

Socio-economic Assessment of the Philippine Agrarian Reform

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Abstract

This paper, using qualitative research methods, aims to assess the challenges faced by the Philippine Comprehensive Agrarian Reform Program and its extension on the selected cases from five Philippine provinces. In 27 years of its implementation, the agrarian reform has achieved land redistribution of around 7.7 million hectares despite the periodical lack of political will and opposition from landlords, sometimes violent or through protracted legal battles. Support services focus almost exclusively on Agrarian Reform Communities, in which such services are funded mostly through the official development assistance from abroad rather than government's budget. Limited availability of support services to those agrarian reform beneficiaries located outside of Agrarian Reform Communities prevents them from becoming economically viable producers and seriously taints whatever land distribution may have accomplished. Some reform beneficiaries may have been awarded their land on paper but were not able to take possession of the land or must have abdicated control of it.

Keywords

Comprehensive Agrarian Reform Program (CARP), land reform, land redistribution, landlordism, land conflict, agriculture support services.

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Introduction

Agrarian reform in the Philippines is a not an easy task compacted by the challenges it has to face – "opposition from landlords, criticism by civil society, suspicion by the private sector, cynicism by legislators, lack of financial and material resources as well as general public apathy" (Guardian, 2003). However, it is widely recognized that the agrarian reform has contributed to the improvement of lives of a substantial number of Philippine peasants, though the actual impact of the reform on the rural poor "may not have been as large as its proponents would have liked to see" (World Bank, 2009). Pessimistic predictions and sweeping dismissal by some critics of the land reform accomplishments have not materialized and sizeable land redistribution has been achieved with around 7.7 million hectares of land, or one quarter of total Philippine land area or 80% of of all agriculture land (De Los Reyes et al., 2017), distributed in the 27 years of the implementation of the Comprehensive Agrarian Reform Program (CARP) and its extension. As GTZ (2006) wrote then and is still true today, it is evident that

the agrarian reform is far from being completed, especially in terms of compulsory acquisition of large private landholdings and their redistribution to the mass of landless peasants. The remaining lands are the most contentious landholdings, most tedious and difficult to acquire and distribute (Focus on Global South, 2013). Moreover, in some cases, agrarian reform beneficiaries may have been awarded their land on paper, but have not been able to take actual possession of the land or have abdicated the control of it. Many others have been left without meaningful support that would enable them to become economically viable producers.

The current Philippine president Rodrigo Duterte called the agrarian reform implementation a 'farce' and a 'total failure' during his election campaign. After assuming the office, he made support services alongside land distribution one of his policy priorities, reversed the "long-standing presidential pattern of ignoring agrarian reform's social justice principles" (Tadem, 2016) and appointed Rafael Mariano, a former activist of peasant class origins, as Department of Agrarian Reform (DAR) Secretary. Mariano immediately initiated a review

of ‘anti-farmer decisions’ sparking a policy discussion on the future of the agrarian reform. While the former pro-reform elements in the civil society and bureaucracy advocate for another CARP extension, the Secretary would prefer to roll out much more radical Genuine Agrarian Reform that would go as far as free distribution of land to farmers. This paper is an attempt to contribute to the current policy discussion as well as to the literature on the land reform in the Philippines in particular and in developing countries in general by highlighting the successes and failures of CARP and its extension at micro-level and challenges in its implementation.

1. Concepts of land/agrarian reform

Agrarian reforms worldwide have been attempting to “correct historical injustice committed against landless peasants” and have been conceived based on a political-economic perspective of agrarian structure, where “power and power relations between different social classes within the state and in society are at the center of a more egalitarian distribution of property rights over land resources” (Borras, 2007). According to Borras (2006) redistribution of wealth and power from the landed elite to landless and near landless people is the essence of land reform. Fuwa (2000) counters that the ultimate achievement of land reform should not be land redistribution as such but rather enabling reform beneficiaries to become competitive in the context of liberalized markets and reduced role of the state. Land reform entails equitable and rational change in agrarian structure by “compulsory, drastic and rapid means” resulting in increased access to land by the rural poor and secured tenure for those who actually work the land (Ghimire, 2001; Tai, 1974) which gives small cultivators “greater control over the use of land and greater leverage in their relationships with the rest of society” (Jacobs, 2013).

The terms 'land reform' and 'agrarian reform' are often used interchangeably, even in this text, but are actually not precisely the same. Banerjee (1999), Jacobs (2013), Tai (1974) and others limit the ‘land reform’ to its narrow definition of redistributing land to rural poor, while ‘agrarian reform’ is considered to have a wider meaning embracing improvements in both land tenure and agricultural organization, including provision of infrastructure, services and, sometimes, a whole program of redistributive and democratic reforms. Adams (1995) sees ‘agrarian reform’ as a construct of the Cold War to counter the concept of ‘communist’ land reform. Cohen (1978) defines ‘agrarian

reform’ as “a multi-disciplined set of interrelated aims and means capable of combating the ills” of the “feudal and quasi-feudal institutional agrarian structure.” None the less, advocates of land reform agree that simply redistributing land to the landless poor would not achieve equity nor efficiency of land reform; real reform should be accompanied by agricultural extension and emergency income support programs (Banerjee, 1999) or a mix of technical support and access to credit, markets and inputs (Cotula et al., 2006). Most advocates of agrarian reform have explicitly maintained no illusion that land redistribution is a “magic panacea to rural poverty and underdevelopment” (Borras, 2006); land redistribution is a necessary but insufficient condition for rural development and poverty eradication and must not be seen in isolation from broader support to the agricultural sector (Borras, 2006; Cotula et al., 2006).

