

---

HANDBOOK ON THE

---

***LAND REFORM  
CODE***

LA

# HANDBOOK

on the

# LAND REFORM AND REFORM CODE

**Prepared by the Secretariat**

**LAPIANG MANGGAGAWA**

A. The Leasehold System	12
B. The Lease Rental	13
C. The Lease Tenure	15
D. Rights and Duties of Lessor and Lessee	17
E. Organization of Lessor and Lessee	22

A. M. Colocol, Publishers	25
B. Distribution of Public Lands	31



**To President Macapagal,**

For his relentless struggle  
to emancipate the Filipino peasant.

M. L. Tolson, Publisher  
March, 1958

# TABLE OF CONTENTS.

Foreword by President Macapagal	i
Introduction: The Land Problem	ii
<b>PART I. THE AGRICULTURAL LAND REFORM CODE AND THE GOVERNMENT PROGRAM</b>	
A. The Need for Land Reform	1
B. The Land Reform Program of the Government	4
C. Coordination and Steps Toward Implementation	6
<b>PART II. THE AGRICULTURAL LEASEHOLD SYSTEM</b>	
A. The Leasehold System	12
B. The Lease Rental	13
C. The Lease Tenure	15
D. Rights and Duties of Lessee and Lessor	17
E. Organization of Lessees	23
<b>PART III. LAND DISTRIBUTION</b>	
A. Expropriation and Distribution of Private Lands	25
B. Distribution of Public Lands	31

## PART IV. FINANCIAL, TECHNICAL AND LEGAL SUPPORT FOR LAND REFORM

A. The Land Bank	34
B. The Agricultural Credit Administration	35
C. The Agricultural Productivity Commission	38
D. The Agrarian Counsel	40
E. Court of Agrarian Relations	41

## PART V. RIGHTS OF AGRICULTURAL WAGE LABORERS IN GENERAL

A. Farm Laborers' Rights Under the Code	42
B. Farm Workers' Rights Under Other Laws	46

# FOREWORD

History teaches us that the rise and fall of nations depends essentially upon the underlying economic and moral strength of their citizens. It also teaches us that nations and peoples who lack the courage to meet the challenge of progress succeed only in destroying their future or postponing their progress.

Responding to the vital need for change, for an understanding and acceptance of the requisites of economic progress as well as a recognition of human needs and rights, this Administration has launched a land reform program designed to unleash our great potential for national growth and the ultimate prosperity of all Filipinos.

I am happy to note that the **Lapiang Manggagawa** has taken it upon itself to issue this handbook which not only is informative but also seeks to correct any impression that land reform is for the benefit of the poor at the expense of the rich. The land reform program calls for an understanding and acceptance of the requirements of economic progress as well as a recognition of human needs and rights. It is a source of strength for our democratic society. Most of all, it is a coming to terms with the demands of reality, a facing up to the fact that we cannot cling to past comforts and hope for future survival.

The challenge before us demands unselfishness and devotion to the people we serve, demanding great courage and patriotism.

Let it not be said in the future that we defaulted at the moment of truth and greatness. Let it rather be said that we rose to the full height of our moral capabilities, that we gave our country new life and pushed it forward to a new day of hope and fulfillment.



PRESIDENT MACAPAGAL

# Introduction: THE LAND PROBLEM

## The Encomienda System

Agrarian unrest in the Philippines is the direct result of colonial domination. There is no record of any agrarian unrest in pre-Spanish times. It was the Spanish colonizers who came to impose upon our people a system of exploitation in land, namely: the **encomienda** system.

The **encomienda** system consisted of vast landholdings granted to Spanish soldiers, priests and other adventurers as reward for their participation in the conquest of our country. Although it was declared to be for protecting and Christianizing the natives, it turned out in practice to be a system of exploitation by which the landlords widened their landholdings, the small landowners were dispossessed of their land, the landless were further enslaved and impoverished.

Serfdom became the order of the day. High tribute, usury, unfair crop-sharing and compulsory labor brought down the people deeper into want and suffering. The exploitation was so sharp that many had to flee to the mountains. On the other hand, the **datus** and **rajahs** succeeded in making compromise with Western colonialism because they wanted to retain their large landholdings. They became the **caciques**, the chief tax-collectors and administrators for the foreign power, and they consolidated their social and economic position through intermarriage with the Spaniards.

