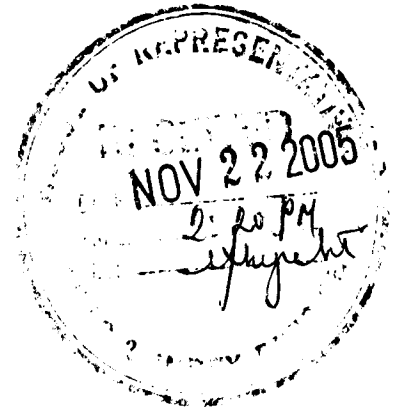


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4929



**Introduce by Akbayan Representatives Mario "Mayong" Joyo Aguja,
Loretta Ann P. Rosales and Ana Theresia Hontiveros-Baraquel**

EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 43 dated 02 October 1946 entitled, "AN ACT TO ESTABLISH, ORGANIZE AND MAINTAIN ONE NATIONAL AGRICULTURAL SCHOOL IN THE PROVINCE OF NEGROS OCCIDENTAL AND TO APPROPRIATE CERTAIN SUMS OF MONEY FOR THE PURPOSE".

From this Act was established the Negros Occidental Agricultural College (NOAC), later renamed as Negros State College of Agriculture (NSCA). Pursuant to Presidential Proclamation No. 459, dated 23 December 1953, a reservation site consisting of 4,683.7034 hectares was allocated for the purpose in the southern part of Brgy. Camingawan, Kabankalan City, Negros Occidental.

Dispute arose when some farmer groups and actual occupants interposed claims of possession and ownership over some portions of the subject property contending, among others, that they are farmers-settlers in the area even before NSCA was established. Others are claiming that NSCA is actually utilizing only 2,000 out of the entire 4,683.7034 hectares per DENR findings, hence, the free portion should be awarded to them.

On 28 July 1992, Letter of Instruction No. 1258 was signed by then President Ferdinand Marcos ordering the creation of a committee composed of the Minister of Natural Resources (now DENR) as Chairman, Minister of Human Settlements and Ministers or Heads of agencies in whose favor lands have been reserved as members, to re-examine all national parks, wilderness areas, resettlement areas, and other existing reservations to ascertain which reservations are no longer needed by the agencies concerned or are not being utilized for the purpose or purposes for which the same have been established.

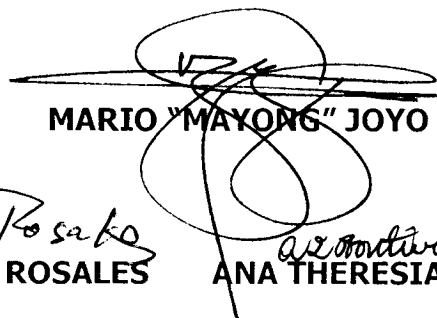
The MNR (now DENR), being the lead agency in the implementation of LOI 1258, created a committee for the validation of facts and for recommendations on the proper disposition of the reservations including the NSCA. The findings reveal that only 2,000 hectares is being utilized by NSCA and the remaining are being occupied by squatters. The Regional Committee of the MNR passed Resolution No. 1 in 1993 interposing no objection to exclude the remaining 2,683 hectares from the school site reservation of the NSCA.

The dispute remained unresolved until now. The situation was aggravated by the fact that sometime in 1998, NSCA leased a portion consisting of 1,000 hectares to private firm, Tri-Partners Agri-Business. This bolstered the claim that indeed only 2,000 hectares are being utilized by the NSCA in its actual operation.

It is along these considerations that this bill is crafted. As the tension rises everyday, there is no direct provision of law available to remedy the situation for the common good of the contending parties. Executive Order No. 448, Series of 1991, and R.A 6657 (CARP Law) may not adequately apply because some portions of the subject property is not entirely agricultural at all; this is aside from the existing high slopes in some portions which rendered them not coverable under the CARP Law. R.A. No. 8371 (The Indigenous Peoples Rights Act of 1997) will not apply as well because the claimants are not members of the Indigenous Cultural Communities (ICCs) or Indigenous Peoples (IPs). Absent this requirement, any award or claim under the said Act will not prosper.

Amendment of R.A. No. 48 is the most feasible and practical solution to the impending crisis in the area. Although court litigations are ongoing, this will not entirely put an end to the recurring problem because litigations are adversarial rather than remedial in nature. Not to mention the length of time it will require before the case may come to its final conclusion. Remedial solutions are imperative at this point to avoid physical confrontation in the area. After all, there are available areas for allocation to the farmers, in the same manner that there is an area for the exclusive and direct utilization of the NSCA.