Whilst the pursuit of land reform in 20th century was reinforced with the view that agriculture should be in the center of development agenda by the national governments, more prominent reason for adopting land reform was often to prevent rural unrest and struggle for social justice; land redistribution happened more likely when the rural poor formed a credible threat of revolt (Albertus, 2015; Fuwa, 2000). Other reasons for agrarian reform according to Cox et al. (2003) included existence of large tracks of land with low farming intensity, exploitative labor relations on large estates, land conflicts, collapse of large state, collective or cooperative farms. According to Cotula et al. (2006) redistributive land reforms have been motivated by three inter-related objectives: i) to reduce poverty and landlessness in rural areas through more equitable access to land, ii) to improve social justice by shifting the balance between different groups in the ownership and control of land, and by restoring alienated land rights and iii) to promote rural development by raising agricultural productivity and creating a class of productive smallholder farmers.

Platteau (1992) and Borras (2007) sum up that redistributive land reform was highly popular in official development agendas during the past century when it was generally accepted that large landed estates were economically inefficient because the land was underused - the creation of small family farms should maximize use of relatively scarce land resources by applying abundant rural labor to it. The decolonization struggle, post-conflict democratic reconstruction and consolidation,

and the end of authoritarian regimes and subsequent transitions have also provided significant bases and imperatives for land reform. Deininger and Binswanger (1999) show their skepticism about land reforms relying on expropriation because they “have been more successful in creating bureaucratic behemoths... than in redistributing land from large to small farmers” and because of their supply-driven nature such reforms lead to economic inefficiency, when productive farms are expropriated and subdivided into smaller, less productive farm units, when environmentally fragile, public lands are distributed, or when peasants unfit to become beneficiaries are given land. According to Jacobs (2013), the great majority of agrarian reforms have been incomplete, either redistributing little land or else allowing landlords or large commercial farmers to exert continued power. Land-redistribution-before-development approach has led to land redistribution-centered reforms where in most cases the state has failed to deliver support services to beneficiaries (Deininger 1999).

2. Rolling out land reform in the Philippines

The history of the colonial rule in the Philippines by the Spanish and Americans led to the process of land acquisition by the elite, land-grabbing and privileged access to legal formalities creating a system of property rights that tends to appear arbitrary to peasants (Putzel, 1992). For centuries, agricultural lands have been in the possession of a few powerful landlords and corporations, the majority of people remained as tenants, farm workers and landless agricultural laborers, a reality that has contributed to the widespread rural poverty (Elvinia, 2011). Prior to the initiation of land reform in the Philippines, almost 50% of the rural population was landless (Elauria, 2015). Since World War II, consecutive Philippine governments have used land reform in various forms and intensity as a key element of their poverty reduction strategies, as well as a tool to address social unrest and insurgency in the rural areas (Balisacan, 2007). Land reform in the Philippines has had a long and dubious history marked by cycles of intense popular assertion that put the idea of land reform firmly on the national political agenda “in between long periods of government inertia” (Borras and Franco, 2007). The political reality of land reform implementation in the Philippines has seen contestation by different social forces with differing interests and levels of bargaining power (Cruz and Manahan, 2014).

CARP, enacted in 1988, aimed to redistribute

10.3 million hectares of land to more or less 5 million landless peasant-families or 30 million individuals (Bejeno, 2010). CARP and its 2009 extension, the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER), was quite distinct from previous Philippine land reform initiatives because it went beyond land transfers to provision of basic support services, including access to credit and marketing assistance, with the aim to transform the beneficiaries into efficient agricultural producers and entrepreneurs (Velesco, 2011). CARP was an improvement over previous land reforms also in that it covered all agricultural lands and the entire rural landless labor force, including previously excluded seasonal farm workers and occupants of public lands (Velesco, 2011). However, CARP was a compromise law, accommodating demands from the landowning classes and agribusiness, and as such it contained legal loopholes that allowed mere regulation of existing tenancy forms, including the nefarious stock distribution option and leaseback agreements, provided for an ample list of exemptions for acquisition, established ‘fair market value’ for landowner compensation, created a payment amortization scheme that was unfavorable for beneficiaries and set a high retention limit that could reach 14 hectares (Borras, 2007; Tadem, 2015).

Landowners have been resistant, sometimes violently, to CARP. In some cases, beneficiaries have been unable to take actual possession of formally awarded lands due to strong, violent opposition from a landlord, or protracted legal battles launched by landlords (Borras, 2006). Numerous reports have surfaced of agrarian reform beneficiaries being harassed, intimidated, raped, evicted, robbed or killed by landlords, their paramilitaries or hired goons (Guardian, 2003; Villanueva, 2011; Bejeno, 2010). While Binswanger and Deininger (1996) argue that the main reason for landlords’ resistance to land reforms is a payment often below the market price, the Philippine landowners were compensated generously receiving on average 133% of the market value of their land under the Aquino administration (Riedinger, 1995). One possible explanation for this overpricing made by Putzel (1992) is corruption of Land Bank officials in charge of land valuation. The other possible explanation is daily pressure and harassment of DAR officials by landlords, some of whom might hold high positions within the local administrations (Borras and Franco, 2007).

