

Compulsory Land Acquisition & Distribution to Landless Farmer-Tillers: Essential Aspects of Social Justice

**[ *Statement of Sen. Nene Pimentel before Bishops, Landless tillers of the soil and their NGO allies, Claret School of Quezon City, January 8, 2009* ]**

On December 17, 2008, Congress approved Joint Resolution No. 19. The Resolution sought to extend funding for the Comprehensive Agrarian Reform Program (CARP) to complete its processes of coverage, acquisition and distribution within six months, that is, from December 31, 2008, up to June 30, 2009.

It was necessary to pass the Resolution because the Department of Agrarian Reform (DAR) felt that it would be unable to do its work without funds after December 31, 2008.

Emergency Joint Resolutions are basically emergency remedies resorted to by Congress to address an emergency situation that could not otherwise be done expeditiously by the passage of a new law or by an amendment of existing legislation. The Resolution was thus meant to be an emergency device by which the DAR is enabled to continue its work for the next six months while Congress would determine during that period what amendments it could introduce to the agrarian reform law. In other words, the Resolution was not meant to be the end-all-and-be-all of the Comprehensive Agrarian Reform Program.

## Basis

That conclusion is based on the fact that the Agrarian Reform Program is mandated as a social policy by the Constitution, itself and that, as of the end of December, 2008 Task Force Mapalad (TFM) and its affiliate organizations have pending Land Acquisition and Distribution claims with the DAR for a total of 11,239 hectares covering 134 haciendas and involving 5,731 farmer-beneficiaries in some areas alone. DAR's backlog in those places at various levels of the CARP process is shown below:

For Installation:

: 18 haciendas, 752 FBs, 932 hectares

For CLOA generation

: 7 haciendas, 120 FBs, 195 hectares

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For LBP valuation/Certificate of Deposit (COD)

: 6 haciendas, 285 FBs. 516 hectares

At Pre-Processing Unit (PPU level) of DAR-LBP

: 36 haciendas, 2,022 FBs, 4,129 hectares

For ASP (Area Approved Survey Plan)

: 11 haciendas, 521 FBs, 2,153 hectares

For Survey and Final Survey

: 21 haciendas, 1,049 FBs, 2,154 hectares

For Notice of Coverage (NOC)

: 35 haciendas, 982 FBs, 2,468 hectares

In other areas of the country, TFM is currently engaged in various stages of land claims under CARP in Negros Oriental, Davao, Bukidnon, Cagayan Valley and Batangas covering 17,189 hectares with 7,062 farmer beneficiaries.

Partial

I am not too sure that the figures mentioned cover all pending matters now entombed in the bowels of the DAR bureaucracy. But one thing is sure. There is a lot of work still to be done by the DAR. That is why rather than allow its work to be impeded by lack of funds, I voted to extend emergency funding to the program for at least six months as embodied in the Resolution.

Resistance

Originally, I agreed with the proposal of Sen. Gregorio Honasan, chair of the Senate Committee on Agrarian Reform that we should amend the agrarian reform law and extend the effective life of the program for five years. Because there was much resistance from the landed interests and their allies in Congress, the proposal was reduced to two years. But even that was not acceptable. I then proposed to make the funding extension to cover one year. As everyone knows that was not accepted as a satisfactory compromise, either. Hence, the Resolution

ultimately reduced the funding extension to six months.

### Reprieve

In many statements that I have made since the passage of the Resolution, I explained that I voted for the six-month extension knowing that the period was not enough for DAR to do the work that it had not done over the years. Still, the six month period gives a reprieve – like that given to a convict sentenced to death – to DAR to try to complete its unfinished business. While that six month period is on, I would suggest that the agrarian reform beneficiaries and those who have followed the triumphs and the disasters that had attended the implementation of the agrarian reform law should formulate appropriate amendments to the law.

### Death knell

The bell has started to toll the death knell for the agrarian reform law from January 1, 2009. It is true the President has not yet signed the Resolution and indications are that she would rather let the Resolution lapse into effectivity rather than affirm its intent by signing it. But once the 30-day period given to the President to decide whether to sign or not to sign a resolution or a bill passed by Congress is over and that is to be reckoned from the date it was submitted for her approval, the effect of the Joint Resolution in question would retroact to January 1, 2009.

### Backing

There is therefore no time to lose. The sooner the amendments are done, the better for the landless tillers who are the primary beneficiaries of the agrarian reform law.

And while I am still there in the Senate, I will back up such amendments to advance the cause of the landless tillers of the soil and the national interest.

### Challenge

In the meantime, I suggest that the farmer beneficiaries and their NGO allies should go to the Supreme Court and challenge the Joint Resolution so that its unconstitutional features may be nullified. I regret that I cannot join such a move because I voted for the Resolution. And to repeat, I voted for it for a very limited reason: to enable the program to survive for at least six months within which we can act to amend the agrarian reform law by a proper bill to suit and protect the interests of the landless tillers of the soil pursuant to the social justice agenda of the Constitution.

Indeed, if the agrarian reform law is to go on, it may not make sense to prohibit the compulsory acquisition and distribution of land to the landless farmer-tillers as an act of social justice.

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I close with the assurance that you have my support for the achievement of the goals of the agrarian reform program in the country under the provisions of the Constitution and the applicable law. # # #

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