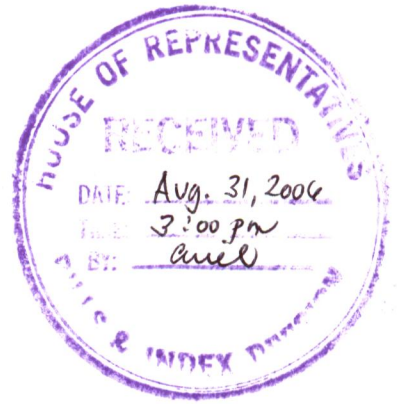


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Third Regular Session

House Bill No. 5743



Introduced by AKBAYAN Party-List Representatives
Ana Theresia Hontiveros-Baraquel,
Mario "Mayong" Joyo Aguja and Loretta Ann P. Rosales

EXPLANATORY NOTE

This Bill seeks to accelerate the implementation of the Comprehensive Agrarian Reform Program (CARP) under Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988. Specifically, the Bill supports the completion of the Land Acquisition, Distribution and Compensation component of the CARP at the soonest time possible through adequate financial support and the reduction, if not the total elimination, of major implementation problems currently experienced by the Department of Agrarian Reform (DAR) and other implementing agencies.

The CARP has been hailed as a centerpiece program of the Philippine government from the time of President Corazon Aquino. As a major asset-reform program, the CARP seeks to address the problem of inequitable distribution of land. As a poverty-alleviation measure, CARP seeks to transform agrarian reform beneficiaries into more productive members of society who can use the land to generate more income for their families. After the lapse of almost twenty years from the passage of the Comprehensive Agrarian Reform Law, however, the CARP remains an incomplete dream. While the implementation of the program has produced significant gains in terms of distribution of agricultural lands, there remains a large area that should still be covered under the CARP. Furthermore, farmer beneficiaries who now own the land should be given the needed support services that will enable them to make the land productive.

Section 5 of the Comprehensive Agrarian Reform Law (CARL) provides for a ten-year implementation period for the CARP. Shortly before the end of this ten-year period, the Congress in 1998 passed Republic Act No. 8532, "An Act Strengthening Further the Comprehensive Agrarian Reform Program (CARP), by Providing Augmentation Fund Therefor, Amending for the Purpose Section 63 of Republic Act No. 6657, Otherwise Known as 'The CARP Law of 1988'." With the passage of R.A. No. 8532, additional amounts necessary to implement the CARP until 2008 were authorized to be appropriated in an amount not exceeding FIFTY BILLION PESOS (P50,000,000,000.00). Now that the so-called "extension period" is about to end, the implementation of CARP is still far from complete. From the DAR's own statistics, One Million and Two Hundred Thousand (1,200,000.00) hectares of agricultural land have not yet been covered by the program as of December 2005.

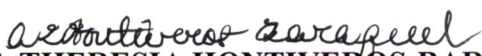
As a constitutional mandate, the CARP cannot be deemed to end automatically with the lapse of the period stated for its implementation. As early as 1997, a year before the end of the ten-year period stated in R.A. No. 6657, the Department of Justice (DOJ) released DOJ Opinion No. 09, series of 1997, stating that this ten-year implementation period should be regarded as directory and not mandatory. Hence, while the original ten-year period stated in R.A. No. 6657, and subsequently, the ten-year period stated in R.A. No. 8532, were the desired target dates for completion of the program, the expiration of such periods shall in no way mean the end of the implementation of the program, especially since a large area remains to be covered by the program. Ending the implementation of the CARP without completing the acquisition and distribution of lands covered by the program will result in the anomalous situation of having persons owning landholdings in excess of the allowable retention limit under the law.

While the amounts needed to complete the CARP beyond 2008 can be left to the regular annual appropriation process, it is imperative to lay down statutory policy that will ensure that the CARP shall remain a priority program of the government – a priority program whose completion has long been delayed – and that will accelerate the implementation of the CARP, especially with regard to the Land Acquisition, Distribution and Compensation component. This is what this Bill seeks to do.