CARP is further hampered by rampant land conversions and displacements of peasant

communities, incursions of property developers, other rent-seekers and special economic zones and the expansion of urban areas into the countryside as well as an ineffectual bureaucracy (Tadem 2015; Elvinia, 2011). DAR is a huge and diverse state bureaucracy composed of an army of 15,000 personnel scattered nationwide who, like other government employees, are not well paid and moreover as with other Philippine government agencies 'political patrons' play a role in their appointments and recruitment (Borras and Franco, 2007).

3. CARP's objectives and achievements

The goal of the land reform in the Philippines was initially to break up large farms and redistribute the land into small plots to be cultivated by landless small family farmers (Borras and Franco, 2006). Subject of compulsory land acquisitions under CARP were private agricultural land holdings larger than 5 hectares, regardless of crops or fruits produced, with some notable exceptions. While the average farm size in the Philippines is two hectares, CARP award ceiling to landless farmers and regular farmworkers was fixed at three hectares (Government of the Philippines, 1988). CARP's objectives of improving equity and productivity in the agriculture sector by distributing agricultural lands to landless farmers, farm workers and tenants were geared towards achieving the constitutional obligation of promoting social justice and rural development (Senate, 2008). CARP basically consists of three key components (Elvinia, 2011): i) land tenure improvement that deals with the acquisition and distribution of lands, ii) support services which involve the provision of extension services, credit, and infrastructure support to agrarian reform beneficiaries and iii) settlement of cases relating to landlord-tenant relationship and cases pertaining to land valuation and disputes.

The CARP implementation recorded significant delays and thus it had to be extended through promulgation of CARPER which also contained new provisions that favored beneficiaries in terms of land acquisition and distribution such as the indefeasibility of awarded beneficiary lands, recognition of usufruct rights, a grace period for amortization payments, speeding up the process of awarding lands, removal of the stock-distribution option, outlawing the conversion of irrigable and irrigated lands, automatic coverage of lands targeted for conversion pending for five years, reintroduction of compulsory acquisition and voluntary-offers-of-sale as main

redistribution modes, as well as recognition of women as beneficiaries (Tadem, 2015; Bejeno, 2010; Cruz and Manahan, 2015).

Much has been written elsewhere on CARP/CARPER's accomplishments and failures. Low budget allocation, since it is the Congress, the bastion of landowning classes and their allies, that makes yearly decisions on budget allocations to the various CARP components, as well as low budget utilization have been a major constraint for the agrarian reform (Fuwa, 2000; Tadem 2015; Borras and Franco, 2007). Because of these limited funds, in 1993 the government launched the Agrarian Reform Community approach to beneficiary development, which focuses the delivery of support services to selected areas, rather than dispersing the delivery to all areas covered by CARP (World Bank, 2009). The Agrarian Reform Communities have become the 'show-window of the agrarian reform' and when officially assessing the CARP impact, the focus is always on these (Guardian, 2013), even if only 27% agrarian reform beneficiaries are actually located in one of the Agrarian Reform Communities (Tadem, 2016).

What made CARP moderately successful during the period of 1992 – 2000, was the way in which pro-reform forces in society linked up with pockets of pro-reformists within the agrarian reform bureaucracy to convert less-than-ideal openings for agrarian reform into actual redistribution of land (Borras et al., 2007). "Various studies found that benefits such as improvements in tenure security, higher income of farmer-beneficiaries and higher yields brought about by increased inputs and investments on land were derived from the CARP implementation" (Senate, 2008). According to the study using panel data of 1,800 households by Reyes (2002), CARP has led to higher real per capita incomes and reduced poverty incidence between 1990 and 2000; real per capita incomes of agrarian reform beneficiaries increased by 12.2% between 1990 and 2000 and the difference in the poverty incidence between agrarian beneficiaries and non-beneficiaries has widened to 11.2 percentage points in 2000. However, Adamopoulos and Restuccia (2014) used a quantitative model and micro-level data to imply that CARP in fact reduced agricultural productivity by 17% and according to World Bank (2009) the "progress in CARP implementation in the past two decades has been extremely slow" and only mildly successful at reducing rural poverty.

