

An Agrarian Crisis in the Making

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As the importance of agrarian reform and rural development is underscored, given the multiple crises in our midst, the country's agrarian reform program has been further undermined. In 2008, demonstrations, rallies, long marches abounded as pro-agrarian reform forces waged a campaign to introduce major reforms and have the funding of the Comprehensive Agrarian Reform Program (CARP) extended. The landowning elites who have long opposed agrarian reform waged their battle against the program more silently, using their influence (probably their riches) to ensure that the program will not continue. There are also those who rallied for the junking of CARP and called for a "genuine agrarian reform program" but in the end made unwitting allies of the landowners.

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Despite winning some battles (the Banasi farmers who marched from Bicol got their lands through a DAR decision) and despite the efforts expended by the farmers themselves, with the long marches and the hunger strike, to highlight and dramatize the critical demand for agrarian reform, a critical round in the war for agrarian reform has been lost.

The fate of CARP, the country's 20-year old social justice and poverty reduction program, was decided by Congress, in favor of the landed and powerful. A day before the session ended last December, Congress passed Joint Resolution No. 19 (Senate version) and 29 (House version) which ostensibly gave CARP a leash of six (6) months but which removed the "heart and soul" of the agrarian reform program—the compulsory acquisition scheme which has so far given the government power to compel resisting landowners to have their lands subjected under CARP.

Betrayal of Farmers' Trust

For the farmers, the passage of the Joint Resolutions was a bitter betrayal. The farmers have been actively lobbying for the extension of CARP to the various representatives of both Senate and the House for more than a year. They were happy that in the Senate, Committee on Agrarian Reform Chairman and main author Senator Gregorio Honasan, already gave his sponsorship speech and that the deliberations in the Upper House pushed through. They even thought that they have secured Speaker Prospero Nograles' commitment to at least have the bill discussed in a plenary and voted upon as soon as possible. They were surprised therefore when instead of the bill, the discussion in the last three session days last December centered on the Joint Resolutions (JR) ostensibly coming from an agreement hammered between House Speaker Nograles, Senate President Juan Ponce Enrile and Malacañang. These were House Resolution No. 26 (signed by Speaker Nograles, Reps.

Edcel Lagman, Luis Villafuerte and Pablo Garcia) and Senate Resolution No. 19 (signed by Senate President Enrile, Senators Honasan, Jinggoy Estrada and Miguel Zubiri) which will ostensibly maintain the status quo in the implementation of RA 6657 or CARP until June 30, 2009.

What stunned the farmers however was, after a day, a new Joint Resolution was again being discussed. This time the Joint Resolution extends CARP for another six (6) months but it removes the compulsory acquisition (CA) scheme as a mode of distribution while the Joint Resolution is in effect. When Rep. Lagman questioned the validity of introducing another Joint Resolution while the House deliberated on the first Joint Resolution, the authors of the second Joint Resolution in the House backtracked. As related to the farmers by Rep. Carlos Padilla, rather than push for the Joint Resolution in the House, the authors of the second Joint Resolution found a loophole in the Rules that allows either the House or the Senate to adopt en toto a proposed bill or resolution on third reading. Thus, instead of ramming the amendments, they called on the Senate to sponsor the amendments to the Joint Resolution. Given that there was already a prior agreement between the House, the Senate and Malacañang, it was not hard for the Senate to accept the amendments on the Joint Resolution. In fact, the officials of the Department of Agrarian Reform (DAR) were equally stunned when Senator Honasan suddenly introduced amendments to the original Joint Resolution No. 19 which removed the compulsory acquisition scheme under CARP. After the Senate voted on the Joint Resolution, it became an easy matter of transmitting the Joint Resolution from the Senate to the House and of the House adopting the Senate version. Last January 23, the Joint Resolution was allowed by Malacañang to lapse into law as Joint Resolution No. 1.

From the view of the farmers who were lobbying for CARP extension, the extension of six (6) months contained in the Joint Resolutions was nothing but a sham meant to mislead them and even the public into believing that Congress is giving an additional six (6) months to thresh out reforms for the Comprehensive Agrarian Reform Program (CARP). What is clear though is that the Joint Resolution effectively crippled CARP, derailing its implementation, and making it problematic for the next six (6) months. At least 639,582 hectares, or 60% of DAR's remaining target, which would have benefited more than 200,000 farmers (if they will be given 3 hectares each, more if the lot sizes to be distributed is smaller), will remain undistributed.

CARP's Twilight

Congress' decision last December marks the twilight of CARP's era. That Congress managed to emasculate an already compromised program, robbing it of its remaining teeth and bite, only showed that we still live in a world ruled by landed elite and interests. Indeed last December, the landlords (especially those in Negros whose lands have yet to be covered under CARP) came back with a vengeance—using the window created by the funding deadline for CARP as an opportunity to consolidate their bloc, flex their muscle, and show the whole country their power.

Unfortunately, the events of last December showed that the peasant movements are not as strong as they used to be. The deep divisions and fragmentations caused by ideological differences have indeed weakened the very movement that could have saved agrarian reform. Though several local struggles (Sumilao and Banasi) have been won through the efforts of the farmers, who have managed to capture the imagination of the country through the national media, Banasi might very well be the last palpable victory in the struggle for agrarian reform.