First, the amendment to Section 63 of R.A. No. 6657, as amended by R.A. No. 8532, shall authorize the appropriation of additional amounts for the CARP through automatic annual appropriation in an amount not lower than 1.6% of the total national budget, which is equivalent to the appropriation for the program for the past two years. Second, the amendment also mandates that at least 70% of the yearly appropriation for the CARP shall be allocated to land acquisition, distribution and compensation until such component is fully implemented. After the completion of this component, the yearly allocation for the program may be adjusted, depending on the needs for the provision of support services to the beneficiaries and for the operation of the agrarian justice machinery. Unlike R.A. No. 8532, this Bill does not set a fixed period for the additional appropriation for the CARP. Instead, it sets a budget prioritization policy that will ensure continuing funding support for the program, and that will accelerate the completion of the program, especially the land distribution component.

Aside from the financial aspect, however, there are major implementation problems encountered by the DAR and other implementing agencies of the government. These are obstacles to the immediate completion of the program and, as such, must be addressed. Many provisions in this Bill are not new policy pronouncements, but are mere statutory restatement and harmonization of already existing DAR administrative orders, memoranda and other issuances, provisions of existing laws and jurisprudence. Their enactment into this proposed law is necessary, however, to avoid any confusion in the implementation of the CARP and to remove any opportunity to further delay the completion of the program.

The CARP was not completed in the two ten-year periods envisioned by past Congresses to be sufficient for the program's completion. But this should not be justification, however, to stop the program's implementation, or to relegate it to a non-priority status. On the contrary, supporting its immediate completion should be the objective. This is the noble task of this present Congress. It should not be known in history as the Congress that killed the agrarian reform program. The approval of this Bill is urgently needed.


REP. ANA THERESIA HONTIVEROS-BARAQUEL
Akbayan Party-List Representative


REP. MARIO "MAYONG" JOYO AGUJA
Akbayan Party-List Representative


REP. LORETTA ANN P. ROSALES
Akbayan Party-List Representative

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

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5 THIRTEENTH CONGRESS
6 Third Regular Session
7

8 House Bill No. 5743
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12
13 Introduced by AKBAYAN Party-List Representatives
14 Ana Theresia Hontiveros-Baraquel,
15 Mario “Mayong” Joyo Aguja and Loretta Ann P. Rosales
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20 AN ACT
21 ACCELERATING THE COMPLETION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM
22 (CARP), BY PROVIDING AUTOMATIC APPROPRIATION THEREFOR, AND ADDRESSING MAJOR
23 IMPLEMENTATION PROBLEMS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6657, AS
24 AMENDED, OTHERWISE KNOWN AS "THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988"
25

26
27 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*
28

29 **SECTION 1.** Section 6 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform
30 Law of 1988 is hereby amended to read as follows:
31

32 “Section 6. *Retention Limits* - Except as otherwise provided in this Act, no person may
33 own or retain, directly or indirectly, any public or private agricultural land, the size of which
34 shall vary according to factors governing a viable family-sized farm, such as commodity
35 produced, terrain, infrastructure, and soil fertility as determined by the Presidential Agrarian
36 Reform Council (PARC) created hereunder, but in no case shall retention by the landowner
37 exceed five (5) hectares **FROM ALL HIS/HER LANDHOLDINGS. THE LANDOWNER SHALL**
38 **EXERCISE THE RIGHT TO RETAIN BY SIGNIFYING HIS/HER INTENTION TO RETAIN FIVE (5)**
39 **HECTARES WITHIN SIXTY (60) DAYS FROM RECEIPT OF NOTICE OF COVERAGE. FAILURE TO**
40 **DO SO WITHIN THE PERIOD SHALL CONSTITUTE A WAIVER OF A RIGHT TO RETAIN ANY AREA.**
41 Three (3) hectares may be awarded to each child of the landowner, subject to the following
42 qualifications: (1) that s/he is at least fifteen (15) years of age **AS OF 15 JUNE 1988**; (2) **THAT**
43 **HE IS ACTUALLY RESIDING IN THE BARANGAY AND/OR MUNICIPALITY WHERE THE LAND IS**
44 **SITUATED**; and (3) that s/he is actually tilling the land or directly managing the farm **AND THE**
45 **LATTER IS HIS/HER MAIN OCCUPATION; PROVIDED, THAT A CHILD OF THE LANDOWNER**
46 **SHALL NOT BE CONSIDERED A PREFERRED BENEFICIARY WHEN THE LAND COVERED IS**