According to Tadem (2015), DAR and other

government agencies have been negligent in the provision of timely and adequate support services to agrarian reform beneficiaries, preventing them from becoming economically viable producers and seriously tainting whatever land distribution may have accomplished; as of December 2013, only 44% all agrarian reform beneficiaries had access to support services, with 27% of them living in Agrarian Reform Communities, which are mostly funded by foreign aid. Agrarian reform beneficiaries lack access to financial services and thus majority of their credit comes from loan sharks or arrendadores and traders who charge usurious interest rates (Tadem, 2015). Unable to shell out the money, the farmers are forced to lease their land to the arrendador to pay for their debt. Most CARP beneficiaries “either lack the entrepreneurial skills required to efficiently manage their land or factor prices are too high that it becomes too costly for the farmer to enter into the market” and thus s/he turns to leasing or selling the land (Elauria, 2015). Adam (2013) shows on a case study from Mindanao that a majority of the coconut farmers there is trapped in new forms of debt-bondage and is forced to transfer the rights over their land. Among CARP strategies were leaseback, joint ventures and contract growing schemes, which have been heavily criticized as inimical to the rights and interests of small farmers because of low rent and unfulfilled promises of employment and other benefits; “many of the farmers who entered into such schemes remain impoverished while having abdicated their access to and control of their lands” (Villanueva, 2011). While CARP/CARPER prohibits the sale of lands awarded under the program, the law allows agrarian reform beneficiaries to enter into business contracts involving the lease of their lands for up to 50 years. This is virtually equivalent to selling away their lands and giving the lessor unlimited access, management and use of land resources. As Adam (2013) shows on a case study from Mindanao, business elites have managed to obtain control over lands redistributed by CARP through all sorts of informal arrangements.

Among rather failed approaches to agrarian reform in the Philippines was the voluntary land transfers scheme. In 2002, President Arroyo administration adopted the voluntary land transfer scheme as the main strategy for land reform with the aim to cut down government spending on land acquisition (Borras, 2005). As it turned out later, the voluntary land transfers usually faked redistribution via paper sales and use of the on paper beneficiaries who are either family members, “dummies, coerced tenants

and farm workers or people completely unaware of the transaction” (Borras, 2007).

Materials and methods

Despite the relatively large literature on the land reform in the Philippines, which we attempted to review in the previous section of this paper, and official quantitative statistics on land redistribution, which offer an important but insufficient means of assessment of CARP/CARPER success, little has been systematically documented on the impact and prospects of land reform implementation at the micro level. There are also significant regional differences and variations in CARP/CARPER implementation, which call for a more qualitative analysis and comparative research methods to add another layer to the official ‘big-picture’ data and information. In line with this, the main objective of this research is thus to highlight the challenges in CARP/CARPER implementation in five Philippine provinces. For this purpose, the following research questions were formulated:

- What are the challenges in successful implementation of CARP/CARPER and how are they addressed or confronted?
- What are the causes preventing implementation of the land redistribution component?
- What is the availability of support services to agrarian reform beneficiaries?

While responding to these questions in order to avoid repetition and to follow interrelation between some aspects, the results/discussion section is divided into four sub-sections dealing with opposition by landlords, DAR, availability of support services and other causes of land conflicts. The rationale behind the province selection was that Leyte and Negros Occidental provinces rank among the provinces with lowest accomplishments in land acquisition and distribution. Bataan province was added because of the infamous land dispute of Sumalo farmers in Hermosa municipality, going back to 1989. Misamis Oriental and Bukidnon provinces could illustrate the specific issues related to the armed conflict on Mindanao and to indigenous peoples.

This paper uses mainly qualitative analysis based on fieldwork and observation, personal account, related publicly available documents and secondary data to analyze the complex social, economic and political issues related to the agrarian reform in the Philippines. Because of the qualitative rather

than quantitative nature of the research, the primary methodological approach of the field data collection was a combination of 20 focus group discussions and 39 in-depth interviews to generate stakeholder information and perspectives about the impact, challenges and prospects of CARP/CARPER implementation. The field data were collected in May and July 2016 and January - February 2017 with the July 2016 experience helping to further fine-tune the design of the questioning and formulation of questions. The following semi-structured focus group discussions and key informant interviews were conducted:

- 16 focus group discussions with agrarian reform beneficiaries from Negros Occidental, Bukidnon, Misamis Oriental, Bataan and Leyte provinces, with minimum 7 and maximum 17 participants per group; 12 in-depth interviews with leaders of agrarian reform beneficiaries' groups or federations of these in Leyte and Bukidnon provinces
- 8 key informant interviews with DAR representatives in Misamis Oriental, Negros Occidental and Leyte provinces; 3 key informant interviews with Commission for Human Rights (CHR) employees at national level and in Misamis Oriental province and 1 key informant interview with police officer in Leyte province
- 4 focus group discussions with local NGO workers with minimum 5 and maximum 13 participants per group; 15 in-depth interviews with local NGO workers active in agrarian reform issues – 2 in Leyte, 3 in Misamis Oriental and 2 in Negros Occidental provinces as well as 8 at national level. The NGOs included KAISAHAN, established by one of the former DAR Secretaries in 1990, and ANGOC, active in land reform monitoring since 2010.

The semi-structured discussion between focus group discussion participants provided us with an opportunity to hear issues that may have not emerged from participants' individual interaction with us. The interaction among the participants led to increased emphasis on the participants' rather than our perspectives and permitted discovery of aspects of understanding that often remain hidden in the more conventional in-depth interviewing methods. Data were analyzed using content analysis where recurring themes were identified and coded to reflect the emerging patterns, which were interpreted later by the authors employing

phenomenological approach using abductive reasoning. The paper also relies on dozens of semi-structured interviews with key Philippine and expatriate NGO workers and Philippine government representatives at various levels that were conducted by the first and second authors between November 2013 and February 2017 and helped to inform our understanding of CARP and land tenure issues in the Philippines as well as their dynamics.

