

Comprehensive Agrarian Reform Law: The Long Road to Agrarian Reform in the Philippines¹

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Background

Republic Act (RA) 6657 or the Comprehensive Agrarian Reform Law (CARL), was signed into law by President Corazon C. Aquino on 10 June 1988 in response to peasants' call for equitable access to land. For a long period of time, the elite landlords brought by the feudal system during the Spanish colonial government controlled the country's agrarian system. Problems of landlessness, massive poverty in rural areas and abuses of landlords led to the formulation of a number of agrarian reform policies in the country.

CARL was the sixth land reform law in more than 50 years following land reform laws since 1933. It instituted the implementation of the Comprehensive Agrarian Reform Program (CARP) which is meant to distribute lands to farmers in a span of 10 years and usher in new process of land classification, acquisition, and distribution.

Comprehensive Agrarian Reform Law of 1988

CARL covers all public and private agricultural lands, regardless of tenurial arrangement and commodity produced. In specific terms it includes all alienable and disposable lands of the public domain devoted to or suitable for agriculture, lands of the public domain in excess to the specific limits, lands owned by the government devoted to or suitable for agriculture, and private lands devoted to or suitable for agriculture regardless of the agricultural products raised. The worker-beneficiaries through cooperative or association may collectively own the land when it is not economically feasible to divide. The distribution of all lands covered by the law shall be completed within 10 years.

Retention and Distribution Limits

To take on its declared aim of establishing owner cultivatorship of economic-sized farms as the basis of Philippine agriculture, CARL prohibits landowners to retain more than five hectares of land and an additional three hectares for each child of the landowner over 15 years of age, provided that he/she is personally cultivating the land. In the same way, the distribution limit for qualified beneficiaries is three hectares of agricultural land. Beneficiaries may be agricultural lessees and share tenants; regular,

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seasonal or other farm workers; actual tillers or occupants of public lands; collective or cooperatives of the beneficiaries; or others directly working on the land.

Program Implementation

The program was operationalized through two mechanisms: Land Tenure Improvement (LTI) and Program Beneficiaries Development (PBD). LTI involves land acquisition and distribution (LAD) and in detail, the major processes of survey, identification of qualified beneficiaries, processing of claim folders for landowners' compensation, land valuation and compensation, registration of land and issuance of Certificate of Land Ownership Award (CLOA) to beneficiaries.

Over the 10-year implementation period, land acquisition and distribution are scheduled to take place in three phases:

Phase I. Rice and corn lands, private lands voluntarily offered, foreclosed lands by government financial institutions, acquired lands by Presidential Commission on Good Governance (PCGG) and all other lands owned by the government to be distributed immediately and implementation completed within four years.

Phase II. Alienable and disposable public agricultural lands; arable public agricultural lands under agro-forest, pasture and agricultural leases; public agricultural lands to be opened for new development and resettlement; and all private agricultural lands greater than 50 hectares to be distributed immediately and implementation completed within four years.

Phase III. All private lands with large landholdings:

- a. Landholdings above 24 hectares up to 50 hectares to begin on the fourth year and to be completed within three years
- b. Retention limit of five hectares up to 24 hectares to begin on the sixth year and to be completed within four years

PBD is undertaken through the establishment of agrarian reform communities (ARC) where beneficiaries are provided with support services that would make their lands more productive to improve their economic situation. These include, but not limited to, irrigation facilities, infrastructure development and public works projects in agrarian reform areas and settlements, credit support, financial assistance to small and medium-scale industries, extension services and research, development and information dissemination.

Other arrangements alternative to physical land distribution is also stated in the law. These include production or profit-sharing, leasehold operation and the distribution of shares of stock for corporate farms.

Landowner Compensation

The level of compensation payable to the expropriated landowner is determined based on the cost of acquisition of the land, the current value of like properties, the generated income from the property, the sworn valuation of the owner and the assessment made by the government assessor. Payments may be made in the forms of cash, shares of stock in government-owned or controlled corporations, tax credits or Land Bank of the Philippines (LBP) bonds. The amount may be increased by 5% if the landowners voluntarily offer their lands for sale.

Conclusion

CARL is the most comprehensive agrarian reform law because it covers all private and public lands and other lands suitable for agriculture regardless of tenurial agreement and crops produced. The law also adopted various progressive provisions needed by small and marginal farmers to have equitable land. Aside from transfer of ownership, it also provides access to support services to ensure that socio-economic improvement of the program beneficiaries is achieved.

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