

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1127



Introduced by HON. FLORENCIO C. GARAY

EXPLANATORY NOTE

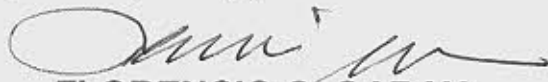
Section 4, Article XIII of the 1987 Constitution gives to landless farmers and regular farm workers the right to own the lands that they till, so that they may at last "be released not only from want but also from the exploitation and disdain of the past and from feelings of inadequacy and helplessness." (*Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*, 175 SCRA 343).

Pursuant to this constitutional mandate, this bill seeks to re-classify a developed portion of forest land in the municipalities of Hinatuan, Lingig and Tagbina, Province of Surigao del Sur, formerly under concession with Paper Industry Corporation of the Philippines (PICOP), into alienable and disposable land of the public domain, for its eventual distribution to bona fide and long-term farmers/occupants.

Although the subject land is a forest land, farmers have been occupying the land and planting vegetables, fruit trees, bananas and root crops and even raising livestock thereon for decades, effectively converting what was once forest into fertile land. They have become stewards of the land, nurturing the soil as they would their own children, watering the soil with their very blood and sweat.

The re-classification of this land into alienable and disposable agricultural land and the recognition of the rights of its farmers-settlers will promote genuine agrarian reform and advocate social justice.

In view of its national and local importance, the approval of this bill is earnestly sought.


FLORENCIO C. GARAY

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AN ACT
TO RECLASSIFY A DEVELOPED PORTION OF FOREST LAND UNDER CONCESSION WITH PICOP, LOCATED IN THE MUNICIPALITIES OF HINATUAN, LINGIG AND TAGBINA, PROVINCE OF SURIGAO DEL SUR, INTO ALIENABLE AND DISPOSABLE LAND OF THE PUBLIC DOMAIN FOR THE PURPOSE OF DISTRIBUTING THE SAME TO BONA FIDE AND LONG-TERM FARMERS/OCCUPANTS THEREOF, AND FOR OTHER PURPOSES

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

SECTION 1. The portion of forest land within the concessional area of Paper Industry Corporation of the Philippines (PICOP), in the Municipalities of Hinatuan, Lingig and Tagbina, Province of Surigao del Sur, which is actually tilled and occupied by farmer-settlers, is hereby reclassified and declared as alienable and disposable land of the public domain.

SECTION 2. The aforementioned land shall be distributed in ownership to *bona fide* and long-term farmers/occupants thereon, but the existing creeks in the same area shall be given in usufruct to their respective municipalities; Provided, That the said *bona fide* and long-term farmers/occupants may manage and develop the said creeks upon payment by them of reasonable compensation to the municipality concerned;

SECTION 3. The scheme of distribution of the land, including the identities of the *bona fide* and long-term farmers/occupants thereon, shall be prepared by a Committee which shall be composed of the following: a representative of the Department of Environment and Natural Resources as Chairman, a representative of the Department of Agrarian Reform as Vice-Chairman, the Mayors of the Municipalities of Hinatuan, Lingig and Tagbina, the

Head of the farmers' organization, and the Provincial Director of the Philippine National Police as Members. The scheme of distribution shall include the technical description of each lot pertaining to each of the farmers/occupants, following the boundaries of existing integrated social forestry stewardship and/or similar contracts that may have been awarded in their favor; Provided, That said scheme of distribution shall be as equitable as possible without gross disparities among the awardees.

Conflicts shall be decided by the Committee after due hearing, appealable to the Department Secretary under whose jurisdiction the issue involved falls. The Secretary's decision or order on appeal may be subject of a petition for review by the Office of the president within fifteen (15) days from promulgation of notice of the decision appealed from; Provided, That said petition for review shall be decided within thirty (30) days after receipt thereof; otherwise, the decision or order appealed from shall be deemed ratified and final.

SECTION 4. Once the scheme of distribution is approved by the Committee, the Department of Environment and Natural Resources shall give the technical descriptions, survey maps and similar documents to the DAR, which shall undertake the actual distribution of the land under the principles of agrarian reform and the applicable provisions of the Comprehensive Agrarian Reform Law and other related laws.

SECTION 5. The existing creeks in the area shall be plotted, surveyed and segregated from the other portions of the area by the DENR, and shall be given in usufruct to the Municipalities of Hinatuan, Lingig and Tagbina. The Mayor of the concerned municipality and the Head of the organization of the farmer-beneficiaries shall meet to discuss and determine the reasonable compensation to be paid to the City for the management and development thereof by said beneficiaries. In case of disagreement, the Head of the DENR Regional Office shall decide.

SECTION 6. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,