We see the main limitation of this paper in the fact that agrarian reform is a multi-objective process involving ethical, political, social, economic and productive objectives among others. While such process necessitates complex, long-term evaluation, our constraints in terms of time and resources allowed us for just a rapid field appraisal. Moreover, in terms of sources of information we had to rely largely on peasants and local NGO workers and to smaller extent on DAR and CHR employees, all of which could contain several potential sources of bias, but were not able to conduct interviews with any of the landlords or local government representatives to triangulate the data and confront the reported information.

Results and discussion

1. Opposition to CARP/CARPER from landlords

During the focus group discussions and in-depth interviews across all studied provinces, opposition by landlords, either violent or through legal actions, was identified as a major setback in the completion of land redistribution. Agrarian reform beneficiaries reported to experience threats and harassment and in many cases physical harm. Negros DAR Regional Director recalled a daughter of an agrarian reform beneficiaries' leader having been raped, six assassinations of agrarian reform beneficiaries or prospective beneficiaries in 2016 only and many agrarian reform related harassment cases. Municipal Agrarian Reform Officer (MARO) in Ormoc municipality of Leyte province proclaimed the "resistance of landlords as the main challenge" for the land redistribution whereas landlords have the "access to state machinery and it is easier for them to mobilize trucks [full] of army [personnel] to protect their lands" than for agrarian reform beneficiaries to get police protection. According to DAR Regional Director, a landowner in Negros Occidental province engaged security guards to harass DAR land surveyors in order to delay coverage of his land by the agrarian reform.

Based on the anecdotal evidence collected by the authors during this research, a popular tactic by landlords is to pay a group of people to claim the very same plot of land that has already been or is about to be allocated to other peasants under the agrarian reform. During our research, we came to know at least four such cases in Leyte and two in Negros Occidental. In at least two of these Leyte cases, farmers disqualified by DAR were paid by the landlord to prevent those who received land ownership certificate from taking the actual possession of the land.

DAR informant in Misamis Oriental province reported that the “opposition from land owners to installation is very common. Sometimes it is because they claim that the Land Bank valued their lands less than market rate.” To make sure that the agrarian reform beneficiaries are able to take possession of the awarded land, DAR has to “schedule dialogue with local government units and police...” and make sure that police are present during the actual installation process.

In Cauayan municipality of Negros Occidental province, the ‘blue guards’ hired by the landlord used threats, intimidation and harassment to farmers and forced people to leave their homes and even closed down the church. In Cagayan de Oro municipality of Misamis Oriental province, a group of farmers claiming 18 hectares under CARP reported “harassment by hired goons who sprayed bullets” at them and destroyed at least 400 of their banana ‘trees’. In Sugbongcogo municipality of Misamis Oriental province, a group of peasants who were awarded land ownership certificates for a 13.5-hectare coconut plantation were threatened and physically assaulted by the landlord’s security guards until they gave up their efforts to take possession of the land. It was only few years later that an NGO and DAR under police protection helped them to finally take possession of the land. Even after that, the first harvest was taken by the people sent by the landlord, second time the farmers were able to harvest but the trucks with the harvest were confiscated by the landlord-hired good; this was confirmed by several DAR informants.

Landlords resort systematically to legal arguments as a way of delaying and thwarting the implementation of the agrarian reform and to de-legitimize farmers’ stakes and claims to the land. The Sugbongcogo case has reached all the way to the Supreme Court where it has been pending for more than one year now. In a separate case of Sugbongcogo, the landlord filed motions

for reconsideration to demand exclusion of several agrarian reform beneficiaries on the ground that they were either owning land or residing elsewhere. Such petitions of exclusion are also common in Negros Occidental according to DAR Regional Director and KAISAHAN. In Kabankalan municipality of Negros Occidental, the landowner representative is using a legal catch that the notification of coverage was supposedly not delivered properly to and received by the landowner in 2014 and with the CARPER expiration, DAR is not legally able to reissue the notification of coverage anymore.

In some cases, landowners have filed cases of qualified theft and trespassing when tenants entered fields they had been farming for years or when they tried to harvest crops they had planted. Protest actions of agrarian reform beneficiaries or prospective beneficiaries are being criminalized as was the case of Sumalo farmers in Bataan province where our CHR informant, who used to be their legal defender, “unarmed farmers, including women, are prosecuted for threatening and coercing heavily armed guards.” Often security guards are filing these cases rather than landowners directly. In Cauayan municipality of Negros Occidental province there is a standing warrant of arrest against three peasants for supposed arson; they have been in hiding for seven years and could not attend hearings of the civil court cases related to their land. Interestingly, this particular group of agrarian reform beneficiaries adopted the tactics of counter-claims and there has already been 21 cases in total filed by either of the sides included coercion, harassment, ejection, serious physical injury; most of these have already been decided in favor of the farmers.

Another delaying tactics employed by landowners according to Negros DAR Regional Director are so-called ‘chop chop titles’ where the land ownership is transferred to dummies or distant family members. DAR can “still cover these lands but it takes quite a long time” to prove that the land division was only virtual or artificial in order to avoid compulsory acquisition.

