mechanisms to protect their plant genetic resources and traditional knowledge from misappropriation and unfair monopolization;
- (d) collectively own the seeds that they conserve, develop and use including the right to preserve traditional farming knowledge and systems;
- (e) Free speech, press, association and assembly, and seek redress of grievances on matters affecting their land rights. For this purpose, Batas Pambansa Blg. 880 is not applicable.

CHAPTER III COVERAGE

SEC. 6. Scope – Land rights of farmers shall cover all lands, regardless of tenurial arrangement and commodity produced. More specifically, farmers shall have the right on and to own, by grant, award, redistribution process or any similar act:

- (a) All alienable and disposable lands of the public domain devoted or suitable for agricultural activity as defined in this Act. For this purpose, forest, mineral, and national park including commercial farms, pasture or grazing land and ranches, military bases and reservations that is not actually, directly, and exclusively devoted to such or suitable to agriculture or agricultural activity shall be reclassified into agricultural land within six (6) months after the passage of this Act;
- (b) All other lands owned by the Government devoted to or suitable to agriculture or agricultural activity;
- (c) All private lands devoted to or suitable for agriculture or agricultural activity regardless of the products raised or that can be raised thereon;

(d) All lands reclassified into other uses other than agricultural land if the same has not been devoted or used to such for a period of one (1) year from the time it has been reclassified;

(e) All lands with approved conversion authority under Republic Act No. 6657, as amended, if the same has not been converted into other uses other than agricultural land within a period of one (1) year from the date of approval; and

(f) All lands with eighteen percent (18%) slope and over, whether developed or not, contiguous or in patches, which are considered by the farmers as necessary to the farming activities or beneficial for agri-business, such as livestock, piggery, or poultry raising or other agri-related activities shall be covered by this Act.

SEC. 7. *Schedule of Implementation.* – The grant, award, distribution or any similar act of all lands covered by this Act shall be done immediately and completed within two (2) years from the effectivity thereof.

SEC. 8. *Retention Right.* – 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 exceeds three (3) hectares. The three (3) hectares awarded to each child of the landowner under Republic Act No. 6657, as amended, may be retained by them, provided they actually and directly cultivate it.

SEC. 9. *Exemptions and Exclusions.* - Lands actually, directly and exclusively used for church sites and convents appurtenant thereto, mosque sites and Islamic centers appurtenant thereto, school sites and campuses, experimental farm stations operated by public or private schools for school purposes, seeds and seedlings research and pilot production centers, communal burial grounds and cemeteries, government and private research and quarantine centers shall be exempt from the coverage of this Act.

SEC. 10. *Ancestral Lands.*- For purposes of this Act, ancestral lands of each national minority shall include, but not be limited to, lands in their actual, continuous and open possession and occupation. The Torrens Systems shall not be applicable to ancestral lands.

The rights of these national minorities to their ancestral lands shall be protected to ensure their economic, social, political and cultural well-being. In like with the principles of self determination and autonomy, the systems of land ownership, land use, and the modes of settling disputes of all these national minorities must be recognized and respected.

CHAPTER IV RIGHT TO ACQUIRE LAND

SEC. 11. *Qualified Farmers.* - The lands covered by this Act shall be granted, awarded or redistributed to the farmers as defined in this Act.

SEC. 12. *Grant, Award or Distribution Limit.* -

Farmers as defined in this Act may own:

(a) Alienable and disposable lands and those that may be reclassified after the effectivity of this Act, the size of which is subject to pertinent existing laws; and

(b) All other lands, the size of which does not exceed five (5) hectares, which may cover a contiguous tract of land or several parcels of land comulated up to the prescribed award or redistribution limits. Provided, That in irrigated lands, the size of which does not exceed three (3) hectares;

The farmers may opt for collective ownership, such as co-ownership or farmers cooperative or some other form of collective organization: Provided, That the total area that may be awarded shall not exceed the total number of co-owners or members of the cooperative or collective organizations multiplied by the grant, award, or redistributed limit above prescribed. Title to the property shall be issued in the name of the co-owners or the cooperative or collective organization as the case may be.

CHAPTER V LAND USE CONVERSION

SEC. 13. *Conversion of Lands.* - After the lapse of five (5) years from its grant, award, redistribution or any similar act, when the land is no longer suitable for agriculture or agricultural activity, farmers as defined in this Act or the landowner with the consent of the farmers who are in actual possession of the land, have the right to convert the land, upon application with the Department of Agrarian Reform. The Department of Agrarian Reform, subject to existing laws and with due notice and consultations to the affected parties, may authorize the conversion of the land. Provided, That the farmer, in any case, shall have fully paid his obligation or paid displacement compensation.

SEC. 14. *Lands Non-Negotiable for Conversion.* - The following lands shall be protected and not be subject to conversion:

(a) All lands devoted to agriculture or agricultural activity as defined in this Act; and

(b) All ancestral lands, unless authorized by the concerned national minority.

CHAPTER VI FINAL PROVISIONS

SEC. 15. *Appropriations.* - The amounts necessary to carry out the provisions of this Act are hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law.

SEC. 16. *Implementing Guidelines.* - The Department of Agrarian Reform and Department of Environment and Natural Resources, in consultation with other government agencies concerned, are hereby empowered to promulgate their respective rules and regulations to implement this Act.

SEC. 17. *Suppletory Application.* - All previous or existing laws, decrees, executive orders, rules and regulations not inconsistent with this Act shall have suppletory effect.

SEC. 18. *Repealing Clause.* - All previous or existing laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 19. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SEC. 20. *Effectivity Clause.* - This Act shall take effect immediately after publication in at least two (2) national newspapers of general circulation.

Approved,