

FEATURED STORIES, POLITICS

After 48 years, Philippine Agrarian Reform Remains an Illusory Goal

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Despite the legal deficiencies, Philippine agrarian reform could still have made a major impact on rural poverty, landlessness, social marginalization and political disempowerment had the political will of the government and an efficient bureaucracy been in place

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On June 10 this year, the government’s Comprehensive Agrarian Reform Program (CARP) reached its 34th year of implementation. If we were to include the dictator Ferdinand Marcos’ “Tenant Emancipation Act” of September 1972, agrarian reform as a major government program in the Philippines has been around for 48 long years.

The Marcos version was an extremely limited program covering only tenanted lands growing rice and corn, with a high 7-hectare landowner retention limit. As such, it covered only 8% of total farmland, 5% of the rural labor force, and 31% of tenanted lands.

After 14 years of implementation, Marcos provided land titles to a mere 2.2% of targeted beneficiaries.

President Corazon Aquino’s CARP of 1988 and its progeny, the Comprehensive Agrarian Reform Program Extension with Reforms (Carper) of 1998, improved on the Marcos program. These covered all agricultural lands regardless of tenure arrangements, thus potentially benefiting both tenants and farmworkers while lowering the retention limit. But being the result of compromises between pro- and anti-agrarian reform legislators, both laws also contained provisions that are considered legal loopholes to either evade coverage or delay implementation.

The 1988 CARP allowed mere regulation of existing tenurial forms, including the notorious stock distribution option and leaseback agreements. It had an endless list of exemptions, set landowner compensation at “fair market value,” and imposed a burdensome amortization payment scheme for beneficiaries. Moreover, it provided an escape clause that raised the retention limit, mandated a long 10-year period of implementation, and excluded beneficiaries and civil society groups from meaningful participation in the program’s implementation.

Carper, on the other hand, reasserted compulsory acquisition and voluntary offers-of-sale as main

redistribution modes, and deleted the stock distribution option. It disallowed conversion of irrigated farm lands, recognized women farmers as title holders, upheld usufruct rights of beneficiaries and the indefeasibility of awarded beneficiary lands. It also had easier amortization payments and automatically covered lands whose conversion applications have been pending for at least five years.

‘Killer amendment’

Antireform and prolandlord legislators, however, successfully inserted a Carper “killer amendment” that allowed landowners to determine who would be the beneficiaries and who would be excluded. More land types were added to the exemption list. Seasonal and nonregular farmworkers were discriminated against as priority beneficiaries, and local governments were empowered to acquire agricultural lands beyond the 5-hectare retention limit.

On top of all these, major CARP disabilities, such as the market value for landowner compensation and amortization payments by beneficiaries based on gross production (rather than net incomes) were retained.

Despite the legal deficiencies, Philippine agrarian reform could still have made a major impact on rural poverty, landlessness, social marginalization and political disempowerment had the political will of the government and an efficient bureaucracy been in place.

All things considered, it could still have redistributed 10 million hectares of agricultural lands to 10 million tenants and farmworkers, and their families which were the original targets in 1988. These could have resulted in a significant restructuring of power relations in the countryside and realization of the constitutional vision of agrarian reform as a social justice measure.

Today, 48 years after it was first mandated as a land redistribution program, agrarian reform remains an illusory goal. Carper implementation supposedly ended in 2008 but by 2016, one million hectares still remained to be distributed of the official target.

Land grabbing

Aside from the obvious absence of political will and an ineffectual implementing agency, malignant landowner resistance and persistent corporate land grabbing have seriously hampered effective land redistribution. Numerous human rights violations have been documented of farmers being harassed, coerced, intimidated, evicted, and killed by landowners or land speculators and their hired goons.

Landholdings that have been covered for distribution are being wantonly grabbed and misappropriated for non-agricultural purposes such as tourism, mining, real estate development, and special economic zones.

Land conversions, exclusions, reclassifications, and exemptions have also been recklessly approved by government agencies. Research by the advocacy groups Save Agrarian Reform Alliance (Sara) and Focus on the Global South (Focus) show that between 1996 and 2020, a total of 113,850 hectares of agricultural lands had been reclassified and converted for non-agricultural use by the Department of Agrarian Reform and the Department of Agriculture. Further, exemption and exclusion orders of about 8,600 hectares have been issued by DAR secretaries from 2000 to the present.