A singular ruling class, whose power rested on the ownership of the principal means of livelihood, became entrenched. Feudalism became established and was enforced by a foreign power.

As a result of the exploitation imposed upon the masses by the combined foreign and native landed elite, numerous revolts arose all over the archipelago — the



Tamblot Rebellion of Bohol in 1622, the Bancao Rebellion in Limasawa, the Sumoroy Rebellion in Samar in 1649-50, followed by other scattered revolts throughout the Visayas and Mindanao. In 1645 and 1660, oppressed by taxes in the form of money and rice crops, oppressed by compulsory lumber work, the peasants of Pampanga took up arms against the Spanish authorities and their **Caciques**, followed by Ilocano chiefs who revolted in 1661. In Pangasinan, Juan de la Cruz Palariz revolted in 1762, closely preceding revolts in Ilocos, Cagayan, Batangas, Tayabas, Laguna, Camarines, Samar, Panay, Cebu and Zamboanga. Diego Silang revolted in Ilocos. In 1827 to 1828, Dagohoy revolted in Bohol; in 1840 Apolinario de la Cruz revolted in Laguna and Tayabas.

## The Friar Lands

The major agrarian conflicts were closely related to monastic properties the so-called **friar lands** especially in Central and Southern Luzon. It was ironic that the friars were the most vocal defenders of the justness of the **status quo**.

The most notorious case of conflicts between tenants and their friar landlords was the Calamba Affair where the family of Dr. Jose Rizal figured prominently. A petition, penned by our national hero in his youth, and signed by about 70 tenants and leading citizens, was presented to the government.

Significantly, this was the first major pronouncement presented publicly by tenants in their fight against friars and landlordism. It was formulated by a young cadre of the coming Revolution, who saw well the aspirations of his people.

While the trial of the suit against the friars was going before the proper judicial authorities, Governor-General Weyler surrounded the town of Calamba, burned their homes, confiscated their animals and exiled the Filipino townleaders. Among those who suffered and were humiliated was the family of Rizal.

The petition penned by Rizal exposed the fact that the whole town of Calamba was actually a part of a Dominican hacienda. It revealed that 48% of the total agricultural land of the Tagalog provinces belonged to the friars. In the province of Cavite the friar lands had eaten up 82% of the total agricultural area. It was no surprise at all, therefore, that the Revolution was most intense in the area of Cavite where the exploited peasantry readily rose under the leadership of Emilio Aguinaldo.

Economic abuses of the friars are described by Isabelo de los Reyes, founder of the labor movement in the Philippines, in his **Memorial** to Governor-General Primo de Rivera: "That the friars from year to year increased the rate of the land rent, despite the serious commercial and agricultural crises through which the country had been passing for a decade... That, besides the land rent, the friars exacted ... a surtax on trees planted by the tenants on the lands they had leased, instead of being gratified for this favor which constituted improvement of such lands. That the friars, instead of using the legal measure when receiving the tax in kind, computed the rice in sacks of 30 to 33 gantas instead of 25, which is the legal content of a cavan, or sack, of rice."

## The Revolution of 1896

The agrarian basis of the Philippine Revolution of 1896 is clear. Andres Bonifacio himself, the proletarian leader, recognized the impending revolution as basically a response to the oppressive feudal order. In a poem that he meant as the people's ultimatum to Spain (**Katapusang Hibik ng Filipinas**), Bonifacio wrote:

Ang lupa at bahay na tinatahanan,  
bukid at tubigang kalawak-lawakan,  
at gayon din pati ng mga halamanan  
sa paring kastila ay binubuwisan  
Ikaw nga, O Inang, pabaya't sukaban  
Kami'y di na iyo saan man humanggan,

**Ihanda mo, Ina, ang paglilibingan  
Sa mawawakwak na maraming bangkay.**

Out of his personal experience and the experience of his people, Jose Rizal recognized the gathering forces of revolt. Guided by social realism, Rizal capably created *Cabesang Tales* in *El Filibusterismo* as the prefigurement of the Katipunan revolution. In an apostrophe to the rebel *Tales* and other victims of the cruel *encomienda* system, including his own loved ones, Rizal wrote:

"You cleared your fields, on them you have spent the labor of your whole lives, your savings, your vigils and privations, and you have been despoiled of them, driven from your homes, with the rest forbidden to show you hospitality."