1 **TENANTED:** Provided **FURTHER**, That landowners whose lands have been covered by
2 Presidential Decree No. 27 shall be allowed to keep the area originally retained by them
3 thereunder; *Provided, [further]* **FINALLY**, That original homestead grantees or direct
4 compulsory heirs who still own the original homestead at the time of the approval of this Act
5 shall retain the same areas as long as they continue to cultivate said homestead.

6
7 “The right to choose the area to be retained, which shall be compact or contiguous,
8 shall pertain, to the landowner: *Provided, however*, That in case the area selected for
9 retention by the landowner is tenanted, the tenant shall have the option to choose whether to
10 remain therein or be a beneficiary in the same or another agricultural land with similar or
11 comparable features. In case the tenant chooses to remain in the retained area, he shall be
12 considered a leaseholder and shall lose his/her right to be a beneficiary under this Act. In case
13 the tenant chooses to be a beneficiary in another agricultural land, he loses his right as a
14 leaseholder to the land retained by the landowner. The tenant must exercise this option within
15 a period of one (1) year from the time the landowner manifests his/her choice of the area for
16 retention.

17 “In all cases, the security of tenure of the farmers or farm workers on the land
18 prior to the approval of this Act shall be respected.

19
20 “Upon the effectivity of this Act, any sale, disposition, lease, management
21 contract or transfer of possession of private lands executed by the original landowner
22 in violation of this Act shall be null and void; *Provided, however*, That those executed
23 prior to this Act shall be valid only when registered with the Register of Deeds within a
24 period of three (3) months after the effectivity of this Act. Thereafter, all Registers of
25 Deeds shall inform the DAR within thirty (30) days of any transaction involving
26 agricultural lands in excess of five (5) hectares. **TITLES ISSUED IN VIOLATION OF THIS**
27 **ACT SHALL BE ANNULLED, AND A NEW TITLE IN THE NAME OF THE REPUBLIC OF THE**
28 **PHILIPPINES SHALL THEREAFTER BE ISSUED FOR DISTRIBUTION TO AGRARIAN**
29 **REFORM BENEFICIARIES. ”**

30
31 **SECTION 2.** Section 17 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
32 Reform Law of 1988, is hereby amended to read as follows:
33

1 “Section 17. *Determination of Just Compensation.*- In determining just
2 compensation, the cost of acquisition of the land, **INCLUDING THE STANDING CROPS**,
3 the current value of like properties, its nature, actual use and income, the sworn
4 valuation by the owner, the tax declarations, and the assessment made by the
5 government assessors shall be considered. The social and economic benefits
6 contributed by the farmers and the farmworkers and by the Government to the
7 property as well as the non-payment of taxes or loan secured from any government
8 financing institution on the said land shall be considered as additional factors to
9 determine its valuation.”

10
11 **SECTION 3.** Section 24 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
12 Reform Law of 1988, is hereby amended to read as follows:

13
14 “Section 24. *Award to Beneficiaries* - The rights and responsibilities of the
15 beneficiary shall commence from the time the DAR makes an award of the land. Such
16 award shall be completed within one hundred eighty (180) days from the time the DAR
17 takes actual possession of the land. Ownership of the beneficiary shall be evidenced by
18 a Certificate of Land Ownership Award, which shall contain the restriction and
19 conditions provided for in this Act, and shall be recorded in the Register of Deeds
20 concerned and annotated on the Certificate of Title. **CERTIFICATE OF LAND**
21 **OWNERSHIP AWARDS (CLOAs) AND OTHER TITLES ISSUED UNDER ANY AGRARIAN**
22 **REFORM PROGRAM BEING TITLES BROUGHT UNDER THE OPERATION OF TORRENS**
23 **SYSTEM, SHALL ENJOY THE SAME INDEFEASIBILITY AND SECURITY AFFORDED TO ALL**
24 **TITLES UNDER THE SAID TORRENS SYSTEM AS PROVIDED UNDER PRESIDENTIAL**
25 **DECREE (PD) 1529. FOR THIS PURPOSE, FARMERS BENEFICIARIES WHO RECEIVE**
26 **CLOAS PURSUANT TO THE COMPREHENSIVE AGRARIAN REFORM PROGRAM ARE**
27 **HEREBY DEEMED INNOCENT PURCHASERS FOR VALUE AND ARE ENTITLED TO THE**
28 **RIGHTS AND PROTECTION AS SUCH PERSON UNDER EXISTING LAW.**