Other issues raised by the Sara-Focus study include “overlapping and/or contradictory policies

and/or mandates; rule by patronage politics; lack of DAR initiative to file obstruction cases, erroneous coverage resulting in award cancellations; tedious documentation requirements, slowness in resolving land disputes, frequent turnover of DAR personnel, and corruption in the Register of Deeds and the Land Registration Authority.”

Rent-seeking giant property developers in Luzon and agribusiness corporations in Mindanao have been notorious for their aggressive expansion into countryside areas, thus dislocating farmers from awarded lands and indigenous communities from their ancestral domain. Mining companies also deprive farming and indigenous communities of their livelihoods.

Protests and attempts at reclamation have been met by violent dispersals by armed private guards, often in connivance with local authorities. Counterinsurgency operations often victimize small farmers who are often tagged as communist supporters and become targets of military and police violence.

90% ‘accomplishment’?

The government reported that 4.8 million hectares had already been distributed to 2.8 million landless farmers and farmworkers for a 90% accomplishment rate. These reports, however, ring hollow in the light of two concerns.

One, the Philippine Statistics Authority reported that in 2020, 13.42 million hectares were devoted to crop cultivation and worked on by an agricultural labor force of 9.34 million. Technically, these areas and their number of workers are covered by CARP/ER. Land reform accomplishment, therefore, drops to only 36% of farm area and 30% of targeted beneficiaries. This means that 8.6 million hectares still remain to be distributed while 7 million agricultural workers continue to be landless.

Secondly, several field researches showed that many agrarian reform beneficiaries who were granted ownership had already lost effective control of their awarded lands. In the landmark Hacienda Luisita case which, after a long contentious struggle, has been officially resolved with the distribution of lands to eligible farmworkers, as much as 80% to 90% of awarded lands have been appropriated by nonfarming arrendadors (capitalist-financiers) due to the poor support services accorded by government.

This is not surprising as it is reported that only 44% of agrarian reform beneficiaries had benefited from government support services, with 27% of them in officially recognized “agrarian reform communities” (ARCs).

Estrella appointment

Can any meaningful agrarian change take place under the incoming administration of the dictator’s son and namesake Ferdinand Marcos Jr.? The designation of Conrado Estrella III as agrarian reform secretary already raises alarms. A former Pangasinan congressman and Abono partylist representative, Estrella is the grandson and namesake of Marcos Sr.’s agrarian reform minister who supervised the dull implementation of the 1972 law.

Along with other legislators, Estrella has been implicated in the P10-billion Napoles pork barrel scam. Danny Carranza, secretary general of the peasant group Katarungan, sees Estrella’s appointment as “a continuation of Marcos Sr. without martial law.” Carranza added that he “hopes

to be proven wrong,” but in Congress, Estrella “had no track record in pushing for radical proposals for the peasantry.”

More importantly, if we go with statements by the incoming finance secretary and head of Marcos’ economic team, Benjamin Diokno, agrarian reform prospects appear dim. In an interview with journalist Malou Mangahas last May 27, Diokno expressed his disapproval of “peasant agriculture” and called for its replacement by large-scale plantation schemes for reasons of “economies of scale.” He further denigrates rice farming as not being cost-effective, proposing instead a shift to “high value crops” that can be exported to earn foreign exchange.

As for the country’s food needs, Diokno says that we can just import these from other countries who have more efficient food growing systems.

Family farms vs large farms

In the first place, scholarly studies have shown that small family farms are more efficient than large farms due to their maximum utilization of land and higher productivity. The United Nations General Assembly has recognized the exclusive role of family farms in producing 80% of the world’s food needs, as well as their contribution to “sustainable rural and urban life, food security, environmental preservation, biodiversity, and the maintenance of a rural cultural heritage.” To promote awareness of the contributions of small farms to humanity, the UN declared 2019-2027 as the “Decade of Family Farming.”

Secondly, relying on food imports is an unsustainable and hazardous formula as it makes the country hostage to the vagaries of the global food market. The recent rise of what Nikkei Asia calls “food nationalism” caused by soaring food prices has “prompted some Asian countries to halt exports of certain products to protect domestic consumers.” India, Malaysia and Indonesia have imposed export bans on sugar, chicken products, and palm oil, respectively. Experts see this “food nationalism” spreading to other food exporting countries and covering more products.

It is thus imperative for governments to preserve and support family farms as the bedrock of agricultural production and the main food basket of modern societies. Agrarian reform via the redistribution of lands to the rural landless poor and promoting their social and political empowerment, is the most effective way of supporting and advancing family farms and bringing about social justice in the Philippine countryside.

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