Dimensions of an Agrarian Crisis

This early, the Joint Resolution is already wreaking havoc in the countryside. Before the passage of the Joint Resolution, landowners had to bring their cases to the Courts to delay agrarian reform

implementation. But with the Joint Resolution in place, landowners are effectively stopping the program by withdrawing their voluntary offers to sell (VOS) and their offers for voluntary land transfer (VLT). Worse, all activities on properties covered under compulsory acquisition were halted since the DAR issued an operational directive directing its personnel to defer the processing and distribution of all lands under CA, including those already in the pipeline. This too has been used by landowners to proclaim the end of agrarian reform in their respective areas.

This is an alarming situation, not only because of its possible implications to the peace situation in the countryside but, because of the fact that the world is in a midst of a financial crisis. In a crisis, land remains a key asset. Not only can access to land and tenurial security (both after-effects of agrarian reform) reduce land holding inequalities and prevent rural conflicts, but most importantly it can help increase the incomes of the rural poor, contribute to improved food security, and over-all help mitigate the effects of the financial crisis.

With agrarian reform implementation in limbo, landowners would not hesitate to convert their lands to permanently remove it from the scope of agrarian reform. And they can do it in various ways, thanks to the measures that Congress has so far approved. For example, the controversial Arroyo lands are supposed to be exempt from agrarian reform because it is intended for bio-fuel production under the recently passed Biofuels law. This is a worldwide trend— the race to become energy independent fuelling the drive of shifting production from food to fuel. The last food crisis was in fact blamed in part to the surging demand for agricultural commodities like biofuels.

The pressure of urbanization will also likely convert the few remaining farmlands near Metro Manila, mostly, in Central Luzon, considered as the rice bowl of the Philippines. The rampant conversions of farmlands to residential and other uses continue to put pressure in the country's capacity to be rice self-sufficient.

The government's unabashed promotion of mining has led to the entry of large-scale mining investments that threaten not only indigenous peoples' rights but also agrarian reform. The Calatagan case is but one example of the impact of mining on agrarian reform.

On the other hand, those who have yet to secure their land rights, will reel from the looming impacts of the global financial, food, and economic crises. Of particular concern, are Mindanaons, who will also have to address the crisis created by a failed peace talks.

In the same vein, landless farmers and farmworkers may be forced to shift to other jobs—mostly in the informal sector—especially those that have waged the battle for agrarian reform and who are now being chased off the lands they have been cultivating by virtue of the Joint Resolution.

In the meantime, we have to brace ourselves and watch out for agrarian hotspots and the very real possibility that the incidence of agrarian-related violence as well as incidence of land grabbing, etc. will increase in the next six (6) months. Some landless farmers and potential agrarian reform beneficiaries have signified that they might resort to land occupation and self-installation (especially those that are already title holders) should DAR continue its stance to defer the processing of all lands under compulsory acquisition. On the part of the landowners, they might employ more force to secure their landholdings and ward off and prevent such self-installations.

A Bleak Future

It remains to be seen whether Congress will extend, reform and give CARP new teeth, or simply let CARP lapse come June.

This early, however, agrarian reform advocates fear that CARP extension will not be tackled until Joint Resolution No. 1 expires in June 2009. Although the reform and extend bills—HB 4077 and SB 2666—are still categorized as unfinished business, Congress, specifically Speaker Nograles, has seemingly mastered the art of exclusion and intends to permanently leave the reform bills in limbo.

However, due to political pressure, Congress may opt to follow the track which it paved since 2008—extending CARP for another six (6) months, as if it's a contract; and finally extend it but without land distribution through compulsory acquisition, confining DAR to support services provision instead.

Congress can also redeem itself and pass a harmonized HB 4077 and SB 2666— instituting important reforms that will strengthen the law and program including accelerating land distribution through CA, providing much needed funds for land acquisition, distribution and titling, streamlining and reorganizing the DAR bureaucracy, among other important measures.

The worst scenario is that the law will not be extended and agrarian reform dies.

Most likely, however, CARP will continue in its current form, if not a degenerated version, one with compulsory acquisition permanently out of the equation.

The scenario that will ensue, will largely depend on the confluence of factors and actors, and essentially, who has the most muscle—political and economic clout in decision making and on the other side, how agrarian reform advocates can push for their agenda.

But with Congress busy peddling Charter Change, the hope that CARP will be tackled in Congress grows dimmer. The recent passage of House Resolution No. 737 which would allow foreign ownership of lands (again this is very detrimental to CARP since CARP has an express provision disallowing the sale of agricultural lands for a period of ten (10) years) is said to be the start of other Constitutional amendments for the benefit President Gloria Macapagal-Arroyo and her cohorts, and to the detriment of farmers and agrarian reform.

What Can Be Done?

While we might indeed be looking at a future which is bleaker than ever and a countryside which might never find its peace, there are still things that can be done to avert this.

In the short-term, the peasant movements still need to push hard to save and reform CARP. It must work hard to seek allies both among the organized sectors, the general public, and best of all inside the halls of power. While indeed it is an emasculated law, there are many studies conducted by academics and researchers like Reyes (2001), Balisacan (2006), Gordoncillo (2006), Dy (2006), Flores-Obanil (2008), etc. and personal experiences shared by farmers which attest that the program worked and many landless farmers benefitted from the program.

In the long-term, the peasant movement and agrarian reform advocates should think of a new land reform policy which can respond to the present juncture—one which includes addressing the conflicting claims and use in land; development objectives and requirements; support services; as well as the overall thrust of the agriculture sector.

The countryside is already in a constant flux of unrest. With the added impact of the global crisis—that has yet to unleash its full wrath in the country— rural folks will have to brave the tempest.