In *The Philippines, A Century Hence*, Rizal warned of the "discontent that ferments and broods in the secrecy of the home, in the huts and in the fields" and predicted the outbreak of a national liberation struggle whose main content was agrarian. Rizal said of the Filipino peasant: "Although he is quieter, more peaceful and more difficult to stir up, when once aroused he does not hesitate — and for him the struggle means death to one or the other combatant."

## **The Social Character of the Revolution**

Apolinario Mabini, in the *Ordenanzas de la Revolution*, a guide for the successful management and termination of the Revolution, wrote:

"Rule 21 — All usurpations of properties made by the Spanish government and the religious corporations will not be recognized by the Revolution, this, being a movement representing the aspirations of the Filipino people, true owners of the above properties."

Florentino Torres, who was an attorney-general in the U.S. Military Regime in the Philippines, stated:

"The socialistic character of the revolution of 1896, maintained up to date against the American sovereignty, is a patent and positive fact, for although the rebellion was promoted morally through the propaganda of the middle class of certain towns in the center of Luzon ... it found decided support ... among the plebeians or the laboring people that worked and labored in the fields and towns, and this socialistic character is due in part to the existence and manner of being of many haciendas belonging to the religious communities of these islands, for reasons which require special study; hence, it was that the first acts of the revolutionists upon the outbreak of the rebellion to the North as well as the South of the center of Luzon was to take possession of the haciendas and properties of the friars..."

The social character of the revolution may be manifested in the Filipino people's desire to take over a means of production, such as the **haciendas**, which may continue to be worked collectively by the peasants but whose ownership and management would be public, instead of foreign and private.

## **The Interruption of the Revolution**

The coming of American Imperialism interrupted the course of the national liberation war that Rizal foresaw and that Bonifacio started. The superiority of American arms set back the revolutionary aspirations of the Filipino people. The Americans were determined to place the Philippines under their economic and political domination by all means.

They found it convenient to enlist the support of the dominant landlord class, whether lay or clerical, and offer its members more chances of acquiring more wealth and power by acting as middlemen of control and exploitation. Consistently, the American imperialists protected and returned the **friar lands** to the friars.

They failed to initiate any program of land reform. Decisively, feudalism became the mistress of U.S. imperialism in our country.

Cabesang Tales, therefore, kept turning up. Outbreaks of agrarian unrest continued during the American occupation following a pattern of Filipino peasant revolts during the Spanish regime.

## Peasants' and Workers' Organizations

In an effort to resume the Unfinished Revolution of 1896, after two decades of American suppression, peasants' and workers' leaders — guided by socialism and communism — started to organize the peasants and align them with the organized workers. In 1922, the peasants banded into the **Confederacion de Aparceros Obreros Agricolas de Filipinas** (Philippine Confederation of Tenants and Agricultural Workers), under the leadership of Jacinto Manahan. This confederation was re-named **Katipunang Pambansa ng mga Magbubukid sa Filipinas** (National Peasants' Union of the Philippines) after two years. It became the most powerful organization that defended the cause of the peasantry.

The **Katipunang Pambansa ng mga Magbubukid sa Filipinas** successively aligned itself with the Philippine Labor Congress, the Labor Party and the **Katipunan ng mga Anakpawis ng Filipinas** (Congress of Philippine Workingmen).

Together with Crisanto Evangelista, Jacinto Manahan finally founded the Communist Party in 1930. They conjoined the **Katipunang Pambansa ng mga Magbubukid sa Filipinas** and the **Katipunan ng mga Anakpawis ng Filipinas** into one political party based on the massive alliance between the peasantry and the working class.

The Communist Party was further strengthened when in 1938 it merged with the Socialist Party led by Pedro Abad Santos. The strength of the Socialist Party

was based on the peasantry of Central Luzon who were organized in the **Aguman Ding Maldang Taiapagobra** (Workers' and Peasants Union).

Sporadic agrarian revolts became outdated with the political education, organizational techniques and planned actions that socialist and communist leaders introduced among the peasantry.

President Manuel Quezon, therefore, was encouraged by a militant and knowledgeable peasantry to announce and pursue a program of social justice. Legislative measures designed to improve the lot of the tenant by increasing his share of the crop or by giving him tenure or by resettling him on friar or public lands were pushed.