29 **NO PETITION FOR CANCELLATION OF CLOA AND OTHER TITLES ISSUED**
30 **UNDER ANY AGRARIAN REFORM PROGRAM SHALL BE ENTERTAINED IF THE SAME IS**
31 **FILED LATER THAN ONE (1) YEAR AFTER REGISTRATION IN ACCORDANCE WITH PD**
32 **1529, AS AMENDED. CASES INVOLVING THE CANCELLATION OF REGISTERED CLOAS**
33 **AND OTHER TITLES ISSUED UNDER ANY AGRARIAN REFORM PROGRAM ARE WITHIN**
34 **THE JURISDICTION OF THE DARAB.**

SECTION 4. Section 26 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, is hereby amended to read as follows:

“Section 26. *Payments by the Beneficiaries* - Lands awarded pursuant to this Act shall be paid for by the beneficiaries to the LBP in thirty (30) annual amortizations at six percent (6%) interest per annum. **THE ANNUAL AMORTIZATION SHALL START ONE YEAR FROM THE DATE OF THE ACTUAL, PEACEFUL, PHYSICAL, AND CONTINUOUS POSSESSION OF THE AWARDED LAND BY THE BENEFICIARIES.** The payments for the first three (3) years after the [award] **SAID ACTUAL, PEACEFUL, PHYSICAL, AND CONTINUOUS POSSESSION** may be at reduced amounts as established by the PARC: provided that the first five (5) annual payments may not be more than (5%) percent of the value of the annual gross production as established by the DAR. Should the scheduled annual payment after the fifth year exceed (10%) ten percent of the annual gross production and the failure to produce accordingly is not due to the beneficiary’s fault, the LBP may reduce the interest rate or reduce the principal obligation to make the repayment affordable.

“The LBP shall have a lien by way of mortgage on the land awarded to beneficiary and this mortgage may be foreclosed by the LBP for non-payment of an aggregate of three (3) annual amortizations. The LBP shall advise the DAR of such proceedings and the latter shall subsequently award the forfeited landholding to other qualified beneficiaries. A beneficiary whose land as provided herein has been foreclosed shall thereafter be permanently disqualified from becoming a beneficiary under this Act.”

SECTION 5. Section 27 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988, is hereby amended to read as follows:

“Section 27. *Transferability of awarded lands*- Lands acquired by beneficiaries under this ACT may not be sold, transferred or conveyed except through hereditary succession, or to the government, or to the LBP, or to other qualified beneficiaries **THROUGH THE DAR** [for a period of ten (10) years]: Provided, however, That the children or the spouse of the transferor shall have a right to repurchase the land from

1 the government of LBP within a period of two (2) years thereafter. Due notice of the
2 availability of the land shall be given by the LBP to the Barangay Agrarian Reform
3 Committee (BARC) of the barangay where the land is situated. The Provincial Agrarian
4 Reform Coordinating Committee (PARCCOM) shall in turn be given due notice thereof
5 by the BARC.

6
7 “If the land has not yet been fully paid by the beneficiary, the rights to the
8 land may be transferred or conveyed, with prior approval of the DAR, to any heir of the
9 beneficiary or to any other beneficiary who as a condition for such transfer or
10 conveyance, shall cultivate the land himself. Failing compliance herewith, the land
11 shall be transferred to the LBP which shall give due notice of the availability of the
12 land in the manner specified in the immediately preceding paragraph.

13
14 “In the event of such transfer to the LBP, the latter shall compensate the
15 beneficiary in one lump sum for the amounts the latter has already paid, together with
16 the value of improvements he has made on the land.”

