

How the Arroyo Administration tried to kill agrarian reform

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Privilege Speech of Rep. Kaka Bag-ao/ Partylist - Akbayan delivered on 10 August 2010.

Mr. Speaker, I rise on a question of personal and collective privilege.

Let me begin Mr. Speaker by expressing a serious concern. I intend to speak about agrarian reform, a field that I have been involved in for the most part of my professional career. In doing so, I cannot but express my critique as to how the administration of Gloria Macapagal Arroyo contributed gravely to the crisis in agrarian reform that we are facing today.

As a neophyte in this House, I listened intently at the debates in the past couple of sessions with the hope of learning the rules and processes by heart and gain more experience that will make me a better legislator. To be honest, the debates only left me more confused than wiser especially in terms of my understanding of the concept of Freedom of Speech and parliamentary rules.

For instance, is the title of my privilege speech "How the Arroyo Administration tried to kill agrarian reform" doomed to be stricken off the record merely because its states the name of the former president who now happens to be a member of this chamber? Am I at a risk of being declared unparliamentary because I intend to criticize her performance as president now that she is a member of this houser?

I also heard from the debates that one may criticize a colleague but must refrain from using offensive language. Does this mean that I may not describe a colleague the exact way that my constituents describe him or her? For instance, if the general public perceives the administration of a former president as a rule of thieves or pigs or crocodiles, can I not articulate that popular opinion in this august chamber only because that former president is currently a member of the House? Can I not say that her performance is scandalous because the word scandalous is derogatory?

How do we know when a word is unparliamentary and unethical and when it is not? What defines the boundaries of what is courteous and respectful and what is not? Can I say for instance "With due respect Mr. Speaker, her administration is a regime of pigs?"

Should I surrender my constitutional duty to exercise oversight function as a member of the House only because the object of my criticism is now a

member of this House?

In spite of this confusion, I will dare to speak freely today. I choose to follow the example of the Sumilao farmers, the group of farmers who walked the 1,700 kilometer distance between Sumilao and Manila to press for their land, to challenge the boundaries, to question conventions, to take the risk.

Like my colleague in Akbayan, Rep. Walden Bello, I will not be cowed by the threat of being dragged into the ethics committee for speaking of my political position and critique and for articulating what millions of Filipinos feel and believe about Gloria Macapagal Arroyo and her administration.

The Administration of Gloria Macapagal Arroyo tried to kill agrarian reform...

On August 7, 2010, we commemorated the first year anniversary of the enactment of Republic Act 9700.

While the victory of the Sumilao Farmers and the passage of Republic Act 9700 or CARP Extension with Reforms Law happened during the incumbency of former-President Gloria Macapagal Arroyo, why do I dare to say that her administration tried to kill agrarian reform? Let me cite some of the bases of my conclusion.

Let me begin with an example that I was personally involved in. While the case of the Sumilao farmers was very much publicized only a few are aware of the involvements of the former president in the case.

Gloria Macapagal Arroyo and the Sumilao Farmers

Mr. Speaker, on October 10, 2007, the very first day of the historic 1,700 kilometer march of the Sumilao farmers, this representation, as their legal counsel, had to break a heart-rending news to them. We received a decision from the Office of the President that dismissed the petition filed by the Sumilao farmers that sought the revocation of the conversion order of the 144-hectare disputed property. The farmers questioned SMFI's construction of a multi-billion peso pig farm in violation of the terms and condition of the conversion order. To add insult to injury, the Office of the President in dismissing the Sumilao farmers' petition declared that they do not have any legal standing to file such petition.

This defeat and the accompanying insult from the Office of the President did not dampen their hopes but only steeled their resolve to march on, knowing that they were on the side of what is legal and just.

As if the unfavorable decision was not enough, the Arroyo administration, through the Secretary of the Department of Agrarian Reform issued a status quo order that effectively allowed San Miguel's undisturbed construction of their hog farm while preventing the farmers from doing anything to protect their land. This was an order that was patently designed to neutralize the pressure that the Sumilao Farmers' march created on San Miguel Corporation and the Arroyo administration.

But public opinion soon turned against SMC and the government so much so that in December 17, 2007, the Arroyo administration was forced to issue an order revoking the conversion order of the 144-hectare property and reverting its classification from industrial to agricultural use. Everyone welcomed this decision and praised the president for it.