## The Program of Social Justice Interrupted

President Manuel Quezon's program of social justice was suddenly interrupted by the Pacific War between Japan and the United States.

The United States, for strategic reasons, abandoned the Philippines temporarily to Japanese rapacity. The Filipino people were left to defend themselves after being compromised in Bataan.

The unified socialists and communists immediately formed an army to combat the Japanese, the **Hukbo ng Bayan Laban sa Hapon** (Hukbalahap). They raised the patriotic battlecry of "Anti-Japanese Above All" and became the fiercest and most effective enemy of the Japanese, including the landlord collaborators.

The Huks were successful in fighting the Japanese because they were wholly supported by the peasantry who recognized them as an army of national as well as of social liberation. The Huks cleared the path of our American "liberators" in Central and Southern Luzon and reached Manila ahead of them.

## The Return of the Americans

The return of the Americans in 1945 also meant the return of the landlords. They needed each other again. The landlords wanted to have their haciendas back in Central and Southern Luzon, and the Americans wanted to have their Parity Amendment and many iniquitous agreements, necessary to maintain their power and influence over the islands. The Huks were thereby alerted for a protracted struggle.

Whether the Huks were right or not, they gained plenty of adherents among the peasantry. Their battle-cry was "Land for the Landless".

Largely in order to appease them, Republic Act 34 was passed in 1946 to regulate crop-sharing arrangements, protect the tenants from undue eviction, and define the rights and obligations of tenants and landlords within a system of share-tenancy.

Still another attempt at land reform was taken by President Ramon Magsaysay. Under his administration, Congress passed Republic Act 1400 in 1955. It was good in its intentions, but it suffered from a basic defect — it attacked the tenancy system on the surface, not at the roots.

The evidence of its failure is all around us. Today, we have more share-tenants than ever before. Even in resettlement projects, which had for their entire objective the establishment of owner-cultivatorship, the corrosive forces of share-tenancy were able to penetrate and spread rapidly.

Obviously, the land reform program of President Magsaysay had a more psychological than economic impact. Its psychological impact served only to veil the actual force that struck hard at the Huks. The actual force was the military might of the U.S. operating through its local agencies. The Huks may have been crushed but the land problem remains up to this day.

## The Resumption of the Unfinished Revolution

President Diosdado Macapagal believes that the land problem cannot be solved by merely regulating share tenancy and/or by coercing a restless peasantry with civilian guards and military operations

In the Agricultural Land Reform Code, the basic solution to the basic problem is provided: Share-tenancy is to be totally abolished and owner-cultivatorship be instituted in its place. To accomplish this principal objective the Code offers a full panoply of implementing land reform agencies whose functions and operations are all revealed in this primer.

These agencies are well-knit and well-integrated. But it is almost certain that state instruments are ineffective if there is no adequate and commensurate popular response. The establishment and coordination of voluntary peasant associations, farmers' cooperatives and agricultural labor unions is therefore necessary to complement the efforts of the government to change the social structure of our agriculture.

The **Lapiang Manggagawa** looks forward to stimulating and giving support to the establishment of peasant associations, farmers' cooperatives and agricultural labor unions. The organization of the peasantry in order to make them a more effective and dynamic force is essential to the resumption of the Unfinished Revolution.

The **Lapiang Manggagawa** seeks the achievement of social revolution through the momentum of land reform and through the formation of strong and militant peasant organizations.



The Lapiang Manggagawa will always strive, together with all peasant organizations, to accelerate land reform and to oppose all attempts to sabotage it on the national and local levels.

The Lapiang Manggagawa casts its lot with the landless, the displaced tenants, the lessees, the small and medium landowners, the agricultural workers and the settlers.

## THE SECRETARIAT LAPIANG MANGGAGAWA

# **PART I. THE AGRICULTURAL LAND REFORM CODE AND THE GOVERNMENT PROGRAM**

## **A. THE NEED FOR LAND REFORM**

### **1. What is the Agricultural Land Reform Code?**

The Agricultural Land Reform Code is the law which aims to bring about basic changes in the country's agricultural system, liberate the Filipino peasant from the scourge of share tenancy, low productivity and poverty, and establish economic-size owner-cultivator farms as the bases of Philippine agriculture.