17
18 **SECTION 6. SECTION 28 *STANDING CROPS AT THE TIME OF ACQUISITION* OF REPUBLIC ACT NO.**
19 **6657, OTHERWISE KNOWN AS THE COMPREHENSIVE AGRARIAN REFORM LAW OF 1988, IS HEREBY**
20 **REPEALED. THE VALUE OF THE LANDOWNERS’ SHARE OF ANY STANDING CROPS SHALL BE**
21 **INCLUDED IN THE COMPUTATION OF THE JUST COMPENSATION DUE SUCH LANDOWNER.**

22
23 **SECTION 7.** Section 50 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
24 Reform Law of 1988, is hereby amended to read as follows:

25 “Section 50. *Quasi-Judicial Powers of the DAR.* - The DAR is hereby vested with
26 primary jurisdiction to determine and adjudicate agrarian reform matters and shall
27 have exclusive original jurisdiction over all matters involving the implementation of
28 agrarian reform, except those falling under the exclusive jurisdiction of the
29 Department of Agricultural (DA) and the Department of Environment and Natural
30 Resources (DENR).

31 “It shall not be bound by technical rules of procedure and evidence but shall
32 proceed to hear and decide all cases, disputes or controversies in a most expeditious
33 manner, employing all reasonable means to ascertain the facts of every case in

1 accordance with justice and equity and the merits of the case. Toward this end, it shall
2 adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive
3 determination of every action or proceeding before it.

4
5 “It shall have the power to summon witnesses, administer oaths, take
6 testimony, require submission of reports, compel the production of books and
7 documents and answers to interrogatories and issue subpoena, and *subpoena duces*
8 *tecum* and to enforce its writs through sheriffs or other duly deputized officers. It shall
9 likewise have the power to punish direct and indirect contempt in the same manner
10 and subject to the same penalties as provided in the Rules of Court .

11
12 “Responsible farmer leaders to represent themselves, their fellow farmers or
13 their organizations in any proceedings before the DAR: *Provided, however,* that when
14 there are two or more representatives for any individual or group, the representatives
15 should choose only one among themselves to represent such party or group before any
16 DAR proceedings.

17
18 “Notwithstanding an appeal to the Court of Appeals, the decision of the DAR
19 shall be immediately executory.

20
21 “NO COURT SHALL TAKE COGNIZANCE OF CASES PERTAINING TO THE
22 IMPLEMENTATION OF THE COMPREHENSIVE AGRARIAN REFORM PROGRAM EXCEPT
23 THOSE PROVIDED UNDER SECTION 57 OF THIS ACT. ALL CASES FILED IN REGULAR
24 COURTS SHALL BE AUTOMATICALLY REFERRED TO THE DAR IF THERE IS AN
25 ALLEGATION FROM ANY OF THE PARTIES THAT THE CASE IS AGRARIAN IN NATURE,
26 UNLESS IT IS CLEAR FROM THE COMPLAINT THAT THE CASE IS AGRARIAN IN NATURE,
27 IN WHICH CASE THE COURT SHALL MOTU PROPRIO DISMISS THE CASE. THE DAR
28 SHALL, WITHIN THIRTY (30) DAYS FROM RECEIPT OF THE COURT’S REFERRAL,
29 DETERMINE IF THE CASE IS AGRARIAN IN NATURE AND SUBMIT ITS FINDINGS TO THE
30 COURT WHICH REFERRED THE CASE. IF THERE IS A FINDING BY THE DAR THAT THE
31 CASE IS AGRARIAN IN NATURE, SUCH FINDING SHALL BE CONCLUSIVE UPON THE
32 REGULAR COURT, AND THE COURT SHALL THEREAFTER DISMISS THE CASE ON THE
33 BASIS OF SUCH FINDINGS OF THE DAR.”

1 **SECTION 8.** Section 55 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
2 Reform Law of 1988, is hereby amended to read as follows:

3
4 “Section 55. *No Restraining Order or Preliminary Injunction*- No court in the
5 Philippines shall have jurisdiction to issue any restraining order or writ of preliminary
6 injunction against the PARC, DAR, or any duly authorized or designated agencies in any
7 case, dispute or controversy arising from, necessary to, or in connection with the
8 application, implementation, enforcement, or interpretation of this Act and other
9 pertinent laws on agrarian reform.”

