

At its last meeting, the Civil Liberties Union decided to take the issue of unconstitutionality of at least Article VI of the Military Bases Agreement to the Supreme Court where the matter would finally be resolved. For it involves the basic question of how sincerely we, and especially our highest officials, adhere to the rule of law. For if the Filipinos themselves who are charged with the sworn duty of enforcing the laws do not comply with them, in fact with our very Constitution, who else can be expected to uphold and respect the laws?

(Speech delivered by Lorenzo Tanada upon acceptance of the Civil Liberties Union award, 30 November 1988.)

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# Principles Underlying PARCODE

The agrarian problem lies at the root of the Philippine economic and social crisis. A key solution to this crisis is a genuine and comprehensive agrarian reform program.

The core principle in agrarian reform is the primacy of the right of all members of the agricultural labor force who do not own land, near-landless farmers, farmworkers, small fisherfolk and other direct producers to own and control the land, have full access to other natural resources and gain full disposition over the produce.

Agrarian reform addresses six major issues, namely:

1. social justice and inequality
2. low productivity
3. lack of control by the rural masses over their lives and destiny
4. under-industrialization
5. environmental breakdown
6. foreign domination

Therefore, the People's Agrarian Reform Code (PARCODE) will aim, first of all, to transfer landed wealth and power over the land and its produce to the actual tillers. Unjust concepts of private land ownership have led to the concentration of land in the hands of a few. Second, it aims to free and develop the productive powers of agrarian workers, farmers, and fisherfolk from the forces that deprive them of resources and initiative. Thirdly, the PARCODE intends to develop the mechanisms for people's empowerment by creating autonomous decision-making bodies of the rural masses. Fourthly, it is designed to promote nationalist industrialization by widening the national market, rechanneling the agricultural surplus into industrial investments and labor for industrial development, and the establishment of self-sufficient local industries controlled by the rural masses. Next, it intends to conserve the natural environment so that it may serve the short and long-term needs of the Filipino people. Lastly, the PARCODE will do away with foreign control over natural resources.

The general principles that follow outline the basic concepts underlying the major components of the People's Agrarian Reform Code:

### I. Coverage

Agrarian reform as a redistribution program must cover the following:

1. All agricultural lands regardless of crop planted, existing tenurial forms, or farm size;
2. All arable public lands including logging mining, pasture areas, and newly-opened and reclaimed areas subject to prior rights of indigenous communities and ecological concerns;
3. All lands that are idle and abandoned, foreclosed, sequestered, church-owned, plantation, haciendas;
4. All water resources including inland, coastal and offshore fishing areas.

In terms of beneficiaries, the program should include all members of the agricultural labor force who do not own lands, are near landless, small fisherfolk, and other direct producers who are deprived of access to and control over other natural resources.

## II. Retention Rights

The guiding concept underlying retention rule is that of owner cultivatorship. Corollary to this, the abolition of absentee land-ownership and proprietorship must be carried out thoroughly.

## III. Compensation

The granting of full compensation for all types of landowners goes against the intent of agrarian reform to redistribute wealth and resolve the issue of social inequality. A system of selective, and progressive compensation must be instituted based on farm size, mode of acquisition, and other relevant factors.

## IV. Transfer of Land to Beneficiaries

As a rule, the terms and conditions under which the land is to be transferred must not be made burdensome for the beneficiaries so as not to defeat the goal of turning them into viable producers. Thus, all previous land rentals as well as uncompensated labor must be considered as advance payments for the land.

Uncompensated labor may be defined as the difference between workers' actual wages on one hand and, the government-mandated minimum wage or the minimum required subsistence income whenever it is applicable. Provisions for homelots for all types of beneficiaries must also be included.

## V. Organization of People's Agrarian Reform Councils

The People's Agrarian Reform Councils (PARCONs) are autonomous bodies mandated by reform beneficiaries to ensure the formulation and implementation of agrarian reform policy. The PARCONs will be composed exclusively of representatives of farmers, farmworkers, fisherfolk, and other direct producers. The Councils will be formed from the village up to the national level. Village councils will be constituted by direct election with the next higher councils to be chosen by representatives from the lower councils.

