



ADVISORY

CALLING ON CONGRESS TO OPEN ITS DOORS TO FARMERS FOR GENUINE AGRARIAN REFORM

CHR-A2009-008

The Commission on Human Rights issues this advisory in the wake of various media reports and complaints filed against Speaker Prospero Nograles together with the officers of the House of Representatives for the forcible dispersals of groups camped out at the gates of Congress calling for the extension of the Comprehensive Agrarian Reform Law with genuine reforms.

Peoples' Organizations, Human Rights NGOs and Farmers Groups including the Kilusang Magbubukid ng Pilipinas (KMP), the Katipunan ng mga Samahang Magbubukid sa Timog Katagalugan (Kasama-TK), Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (Pamalakaya), Amihan National Federation of Women, National Network of Agrarian Reform Advocates – Youth, Crispin B. Beltran Resource Center, Unorka, Partnership for Agrarian Reform and Rural Development Services, Mindanao Farmers Development Center, Peace Foundation, Kababaihan ng Pilipinas Philippine Alliance of Human Rights Advocates and 23 other Provincial Farmers Federations, have asked the Commission on Human Rights to join the appeal for Congress to listen to their pleas for a genuine agrarian reform to take place. Many human rights organizations have backed the farmers' cause and reiterated the call for extension with reforms.

Genuine Agrarian Reform

The Catholic Bishops Conference of the Philippines has been unanimous in backing the demands of the farmers. Rightly, a genuine agrarian reform program will not only benefit the agricultural sector but also lend greater food security for the country. Agrarian Reform is a tool to attain social justice in this country.

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Article XIII. Social Justice and Human Rights, of the 1987 Constitution provides:

Sec. 4 The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

Sec. 5. The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services. (emphasis ours)

A genuine reform program 'matters from the point of view of equity, from the point of view of efficiency (growth), from the point of view of social stability'.¹ The extension being sought for with the amendments that ensure safeguards for the marginalized must be brought to its completion.

The Commission, in its Human Rights Legislative Agenda for the 14th Congress, has underscored the importance of the passage of the bills that will ensure greater enjoyment of human rights in the country. This measure on agrarian reform is viewed as a state obligation arising from the Philippines' commitments to the United Nations Covenant on Economic, Social and Cultural Rights.

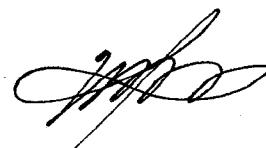
Many have spoken for or against certain provisions of the pending measures in the Legislature, but all who have done so recognize the importance of respecting the intent of the Constitution to ensure human rights and social justice in the country.

All voices must be heard. However, the voice of the marginalized and vulnerable must be brought to the fore in this case.

With the impending expiration of the law on June 30 and Congress set to adjourn on June 5, the Farmers are afraid that time is running out and the utmost urgency for a legislative response on the issue is not being undertaken and worse, is overshadowed by untimely political calls on charter change.

1 Collas-Monsod, Solita, Farmers need all help to pass Carper, 5 May 2009, Philippine Daily Inquirer, available at <<http://opinion.inquirer.net/inquireropinion/columns/view/20090509-203995/Farmers-need-all-help-to-pass-Carper>>

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The Commission on Human Rights urges Congress to listen to the people

At stake in this instance is not only the passage of a law on genuine agrarian reform. The Freedom of Expression and the Right to Peaceful Assembly are infringed as a result.

Groups that have called on the Commission expressed utter dismay with the leadership of the House of Representative because of the reception, or the lack thereof, given by the House leadership through statements in the press that a number of congressmen were "turned off" with rallies of the farmers and party list [groups supporting their cause] like the Akbayan².

To be "turned off" by the militant character of assemblies and mass actions, the anger and indignation expressed in placards, chants and barked over megaphones, speaks of the inability of certain lawmakers to empathize with real constituents with genuine concerns. It speaks of the discomfort that infects the elite - a discomfort in facing the same people who had voted these Congressmen into office.

In contrast, the groups have found the Senate to be more open to their pleas and allowed them the democratic space to express their frustration and fear that time is running out.

We amplify the cries of the people dispersed at the gates of Congress. We call on the leadership of the House of Representatives to demonstrate the guarantees of the Constitution for the respect for the role and rights of people's organizations:

Section 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are *bona fide* associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Section 16. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms. (emphasis ours)

Their peaceful assembly at Congress is an exercise of their right to pursue and protect their legitimate and collective interests and aspirations. We not only

² CBCP wants killer amendments out of the CARP Bill, Available at <<http://www.gmanews.tv/story/162544/CBCP-wants-7-killer-amendments-out-of-CARP-bill>>

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condemn the violence that characterized the dispersal, but also the show of indifference, or worse, a lack of intestinal fortitude, by the leadership of the House of Representatives towards the desperation and indignation of the farmers whose toil feeds our Congressmen and the rest of the Filipino people.

In view of this, the Commission on Human Rights urges Speaker Prospero Nograles to lead by example and call on all the rest of the House membership:

Be true Representatives of the Filipino People and open your doors and let the Farmers' voices resonate in the halls of Congress. They only have until June 5 to lay their claims. Provide them space to lobby and seek the support of each and every Congressman for a genuine agrarian reform that will help achieve food security for the country and attain social justice for the Filipino farmer.

We are on the brink of creating a gaping hole in the promise of the Constitution on agrarian reform. We urge the Legislature to deliver and pass the measure extending the Comprehensive Agrarian Reform with genuine reform now!

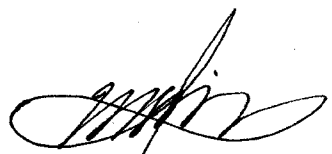
Issued this 27th day of May 2009.


LEILA M. DE LIMA
Chairperson

(On Official Business)
CECILIA RACHEL V. QUISUMBING
Commissioner


MA. VICTORIA V. CARDONA
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