

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5087

INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO

EXPLANATORY NOTE

Section 3, Article 12 of the 1987 Philippine Constitution provides that "Lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof, by purchase, homestead, or grant.

Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor."

Moreover, Section 1, Article 13 of the 1987 Philippine Constitution provides that, "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments."

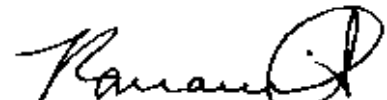
Through the enactment of Republic Act No. 6657, as amended, otherwise known as "Comprehensive Agrarian Reform Law of 1988", the State has excluded tracts of land of educational institutions, particularly state colleges and universities (SCUs), from distribution to farmers and farmworkers. These tracts of land shall serve as their school sites and campuses and for other purposes such as maintaining experimental farm stations, seed and seedling research and pilot production centers in pursuance of their educational mandates.

However, the aforesaid reservations were made without taking into consideration that reserved lands have been occupied by farmers for generations. Moreover, most of these lands were reserved in excess of the actual needs of state colleges and universities (SCUs). Due to budgetary constraints, most of the reserved lands have remained undeveloped and lain idle until farmers came to cultivate them. These areas have become their habitat and means of livelihood. Despite these facts, these farmers-cultivators were unable to own the land they have been tilling. They are even considered as squatters or informal settlers for the sole reason that the lands they have been cultivating are part of the property of educational institutions.

This situation has caused intense conflict between the farmers and SCUs, as exemplified by the landmark case involving farmers belonging to Bukidnon Free Farmers and Agricultural Laborers Organizations (BUFFALO) and the Central Mindanao University (CMU).

In particular, this measure is being proposed to avoid similar situations in the future and to ensure that farmers and farmworkers can enjoy their right to the equitable distribution of lands of public domain and right to security of tenure to the land that they are tilling considering their indispensable role in attaining food security for the country. As educational institutions, state colleges and universities (SCUs) are also called upon to help attain social justice for landless farmers to help society eradicate landlessness and poverty.

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


RAFAEL V. MARIANO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5087

INTRODUCED BY ANAKPAWIS PARTY-LIST REPRESENTATIVE
RAFAEL V. MARIANO

AN ACT
RECLASSIFYING AS AGRICULTURAL LAND OPEN TO DISPOSITION TO
FARMERS PORTIONS OF LAND OF STATE COLLEGES AND UNIVERSITIES
THAT ARE IN EXCESS OF THEIR ACTUAL USE, NEEDS AND REQUIREMENTS
AND FOR OTHER PURPOSES

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

SECTION 1. All portions of land of state colleges and universities that are in excess of their actual use, needs and requirements for development is hereby reclassified as agricultural land open to disposition to farmers.

SECTION 2. The Director of the Land Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR), in coordination with state colleges and universities, shall conduct an inventory of the portions of land reserved for state colleges and universities that are in excess of their actual use, needs and requirements for development.

SECTION 3. The Director of the Land Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR), in coordination with state colleges and universities, is hereby directed to distribute the portions of land mentioned in Section 2 of this Act to the actual tillers or occupants therein. Each actual tiller shall receive not less than three hectares. *Provided, however,* That portions of land which do not have actual tillers or occupants shall be distributed to farmworkers of the concerned state college or university. *Provided, further,* That where there are no farmworkers, the portions of land shall be distributed to farmers from adjacent barangays or municipalities who are landless or who own lands of less than three hectares.

Actual tiller shall mean "any person who is actually tilling the land at the time of the effectivity of this Act".

SECTION 4. After the lands have been distributed to the actual tillers or actual occupants or other landless farmers, the Regional Executive Director of the Department of Environment and Natural Resources (DENR) shall issue free patents or certificates for lands granted under this Act.

SECTION 5. The sale, mortgage, transfer or any conveyance or disposition of the lands awarded to farmer-beneficiaries shall be prohibited except where the transfer is by hereditary succession. In the case of transfer by hereditary succession, the land shall be given to the heir who is willing to personally till the land and the most needy among the children of the farmer-beneficiary.

If the farmer-beneficiary can no longer till the land for one reason or another, he/she shall turn over the land to the farmers' organization or cooperative existing in the barrio or municipality. The farmers' organization or cooperative shall then select the most qualified farmer-beneficiary.

SECTION 6. The distribution of all lands covered by this Act shall be implemented immediately and completed within two (2) years from the effectivity of this Act.

SECTION 7. The Department of Environment and Natural Resources (DENR) shall formulate the implementing rules and regulations (IRR) of this Act within ninety (90) days after its effectivity.

SECTION 8. All existing laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 9. 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 10. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.