## VI. Cooperatives and Collective Farms

An integral part of the people's agrarian reform program is the preferential option for cooperatives and collective farms in the production, marketing, and credit levels wherever and whenever feasible. This will conform to the objectives of promoting equity, productivity, people empowerment, nationalist industrialization.

## VII. Support Services

In order to lay the conditions that will assure the provision of timely, adequate and appropriate services for agrarian reform beneficiaries, all government departments and agencies whose work is crucial to the success of the agrarian reform program must be reoriented in both their policies and programs and reorganized towards emphasizing the central role and overriding role of agrarian

Support services must include infrastructure, credit, marketing, price supports, training and education, and appropriate and ecologically sound technology.

## VIII. Special Concerns

1. Rural Women. All women members of the agricultural labor force must be guaranteed and assured equal rights to ownership of land, equal shares of the farm's produce, and representation in the people's councils and other decision-making bodies.

2. Lands under multinational corporation control. All lands currently under the control of multinational corporations must revert back to Filipinos and their ownership and management transferred collectively to the direct producers.

3. Fisheries. Small fisherfolk must be assured of greater access to and management over water resources.

4. Lands of indigenous communities. In line with the concept of self-determination and autonomy, the systems of land-ownership and land use and modes of settling disputes of all indigenous communities must be recognized and respected.

5. Logging and mining concessions and pasture lands. Suitable areas in logging, mining and pasture areas must be opened up for agrarian settlements whose beneficiaries will be required to undertake reforestation and conservation methods.

#### X. Administrative Structures and Mechanisms

There are three key actors in agrarian reform, namely, (a) the government; (b) the People's Agrarian Reform Councils (PARCON); and (c) non-governmental organizations (NGOs).

#### X. Funding

The guiding principle on agrarian reform funding is the use of local resources in implementing agrarian reform. At the same, no additional burdens must be imposed on the Filipino people such as increased taxes or through resulting inflationary effects.

#### XI. Transitory Measures

1. All laws, executive issuances, rules, and regulations inconsistent with the principles and accompanying policies of agrarian reform must be repealed.

2. Safeguards and corresponding penalties must be instituted against pre-emptive actions by land-owners or other parties to defeat the purposes and intent of agrarian reform.

3. In areas where, for administrative reasons land transfer cannot be immediately undertaken, a drastic and substantial reduction in land rents must be carried out. In farms under wage labor, substantial wage increases as well as safeguards for the protection of the rights of workers must be instituted.

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## Joint Declaration of the Multi-Sectoral Conference for Genuine Agrarian Reform

WE, the 600 delegates to this MULTISECTORAL CONFERENCE FOR A PEOPLE'S AGRARIAN REFORM CODE, representing a broad spectrum of peasant organizations, sectoral and cause-oriented groups, non-governmental organizations and political alliances, as well as leading agrarian reform advocates and supporters, have gathered together this 25th and 26th of June 1988 at Maryknoll College, Quezon City to issue this joint declaration and call to action on the central national agenda of genuine agrarian reform:

#### WHEREAS,

- the main objective of agrarian reform is to dismantle the unjust systems of control, ownership and use of land, and to democratize land-based wealth and power:

- genuine agrarian reform is the key to authentic national progress and prosperity; it shall provide the stable foundation for nationalist industrialization, the promotion of the welfare of the workers, urban poor, women and youth, the protection of human rights against militarization and repression, and freedom from foreign economic and military domination:

- the Filipino people, particularly our landless and near-landless farmers, tenants, agricultural workers, small fisherfolk and peasant women, have long clamored for a genuine and comprehensive agrarian reform based on the principles of "land to the tiller" and social justice.

- the Legislative and Executive branches of government have failed to adequately respond to this clamor for an agrarian reform law that will address the centuries-old and fundamental problems of tenancy, poverty and concentration of land in the hands of a privileged few;