Negros DAR Regional Director shared one of the strategies to overcome the opposition of landlords: “Landlords sometimes change their stance after they are visited by the Church representatives because you cannot say no to the Bishop.” DAR informants in Misamis Oriental province explained how the mayor is instrumental in overcoming the landlord opposition: “Last time when the landowner was evicting

the agrarian reform beneficiaries from the CARP land, the mayor went with the police to help them back; the peasants are his voters.” However, this cannot be expected when the political leaders come from landowning family clans like Llarazabals-Locsins in Ormoc or Bantugs-Benitez, Starkes and Guanzons of Negros Occidental.

In concluding this subchapter, let us quote Negros DAR Regional Director: “CARP has been experiencing strong resistance from landowners even if due process has been observed. Would their resistance to a more radical Genuine Agrarian Reform not be much stronger?”

2. DAR capacities, performance and perceptions

The peasant focus group discussion participants mostly agreed that DAR despite ‘being slow at times’ is ‘on their side’. Participants of one focus group discussion claimed: “DAR staff has become interested in the peasants’ plight only after Mariano became the Secretary.” At the same time, during several focus group discussions in Misamis Oriental and Negros Occidental, agrarian reform beneficiaries and prospective beneficiaries shared several anecdotes of collusion between DAR officials, at municipal and barangay (the lowest administrative unit) levels, with landowners and real estate developers in order to evade the land acquisition. Participants of one of the Negros Occidental focus group discussions agreed among themselves: “DAR and Department of Agriculture are very supportive, but the problem lies with the officials of local government units who are in pay of landlords.” Interestingly, there is a large variability in barangay captains’ attitude to farmers – from barangay captains who are actually agrarian reform beneficiaries themselves and are criminalized for their leadership efforts as in Sumalo of Bataan province, over barangay captains who are sympathetic or at least indifferent to peasants’ plight to barangay captains who are likely corrupt or loyal to their landholding political patrons as our focus group discussion and interviews indicated.

One of the reasons why some agrarian reform beneficiaries in at least three sites in Negros Occidental were not able to get possession of their lands was the fact that the land boundaries according GPS coordinates on issued land ownership certificates were located in the ocean. While during the focus group discussion, the farmers were convinced that this indicates to corruption of DAR or Land Bank officials, DAR Regional Director had a different explanation: “We rushed in order

to meet the July 2014 deadline for land acquisition by CARPER, so some mistakes during land survey have been made.” In Sagay municipality, the area of CARPER lands in the sea is as large as 500 hectares. DAR can correct some of these obviously erroneous land redistributions, especially if the notice of coverage has been published, however, the Regional Director expects that “landowners will use [such errors] to file cases [disputing] the land redistributions. For notices with major problems and not published yet, the farmers have no choice but to wait for a promulgation of the new [agrarian reform] law which would warrant DAR” to continue with land acquisition. In Kabankalan municipality, the focus group discussion participants reported that a one-time MARO threatened them with a gun during their non-violent protest and that later their 1995 file was supposedly lost by another MARO and thus they needed to restart the application process from the beginning. In Bago municipality of Negros Occidental province, Calumangan farmers have not hesitated to file a legal case against DAR for delaying CARP implementation in their case.

While there is a widespread assumption that CARP/CARPER faces lack of financial resources given the landlords’ influence on the Senate, the key informant interviews conducted as a part of this research largely contradicted it. Provincial Agrarian Reform Officer (PARO) of Misamis Oriental reported that the office has “more than enough funds” for CARPER implementation and the problem is rather in recurrent underspending of these funds. This contrasted with the situation in Leyte province, where MARO in Ormoc reported lack of financial resources in the past few years while stressing the recent positive change under the new Duterte’s administration. The difference in funding levels between these two provinces could probably be explained by the fact that, lying on the conflict-affected island of Mindanao, Misamis Oriental province is a primary target for foreign development assistance and most of the funds come from donors and lenders such as the European Union, Japan International Cooperation Agency (JICA), International Fund for Agricultural Development (IFAD), World Bank and Asian Development Bank (ADB) rather than through the government’s annual budget allocation. The relative availability of foreign originated funds to support CARP was also reported in Negros Occidental by interviewed DAR and NGO employees.

3. Availability of support services to agrarian reform beneficiaries

The lack of support services and access to credit is a common problem reported by all the agrarian reform beneficiaries and NGO informants during the focus group discussions and in-depth interviews. Out of the 12 installed agrarian reform beneficiaries groups in Leyte, none has received any support services or had access to credit and finance from the government with the exception of one group of agrarian reform beneficiaries receiving a two-wheel tractor for paddy cultivation from the Department of Agriculture. Where limited support services were provided, these came rather from NGOs such as KAISAHAN rather than from the government; local government unit included some of the agrarian reform beneficiaries into their training program and seeds distribution program but they did not provide any machinery. MARO reported not to have had any funds for support services in 2016.