10
11 **SECTION 9.** Section 63 of Republic Act No. 6657, otherwise known as the Comprehensive
12 Agrarian Reform Law of 1988, as amended, is hereby amended to read as follows:

13
14 “Section 63. *Funding Source.* — The amount needed to implement this Act
15 [until the year 2008] shall be funded from the Agrarian Reform Fund.

16
17 “Additional amounts necessary for this purpose are hereby authorized to be
18 appropriated in excess of the initial funds, amounting to [Fifty billion pesos
19 (P50,000,000,000.00)] **ONE HUNDRED BILLION PESOS (P100,000,000,000.00)**
20 provided under Section 20 and 21 of Executive Order No. 229, **AND R.A. 8532.**

21
22 [“The additional amount hereby authorized to be appropriated shall in no case
23 exceed Fifty billion pesos (P50,000,000,000.00).]

24
25 **“THE ADDITIONAL AMOUNT HEREBY AUTHORIZED TO BE APPROPRIATED**
26 **SHALL BE EQUIVALENT TO NO LESS THAN 1.6% OF THE TOTAL NATIONAL BUDGET**
27 **OF EVERY YEAR BEGINNING 2008, WHICH SHALL BE AUTOMATICALLY APPROPRIATED**
28 **IN THE ANNUAL GENERAL APPROPRIATION UNTIL THE COMPLETION OF THE LAND**
29 **ACQUISITION, DISTRIBUTION AND COMPENSATION COMPONENT OF THIS ACT;**
30 **PROVIDED, THAT NO LESS THAN SEVENTY PERCENTUM (70%) OF THE YEARLY**
31 **APPROPRIATION SHALL BE ALLOCATED TO LAND ACQUISITION, DISTRIBUTION AND**
32 **COMPENSATION, UNTIL SUCH COMPONENT IS FULLY IMPLEMENTED; PROVIDED,**
33 **FURTHER, THAT AFTER SUCH COMPLETION, THE YEARLY APPROPRIATION MAY BE**

1 ADJUSTED TO PROVIDE FOR THE AMOUNT TO BE APPROPRIATED WHOLLY TO
2 SUPPORT SERVICES AND AGRARIAN JUSTICE DELIVERY.

3
4 “Sources of funding or appropriations shall include the following:

- 5 a) Proceeds of the sales of the Assets Privatization Trust;
- 6 b) All receipts from assets recovered and from sales of ill-gotten wealth recovered
7 through the Presidential Commission on Good Government;
- 8 c) Proceeds of the disposition of the properties of the Government in foreign
9 countries;
- 10 d) All income and collections arising from agrarian reform operations, projects
11 and programs of CARP implementing agencies;
- 12 e) Portion of amounts accruing to the Philippines from all sources of official
13 foreign aid grants and concessional financing from all countries, **INCLUDING**
14 **DEBT SWAPS AND OTHER FORMS OF FINANCING ARRANGEMENTS,**
15 **NEGOTIATED BY THE PHILIPPINE GOVERNMENT WITH OTHER COUNTRIES AND**
16 **FINANCIAL INSTITUTIONS** [to be used for the specific purposes of financing
17 production credits, infrastructures, and other support services required by this
18 Act];
- 19 f) [Yearly appropriation of no less than Three Billion pesos (P3,000,000,000.00)
20 from the General Appropriation Act;].
- 21 g) Other government funds not otherwise appropriated.”

