

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **4699**

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INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO

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EXPLANATORY NOTE

Since the 1990s, when the implementation of liberalization programs in the country went full throttle causing changes in the value and use of land, farmers have long observed that there has been an alarming increase in the rate of cases in which agrarian disputes are tried in regular courts instead of the quasi-judicial and administrative bodies created by law for the purpose. This phenomenon can be traced from the fact that landlords find the regular courts as a more convenient forum for perpetuating their malicious intent to evade land distribution. To evade land distribution, landlords hail the farmers to regular courts with civil and criminal suits even though the bare facts of the case clearly show the dispute to be agrarian in nature. The Sentro para sa Tunay na Repormang Agraryo Foundation Inc. (SENTRA), an institution that provides legal aid to farmers with agrarian cases, affirms this. It has reported that eighty-five percent (85%) of the cases that it handled are of this nature.

This insidious landlord practice has become widespread due to the fact that we have eleven (11) agrarian reform laws, including the Comprehensive Agrarian Reform Law of 1988 (RA 6657), as amended, that provide nothing in the way of protecting the security of tenure of farmers for the simple reason that those 11 agrarian reform laws operate upon a narrow definition of security of tenure. Among these agrarian reform laws, RA 3844 is the singular statute that contains provision on the security of tenure for the farmers. But its provision is flawed by the fact that it defines security of tenure within the narrow parameters of leasehold and other similar legal tenurial relationships. The result is that many landless farmers who lie outside of this definition have become vulnerable to the tactics or schemes of the landlords, "criminalizing" the farmers' act of tilling the land or slapping the latter with civil and criminal suits. Needless to say but which it must be said, this is one reason why those 11 agrarian reform programs had been a dismal failure.

This is only the legal situation. In practice, even legitimate lessees and tenants were not spared from such insidious landlords' practice by the simple expedient of landlords disowning them as legitimate tenants.

More than a majority of our farmers are landless. As landless, they ought in the spirit of social justice to have protection in tilling their land, regardless of whether the farmers' tilling or possessing of the land has some legal basis or not.

This bill intends to expand the meaning of security of tenure of farmers by way of providing that protection through the enactment of measures that requires a prior determination by the Department of Agrarian Reform (DAR), as elaborated in Section 4 thereof, before regular courts may take cognizance of cases involving farmers and landlords or anyone acting in behalf of the latter.

Support for this bill is earnestly requested.



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AN ACT
PROVIDING FOR THE SECURITY OF TENURE OF FARMERS AND
FOR OTHER PURPOSES

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

SECTION 1. Title - This Act shall be known and cited as
"Farmers' Security of Tenure Act".

SECTION 2. Declaration of Principles and Policies - It is the
declared policy of the State that the rights and welfare of the farmers be
accorded the highest priority to promote social justice and to move the
nation towards sound rural development and national industrialization.

To this end, the security of tenure of farmers shall be ensured at
all times and they shall not be removed, ejected, ousted, excluded or
harassed from their farmholding.

SECTION 3. Security of Tenure of Farmers - The tenure of
potential, qualified and awarded farmer-beneficiaries of agrarian reform
program shall be secured and they shall not be removed, ejected, ousted,
excluded or harassed from their farmholding unless directed by a final
decision or order of the court.

SECTION 4. Preliminary Determination of the Case - No court,
tribunal, or prosecutor in the Philippines, shall take cognizance of any
ejectment case or any other case designed to remove, eject, oust, exclude,
or harass potential, qualified and awarded farmer-beneficiaries of
agrarian reform program, unless certified by the Secretary of the
Department of Agrarian Reform as a proper case for trial or hearing by a
court or judge or other officer of competent jurisdiction and, if any such
case is filed, the case shall be referred to the Secretary of the Department
of Agrarian Reform for a preliminary determination if the case is an
agrarian matter, dispute or controversy as defined under pertinent laws
on agrarian reform. If the Secretary of the Department of Agrarian
Reform finds that the case is a proper case for the court or judge or other
hearing officer to hear, he/she shall so certify and such court, judge or

other hearing officers may assume jurisdiction over the dispute or controversy.