PARO in Cagayan de Oro stressed the fact that support services extended through Agrarian Reform Communities are available to all peasants regardless whether they obtained land through CARP/CARPER or not. At the same time, agrarian reform beneficiaries, who are not organized and living in an Agrarian Reform Community, do not receive any support in Misamis Oriental province. The largely foreign funded projects to Agrarian Reform Communities focus on high value crops such turmeric and cocoa as well as post-harvest facilities and value chain development for coco sugar or abaca fiber. The support also includes Farmer Business School, social entrepreneurship, sanitation in rural barangays and even biofuel production. Negros DAR Regional Director confirmed that in Negros Occidental, provision of support services is limited only to those who are organized. In creating necessary economy of scale for sugar cane cultivation, DAR has a real success story to report: “64 sugar block farms pulled their small landholdings to create larger farms which were then provided with technical assistance and establishment of nurseries with new crop varieties. The complete package included institutional development, shredders, farm equipment, cane loaders, organic fertilizers, tractors... They were also able to access agrarian credit program through the Land Bank.” According to an informant from PAKISAMA, a national peasant confederation: “There are special show-case projects in three municipalities of Bukidnon province which receive a lot of support. These are especially resettlement areas

[of the surrendered Huk rebel from 1950s]. In contrast to this, there are Agrarian Reform Communities, like Sumilao, that receive only limited support and even that takes too long. For example, mechanical dryer approved in 2013 by Department of Agriculture, has not been received yet. At the beginning DAR has provided us with 2 million pesos [approximately 40,000 USD] of seed funds and Department of Agriculture post-harvest facilities, but more is needed to bring about value addition.”

An interesting opinion agreed among one focus group discussion participants in Negros Occidental was that “if DAR favors you, you get more” in terms of support services. In Escalante municipality of Negros Occidental, interviewed agrarian reform beneficiaries received financial support through the Land Bank and DAR, as well as training from DAR in accounting, financial management, strategic planning and leadership. One focus group discussion participants in Kabankalan municipality of Negros Occidental claimed that “DAR does not provide any support services here. We only know about one association around South Carlos which has received one tractor.” Focus group discussion participants in Sugbongcogo municipality told us about planned Department of Agriculture distribution of cacao and coffee seedlings that was stopped by DAR because their “case was pending at the Supreme Court.” Unlike in Leyte province, where NGOs are virtually the only provider of support services, Negros DAR Regional Director was critical about the fact that “NGOs focus just on farmers getting the land, but they lack the attention to what happens after that.”

According to the NGO informants different DAR offices approach support services differently. In Negros Occidental “DAR is more effective compared to Negros Oriental where farmers can’t get anything. In Negros Occidental farmers receive land ownership certificate in the morning and paycheck in the afternoon while elsewhere, farmers have to borrow from a loan shark using land ownership certificate as [collateral] security.” During the focus group discussions and in-depth interviews farmers in Leyte and Negros Occidental often mentioned problematic access to credit. In both provinces, aryendo is reported to be rampant; in Leyte farmers reported that they take 3-month loans from rice traders with the usurious 30% interest rate per month, while in Negros Occidental the interest rate was supposedly 20% per month. Leyte farmers told us of a group of agrarian reform beneficiaries who lost effective

control of their lands because of a failed harvest and consequently their inability to repay the loan. Improvements in credit access will thus continue to be an important condition for achieving sustainable outcome of the agrarian reform.

The agrarian reform involves transition of peasants from mere dependent farmworkers to new farmer-owners. According to Negros DAR Regional Director, “attitude of farmers in the former sugar plantations and their feudal mindset from hacienda represent another challenge for the agrarian reform implementation and this needs to be addressed. As farmworkers, they are used to believe and obey whatever their landlord tells them. They are not able of critical, independent thinking.” This important component of social transformation is left out by the agrarian reform and thus should be complemented by the civil society. According to Negros DAR Regional Director “in order to sustain the gains of the agrarian reform this needs to be done already by the time of the land distribution,” so that the beneficiaries are ready to become viable entrepreneurs.

4. Other causes of land conflicts

Other causes for exacerbation of land conflicts and significant obstacles in successful agrarian reform implementation are premature land conversion, land grabbing, voluntary-offer-to-sell and conflicts with ancestral domain scheme under the Indigenous Peoples Rights Act as will be illustrated by following eight cases. In Kabankalan municipality of Negros Occidental province, three months after a 1,703-hectare sugar cane plantation was included in CARP coverage, MARO informed the farmers according to their narrative “that the land will be converted to housing estate and that municipality will make corresponding zoning ordinance.” Such conversion is illegal without prior DAR approval, which has not been given in this case as Negros DAR Regional Director confirmed. In the meantime, the housing construction has been ongoing. Similarly in Cagayan de Oro municipality of Misamis Oriental province, 18 hectares of land has been put under the notification of coverage by DAR in January 2008 but before DAR managed to issue land ownership certificates, the application for land conversion from agriculture land to a housing project has been approved by the municipality. Informant from a group of agrarian reform beneficiaries from Hinoba-an municipality, Negros Occidental province who have been farming the lands acquired through CARP since 1999 told us about their concerns of a “possible eviction by the provincial

government and local government unit because of a large-scale Japanese investment consisting of ecotourism project, airport and seaport.”

In 1989 Sumalo farmers in Bataan province were offered 124 hectares of land through voluntary-offer-to-sell mechanism but before this had been processed, the landowner applied for land conversion. The farmers thus filed a petition to the Office of the President and succeeded in stopping the conversion. However, with the Supreme Court reversed the decision based on a technicality in 2006. After five years, during which farmers experienced harassment, staged several rallies, including one in front of DAR national office that lasted 1 year, 8 months and 6 days, DAR revoked the conversion because the land had not developed by the landowner in line with the approved conversion as prescribed by the law. However, the farmers have not obtained the control of the land yet. Another infamous case are Sumilao farmers of Bukidnon province who were struggling for 21 years to get land under CARP. In the last years of this struggle, their efforts were directed against the planned land conversion for the establishment of a hog farm by the San Miguel Foods Inc. Their efforts included hunger strike and a two-month 1,700-kilometre walk from Mindanao to Manila DAR national offices in 2007. Three years after this walk, the farmers have been awarded land ownership certificates for 144 hectares of land.