Not everyone knew, however, that the Office of the President refused vehemently to include in that decision a provision that would order SMC to stop the construction of their state of the art pig farm. As a result, despite the revocation order, the construction went on unabated, eating away the lands, making them no longer useful for agriculture.

This coming October, the distribution of the lands to the Sumilao farmers will be completed. This has been made possible not because of Mrs. Arroyo's interventions but in spite of her obvious bias against them.

The passage of CARPER revived hope for agrarian reform

Between 2008 and 2009, I joined the farmers from Sumilao, Banasi and Calatagan and other peasant organizations who trooped to Congress to push for the enactment of the CARP Extension with Reforms bill . I witnessed the farmers sacrifices for the passage of the CARPER Law - the long pilgrimage march from Bula, Camarines Sur to Manila, enduring the heat of the sun, getting soaked in the unforgiving rain and the sadness of being away from their families and sleeping in makeshift tents outside the Department of Agrarian Reform and Congress. Even in the darkest moments of the campaign, they never loosened their grip on hope and the dream that one day every farmer will own the land they till.

I have witnessed their despair but I have shared their moments of triumph too. When Representative Edcel Lagman and former Akbayan Representative Risa Hontiveros successfully steered House Bill 4077 through the third and final reading with a vote of 211 in favor, 13 against and 2 abstentions last June 3, 2009, I cheered from the gallery together with the bishops, the religious and other agrarian reform advocates.

I can still recall the farmers' shouts and tears of joy when then-Akbayan Representative Risa Hontiveros broke the news about the passage of House Bill 4077 to the famers who where then detained in Camp Karingal. Ka Rene Peñas, a leader of the Sumilao farmers and one of the leaders of the advocates for CARPER immortalized this moment of victory with the words - Midaug na ta (We have won). This moment of celebration was cut short when two nights later, this icon of the struggle to pass CARPER, was shot to death when he was on his way home to his farm by still unidentified gunmen.

Mr. Speaker, even during her last year as president, Gloria Macapagal Arroyo tried to kill agrarian reform.

Barely a year after the much awaited enactment of RA 9700, a piece of legislation that it certified as a priority, the Arroyo administration managed to pull the CARPER down from the heights of the euphoria of its passage to a virtual standstill in its implementation.

The Department of Agrarian Reform has released its 2009 Accomplishment Report detailing the achievements of the Arroyo administration in agrarian reform implementation during her last year as President. The report was indeed historical and record-breaking because it registered the lowest accomplishment in Land Acquisition and Distribution in CARP's 21-year history.

According to the DAR report, it distributed 59,495 hectares of private and government-owned agricultural lands. This figure may be meaningless to casual observers but this has far-reaching implications to agrarian reform implementation.

When the CARPER Law was enacted, the remaining balance of lands to be distributed by DAR is pegged at 1,078,365 hectares. This means that in order for the government to fully accomplish its land distribution target within the five-year timeframe set by RA 9700, it should be distributing more than 200 thousand hectares annually beginning in 2009.

However, in 2009, the Arroyo government targeted to distribute only 85,762 hectares. This target is much lower than its 130 thousand -hectare annual target between 2005 and 2008. It is 60% lower than the 2008 accomplishment in land acquisition and distribution, only 42% of what they should accomplish given the 5-year deadline and only a miserable 8% of the total Land Acquisition and Distribution balance.

This very low target shows the intent of the Arroyo administration to kill agrarian reform, the even lower accomplishment of 59 thousand hectares is the smoking gun.

In Negros Occidental, where the Arroyo family's haciendas are located and which has the biggest backlog in terms of land acquisition and distribution, the figures are even more shocking. The province has a balance of 126,212 hectares which is almost 12% of the national balance. This means that between 2009 and 2014, the government should be distributing more than 25 thousand hectares per year in Negros Occidental.

However in 2009, the Arroyo administration only targeted to distribute 5,041 hectares or a mere 4% of the remaining balance for the province. Of that target, it only managed to distribute 2,979 hectares or a mere 59%. The 2009 accomplishment in Negros Occidental is only 11% of what should have been accomplished for that year.