The preliminary determination of the Secretary of the Department of Agrarian Reform (DAR) that the case, dispute or controversy is an agrarian matter is final.

If the case is certified as a proper case for trial, said certification is not binding upon the court or judge or hearing officer. Said court or judge or hearing officer may, after due hearing, conform, reverse or modify said preliminary determination, as the evidence and substantial merits of the case may warrant.

SECTION 5. Appearance and Representation - Potential, qualified and awarded farmer-beneficiaries of agrarian reform program and responsible farmer-leaders shall be allowed to represent themselves, their fellow farmers, or their organizations in any proceedings before the court or judge or hearing officer before the referral of the case to the Secretary of the Department of Agrarian Reform and during the hearings that may be conducted by said court or judge or hearing officer for the confirmation, reversal or modification of the said preliminary determination. *Provided*, That when there are two or more representatives for any individual or group, the representatives should choose only one among themselves to represent such party or group before any proceedings.

Law students and law graduates but not yet members of the Bar, shall be allowed to represent potential, qualified and awarded farmer-beneficiaries of agrarian reform program before the said proceedings. *Provided*, That they are equipped with authority from the farmer beneficiaries.

SECTION 6. Pauper Litigant - Potential, qualified and awarded farmer-beneficiaries of agrarian reform program shall be entitled to the rights and privileges of a pauper litigant under existing laws without further proof thereof. He shall continue to enjoy such status as a pauper litigant in all levels of the proceedings until the case, if any, is terminated.

SECTION 7. Penalties - The penalty of imprisonment of not less than One (1) month to not more than three (3) years or a fine of not less than fifteen thousand pesos (P15,000.00) or both, at the discretion of the court shall be imposed upon:

(a) Any judge, prosecutor or hearing officer who shall take cognizance of any case designed to remove, eject, oust, exclude, or harass potential, qualified and awarded farmer-beneficiaries of agrarian reform program from their farmholding without first complying with the provisions of Section 4 hereof;

(b) Any officer or employee of the government, including members of the Armed Forces of the Philippines (AFP) and Philippine National Police (PNP), who executes and orders for the removal, ejection, ouster, exclusion or harassment of potential, qualified,

awarded farmer-beneficiaries of agrarian reform program from their farmholding knowing that the said order is unlawful as provided in or in violation of Section 4 hereof; and

(c) Any person or anybody acting for and in his/her behalf who by any act, scheme, or strategy shall remove, eject, oust, exclude or harass and/or cause the removal, ejectment, ouster, exclusion or harassment of potential, qualified and awarded farmer-beneficiaries of agrarian reform program from their farmholding in contravention of this Act.

SECTION 8. Jurisdiction - Cases involving violation of the penal provisions of this Act shall exclusively be cognizable by Special Agrarian Courts created under pertinent laws on agrarian reform. *Provided*, That if such violation is committed by a judge of Special Agrarian Courts, the case shall be tried by the courts of general jurisdiction.

SECTION 9. Implementing Guidelines - The Department of Agrarian Reform, in consultation with the Supreme Court, is hereby empowered to promulgate rules and regulations to implement this Act.

SECTION 10. Transitory Provision - All cases still pending before any court, or other officer of competent jurisdiction or other investigating body which are not yet submitted for decision or resolution or if decided or resolved already but not yet final and executory shall likewise be referred to the Department of Agrarian Reform for certification as provided in the preceding section within forty-five (45) days after the effectivity of this Act.

SECTION 11. Suppletory Application - All previous or existing laws, decrees, executive orders, rules and regulations not inconsistent with this Act shall have suppletory effect.

SECTION 12. 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.

SECTION 13. 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.

SECTION 14. Effectivity Clause - This Act shall take effect immediately after publication in at least two (2) national newspapers of general circulation.

Approved.