22
23 **SECTION 10.** Section 65 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
24 Reform Law of 1988, is hereby amended to read as follows:

25
26 “Section 65. *Conversion of lands.* After the lapse of five (5) years from its
27 award, when the land ceases to be economically feasible and sound for agricultural
28 purposes, or the locality has become urbanized and the land will have greater
29 economic value for residential, commercial or industrial purposes, the DAR upon
30 application of the beneficiary or the landowner, with due notice to the affected
31 parties, and subject to existing laws, may authorize the reclassification or conversion
32 of the land and its disposition: Provided, That the beneficiary shall have fully paid his

obligation. **PROVIDED FURTHER, THAT LANDS THAT ARE IRRIGATED AND IRRIGABLE, REGARDLESS OF FUNDING COMMITMENT FOR IRRIGATION, SHALL NOT BE SUBJECT TO CONVERSION NOTWITHSTANDING ITS CLASSIFICATION."**

SECTION 11. Section 68 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988 is hereby amended to read as follows:

"Section 68. Immunity of Government Agencies from Undue Interference. - No injunction, restraining order, prohibition or mandamus shall be issued by [the lower courts] ANY COURT against the DAR, the DA, the DENR and the DOJ in the implementation of this program. JUDGES AND JUSTICES WHO VIOLATE THIS PROVISION AND SECTION 55 SHALL BE ADMINISTRATIVELY LIABLE."

SECTION 12. Section 73 of Republic Act No. 6657, otherwise known as the Comprehensive Agrarian Reform Law of 1988 is hereby amended to read as follows:

"Section 73. Prohibited Acts and Omissions. - The following are prohibited:

(a) The ownership or possession, for the purpose of circumventing the provisions of this Act, of agricultural lands in excess of the total retention limits or award ceilings by any person, natural or juridical, except those under collective ownership by farmer-beneficiaries.

(b) The forcible entry or illegal detainer by persons who are not qualified beneficiaries under this Act to avail themselves of the rights and benefits of the Agrarian Reform Program;

(c) **THE CONVERSION BY ANY LANDOWNER OF HIS AGRICULTURAL LAND INTO NON-AGRICULTURAL USE [with intent] TO AVOID THE APPLICATION OF THIS ACT TO HIS/HER LANDHOLDINGS AND AND TO DISPOSSESS HIS TENANT FARMERS OR THE LAND TILLED BY THEM;**

(d) The willful prevention or obstruction by any person, **THE DAR, LOCAL GOVERNMENT UNITS**, association or entity of the implementation of the CARP;

(e) The sale, transfer, conveyance or change of the nature of lands outside of urban centers and city limits either in whole or in part after the effectivity of this Act. The

1 date of the registration of the deed of conveyance in the Register of Deeds with
2 respect to titled lands and the date of the issuance of the tax declaration to the
3 transferee of the property with respect to unregistered lands, as the case may be, shall
4 be conclusive for the purpose of this Act;

5 (f) The sale, transfer or conveyance by a beneficiary of the right to use or any other
6 usufructuary right over the land he acquired by virtue of being a beneficiary, in order
7 to circumvent the provisions of this Act.”
8

9 **SECTION 13.** Section 74 of Republic Act No. 6657, otherwise known as the Comprehensive
10 Agrarian Reform Law of 1988 is hereby amended to read as follows:
11

12 “Sec 74, RA 6657: Penalties. -Any person who knowingly or willfully violates the
13 provisions of this Act shall be punished by imprisonment of not less than one (1) month
14 to not more than three (3) years or a fine of not less than one thousand pesos
15 (P1,000.00) and not more than fifteen thousand pesos (P15,000.00), or both, at the
16 discretion of the court. **PROVIDED, THAT ANY PERSON WHO VIOLATES PARAGRAPH**
17 **(E) SECTION 73, IN RELATION TO PARAGRAPH 4 SECTION 6 OF RA 6657 SHALL BE**
18 **PUNISHED BY IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY TO TWELVE YEARS**
19 **AND A FINE OF ONE HUNDRED THOUSAND PESOS (P 100,000.00) TO FIVE HUNDRED**
20 **THOUSAND PESOS (P 500,000.00), OR BOTH AT THE DISCRETION OF THE COURT. If**
21 the offender is a corporation or association, the officer responsible therefore shall be
22 criminally liable. In addition, any person convicted under this Act shall not be entitled
23 to any benefit under any agrarian reform program.”
24

25 **SECTION 14.** All laws, issuances, decrees, or any part or parts thereof inconsistent with the
26 provisions of this Act are hereby repealed or amended accordingly.
27

28 **SECTION 15.** This Act shall take effect within fifteen (15) days following the completion of its
29 publication in at least two (2) newspapers of general circulation.
30

31 APPROVED.