The previous administration burned agrarian reform to the ground. Today I rise to seek for your support to bring agrarian reform back from the ashes. Last May, we were elected amidst a popular clamor for change. We were given a mandate by the people to undo the transgressions of the past administration and bring justice to those it has trampled upon.

Reviving agrarian reform under the Aquino Administration

The fate of agrarian reform is now in the hands of the Aquino Administration. We believe that the just resolution of the controversial

Hacienda Luisita land conflict is essential in agrarian reform implementation in the next 4 years as it will send a strong political signal that is necessary in the successful implementation of agrarian reform.

If the Aquino administration will emulate the example of Gloria Macapagal Arroyo, who did not lift a finger to fulfill her promise to distribute her family's haciendas when she assumed the Presidency, it will only strengthen the resistance of recalcitrant landlords who oppose agrarian reform to the point of violence.

Last week, Hacienda Luisita Incorporated (HLI) announced that the land dispute was finally resolved as they have reached an agreement with the farmers and farmworkers of the hacienda.

The settlement agreement being peddled by the corporation managed only to raise more questions than answers. It is patently designed to maintain the stock distribution option (SDO) in the hacienda while pretending to provide an option for farmers to own their own lands.

The continuation of the stock distribution option is not the solution, it is a big part of the problem. The SDO in hacienda Luisita failed to provide the relief that agrarian reform is supposed to provide the farmers and farmworkers in the over 20 years of its existence. That is the reason why, the SDO has been revoked and is now pending confirmation in the Supreme Court. The SDO as an alternative compliance to land redistribution has been proven to be bankrupt and that is the reason why it has been removed by the passage of CARPER.

The settlement agreement makes it appear that there are only two options for the farmers in the resolution of the Hacienda Luisita issue. These so-called options are non-options. To say that there are only two options is deceiving. True, if the land is distributed to the farmers individually the net farm size will be too small. But what the agents of this deal conveniently failed to mention is that the farmers may own, operate and manage the land collectively. This does not only allow them to maintain an economically sustainable and viable farm size, this would also make them eligible for government support services.

There is a menu of options that the farmers can take. There are many models of successful collective farm ownership in the agrarian reform history. The actual distribution of Hacienda Luisita to qualified agrarian reform beneficiaries will lift the Aquino administration to a moral high ground in covering the estates of other land lords.

While Hacienda Luisita may just be the tip of the iceberg in the range of challenges that agrarian reform is facing, it is the beacon of President Aquino's political will. We are confident that he will remain steadfast to his earlier statement that the hacienda lands will be distributed. With the land distribution and with the revocation of the SDO, the new administration will gain a moral high ground that will enable his government to compel the agrarian reform coverage of the lands of even the most recalcitrant landlords.

He will have moral high ground and the momentum in distributing the 1 million hectares of agricultural lands within the next four years. This requires distributing at least 250 thousand hectares per year. While this is a much bigger than usual annual target, it remains workable provided that the Aquino administration shows strong political will in achieving it.

But full implementation of agrarian reform requires the support of Congress... By voting overwhelmingly to pass the CARPER law, this House gave its commitment to the farmers to help bring the program to its successful completion in 2014. It is therefore the mandate of this House to:

- a. Ensure that the agrarian reform program will have adequate budget that would enable it to distribute around 250 thousand hectares per year;
- b. Exercise our oversight functions to the fullest and address issues and problems that may arise in the course of the law's implementation ; and
- c. Enact component laws that will strengthen agrarian reform, in particular, the National Land Use Act that will not only protect our agricultural lands from wanton conversion but will provide a framework to harmonize the various laws related to land utilization and classification.

I rise today in this august assembly not to speak of despair but rather to beseech for hope. When the Sumilao farmers came here three years ago to air their grievances to the House Committee on Agrarian Reform, they were welcomed, listened to and, thus, they found hope, hope that sustained them until they won. When this House voted to pass the CARPER bill over a year ago it renewed the hope of millions of peasants whose dream of owning the land they till was saved by 211 members of this chamber. Dili nato patyon ang nagdila-ab nga kalayo sa paglaum tungod lamang kay wala kita nagpakabana. Let us not extinguish this fire of hope by our inaction.

Maraming salamat at magandang gabi.

Kaka Bag-ao