In view of the foregoing, the early passage of this bill is earnestly sought.



MARIO "MAYONG" JOYO AGUJA



LORETTA ANN P. ROSALES



ANA THERESIA HONTIVEROS-BARAQUEL

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HOUSE BILL NO. 4929

**Introduced by Akbayan Representatives Mario "Mayong" Joyo Aguja,
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AN ACT AMENDING REPUBLIC ACT NO. 43 ENTITLED, "AN ACT TO ESTABLISH, ORGANIZE AND MAINTAIN ONE NATIONAL AGRICULTURAL SCHOOL IN THE PROVINCE OF NEGROS OCCIDENTAL AND TO APPROPRIATE CERTAIN SUMS OF MONEY FOR THE PURPOSE," BY WAY OF INCORPORATING NEW PROVISIONS FOR THE DISTRIBUTION OF THE UNUTILIZED PORTION OF THE SCHOOL SITE RESERVATION TO THE QUALIFIED BENEFICIARIES THEREOF

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

Section 1. Republic Act No. 43 is hereby amended and new sections are added to read as follows:

Section 2. "The Secretary of Public Instruction is hereby authorized to establish, organize and maintain one national Agricultural School in Negros Occidental of the Central Luzon Agricultural School type.

Section 3. "The sum of three hundred thousand pesos for its establishment and operation and maintenance during its first year, and such adequate sums as may be needed in subsequent years for its operation and maintenance yearly thereafter, are hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

Section 4. "The Secretary of Public Instruction is hereby empowered to locate and acquire or cause to be located and acquired a suitable site for the purpose of this Act, which may be public or private lands situated within the province of Negros Occidental".

Section 5. A portion of land constituting the Negros State College of Agriculture (NSCA) reservation site located in Brgy. Camingawan, Kabankalan, Province of Negros Occidental is hereby declared an agricultural land open to disposition for agricultural, residential and other productive purposes of the bona fide long term farmers and occupants thereof. The land was declared as NSCA reservation site pursuant to Presidential Proclamation No. 459 dated 23 December 1953 by President Elpidio Quirino. It has an aggregate area of four thousand six hundred eighty three (4,683) hectares more or less, subject to actual ground survey.

Section 6. The Department of Environment and Natural Resources (DENR) is hereby ordered to conduct an on-site investigation for the re-validation of facts pursuant to Letter of Instruction No. 1258, particularly on the actual utilization of the subject reservation site and make a report thereof specifying the meets and bounds of the areas not being utilized in the actual operation of the NSCA. The Department of Justice (DOJ), thru the Land Registration Authority and/or the Commission on the Settlement of Land Problems, in coordination with the Land Management Bureau of the DENR, is hereby ordered to make a study of the said report and thereafter formulate guidelines covering the manner of distribution of the free portion to the qualified beneficiaries, taking into consideration the length of time each of the beneficiary had spent in the subject property as actual occupant thereof. The DOJ may likewise make the necessary coordination with the local government unit concerned to effectively carry out the distribution process.

SECTION 7. The DENR, with the help of the Register of Deeds, if necessary, shall cause the subdivision of the subject area, clearly identified by the technical description and duly marked on the ground by concrete monuments: *Provided.* That the size of farm lots, to ensure equity, shall be uniform: *Provided, further.* That a beneficiary of a farm lot whose residence is located in the built-up area shall be awarded a residential lot. Patents over lots shall thereafter be awarded to the qualified beneficiaries in accordance with the provisions of Commonwealth

Act No. 141, otherwise known as the "Public Land Act", as amended, and Republic Act No. 730 entitled, "An Act to Permit the Sale Without Public Auction of Public Lands of the Republic of the Philippines for Residential Purposes to Qualified Applicants under Certain Conditions."

SECTION 8. Except in favor of the government or any of its branches or instrumentalities, lands acquired under this Act shall not be subject to encumbrance or alienation before the patent is issued and for a term of ten (10) years from the date of the issuance of such patent, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period. No transfer or alienation made after said period of ten (10) years and within fifteen (15) years from the issuance of such patent except those made by virtue of the right of succession shall be valid unless duly authorized by the DENR Secretary and only if the transferee or vendee is a Filipino citizen. Every conveyance made shall be subject to repurchase by the original beneficiary of this Act and his legal heirs within the period of five (5) years from the date of such conveyance. Any contract or agreement made or executed in violation of this Section shall be void *ab initio*.

SECTION 9. If any section or provision of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SECTION 10. All laws, executive orders, and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 11. This Act shall take effect after fifteen days following the completion of its publication in the *Official Gazzete* or in two (2) newspapers of general circulation.

Approved.