An NGO informant described how in Negros Occidental province Cuanco corporation supposedly used voluntary-offer-to-sell scheme to keep control of the land through lease back mechanism. After the voluntary-offer-to-sell was made, Cuanco built irrigation scheme and established orchards for pili nut, rambutan, durian and green tambis that led to very high valuation of the land which the farmers were not possibly able to pay. As a part of the leaseback package, Cuanco promised to pay rent of 10,000 to 15,000 pesos (200 to 300 USD) per hectare per year, provide jobs and payment of the annual amortization. However, reportedly, no jobs have been extended so far and amortization is yet to be paid.

We wrote elsewhere on the land tenure issues faced by indigenous peoples in Mindanao. One of the interviewed DAR representatives in Misamis Oriental cited as another reason for slow CARP/CARPER implementation that “almost all Mindanao is claimed by indigenous peoples as their ancestral domains. We have to issue our land titles within the ancestral domains if we

are to implement the agrarian reform at all.” This informant also added that some indigenous people actually prefer to obtain the land titles through CARP rather than as ancestral domain based on the Indigenous Peoples Rights Act because under CARP “it comes together with support services.” Several government informants, including CHR representative in Manila, referred to a recent violent conflict resulting in several deaths within one tribal community in Bukidnon province between a group of indigenous peoples who claimed ancestral domain titles and another indigenous group who received the land ownership certificates under CARP and leased it to an agribusiness for a large-scale pineapple plantation. A case from Malaybalay municipality of Bukidnon province shows that land redistribution may not only be delayed because of landlords, developers or agribusiness. A particular plot of land here had to be surveyed already five times by DAR, as the focus group discussion participants reported, because boundary stones were removed by other peasants from the same barangay who claimed to be legitimate beneficiaries as well.

Conclusion

It is difficult to define success or failure of an agrarian reform. The land redistribution achieved by CARP together with support services and infrastructure provided to Agrarian Reform Communities are undisputable success. However, as we showed on the cases from five provinces, the agrarian reform faces a range of significant challenges. We conclude in line with Cox et al. (2003), that also in the Philippines the implementation of agrarian reform encounters many critical constraints such as slow bureaucracy, lack of support services and landowning classes with the political and administrative connections to protect their vested interests leading to inadequate implementation of the reform laws. We showed how landlords resort systematically to legal arguments as a way of delaying the implementation of the agrarian reform and to de-legitimize farmers’ claims to the land. In DAR’s perspective, it is not cost-effective to provide a package of support services to a handful of agrarian reform beneficiaries and support services are thus largely limited only to the Agrarian Reform Communities. In most cases, the lack of adequate and appropriate support services, access to credit, farm implements, seeds, etc. remains a problem. As a result of weak managerial capacities of agrarian reform beneficiaries and limited access to credit not all

beneficiaries become viable entrepreneurs and some may be forced to sell their newly acquired land because of their inability to generate sustainable income from it, inability to pay their amortization or ending in a debt-trap.

When discussing land reform, its political aspects are no less important than its economic aspects. The landowner class tends to be well represented in the ruling elites of most developing countries, which gives “them enormous political power that they can use to block, stall, or undermine efforts to carry out land reforms” (Banerjee, 1999). As shows the experience of “Taiwan and South Korea, where successful land redistribution took place after the end of a major war and under the ‘communist’ threat, and... Indian states of Kerala and West Bengal, where land reforms were key elements in egalitarian social change,” the success of a land reform “ultimately depends upon strong political power allied to land reform challenging resistance by landed interests” (Cotula et al. 2006). We are reaching the same conclusion as Lavelle (2013) formulated in connection with the land reform in Venezuela that rather than confronting power structures the agrarian reform in the Philippines left landowners in dominant economic positions.

Many questions for further multidisciplinary research unfold from our work both in terms of land/agrarian reform in general or CARP/CARPER in particular. Is there a correlation between left-wing insurgency and extreme inequity in the land distribution in rural areas? What is the relationship between the land inequality and the poverty reduction potential of agricultural growth? What is the impact of CARP/CARPER on competitiveness or economic welfare of the agrarian reform beneficiaries? How has the relevance of land distribution to small farmers been changing over the almost three decades of the agrarian reform implementation given the rural-urban migration, aging farmer population and decrease in the relative importance of agriculture in the Philippine gross domestic product? Is the assumption that land reform may help keep people in rural areas instead of them moving to cities correct? Since there is not enough land available to provide to all the prospective agrarian reform beneficiaries, what are the alternatives? For cultivation of certain crops, such as sugar cane, economy of scale is critical, what are the best effective ways to consolidate the distributed lands?

The authors are aware that a complex

and progressing program like the agrarian reform in the Philippines is difficult to capture in its entirety, hence this study does not claim to cover fully all the relevant aspects. However, we believe that our results will provide useful information and guidance for policy makers as well as for other researchers.

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