### **2. Why should the agricultural system of the Philippines be changed?**

Because share-tenancy retards agricultural development and prevents our people from earning higher income. It has to be abolished and replaced by a new system conducive to greater productivity and higher income.

If the Filipino peasant owns his own piece of land, instead of being a mere share-tenant, he would be encouraged to produce more. He would be earning more. By earning more, he is in a better position to buy the products of industry. His greater purchasing power would, therefore, encourage the siphoning of capital

into industry. Philippine industry would then be assured of a wide market.

Share-tenancy comprises 95 per cent of all tenancies and encompasses 26 per cent of the total farm area of the country.

### **3. Who stand to be benefited directly by the Agricultural Land Reform Code?**

The Filipino peasantry is, of course, to be directly benefited by the Agricultural Land Reform Code. There are four underprivileged groups to be directly benefited, namely:

- a. The tenants, estimated at about one million families;
- b. The owner-cultivators of less than family-size farms;
- c. The settlers, who move from highly-tenanted areas to newly-opened undeveloped public lands; and
- d. The agricultural wage-earners, including migrant workers.

### **4. What are the concrete problems of the share-tenants?**

The sharecrop or "kasama" tenancy system deprives the farmer of a just share of the produce, makes his tenure insecure, exposes him to usurious practices and to perpetual indebtedness, and forces him to be idle outside the four or five months spent on the farm.

5. What are the concrete problems of the owner-cultivators of less than family-size farms?

The owner-cultivators of less than family-size farms are hampered by the very inadequacy of their farms, the lack of credit, irrigation, marketing and information facilities. These are aggravated by the lack of organization among them.

6. What are the concrete problems of agricultural wage-earners and migrant workers?

Agricultural wage-earners and migrant workers have been in a helpless position, without access to the Magna Charta of Labor. They could hardly organize and engage in concerted action. They have suffered discrimination in pay, worked more than eight hours, received no damages or compensation for injuries, death or illness, and enjoyed no right against suspension or lay-off from work.

7. What are the concrete problems of re-settlers?

Re-settlers face difficulties in a strange and harsh environment mainly as a result of the ineffective and haphazard resettlement system adopted by the government. Resettlers have been left without adequate government assistance to the natural elements as well as to the mercy of landgrabbers.

## **B. THE LAND REFORM PROGRAM OF THE GOVERNMENT**

### **8. What is the Land Reform Program of the Government?**

The Land Reform is an integrated plan of action aimed at increasing agricultural production and easing the poverty of tenants.

The Land Reform Program includes the following:

- a. A unified administration for formulating and implementing projects of land reform;
- b. An agricultural leasehold system to replace all existing share tenancy in agriculture;
- c. An authority for the acquisition and equitable distribution of agricultural land;
- d. An institution to finance the acquisition and distribution of land;
- e. A machinery to provide marketing, management, and other technical services to agriculture;
- f. A machinery to extend credit and similar assistance to agriculture;
- g. An expanded program of land capability survey, classification and registration;

- h. A program of free legal counselling; and
- i. A judicial system to decide agrarian problems expeditiously.

9. What are the objectives of the Land Reform Program of the Government?

The Program intends to:

- a. Establish owner-cultivatorship and the economic family-size farm as the basis of Philippine agriculture and, as a consequence, divert landlord capital in agriculture to industrial development;
- b. To achieve a dignified existence for the small farmers free from pernicious institutional restraints and practices;
- c. To create a truly viable social and economic structure in agriculture conducive to greater productivity and higher farm incomes;
- d. To apply all labor laws equally and without discrimination to both industrial and agricultural wage-earners; and
- e. To provide a more vigorous and systematic land re-settlement program and public land distribution.

10. What are the land reform agencies that are supposed to implement the above objectives?

**The implementing land reform agencies are:**

- a. Land Authority which is the authority for the acquisition and distribution of agricultural lands;
- b. The Land Bank which is the institution that finances the acquisition and distribution of land;
- c. The Agricultural Credit Administration which provides the machinery to extend credit and similar assistance to farmers;
- d. The Agricultural Productivity Commission which provides the machinery to extend marketing, management and other technical services to farmers;
- e. The Office of the Agrarian Counsel which offers free legal counselling services to farmers; and
- f. The Court of Agrarian Relations which ensures the speedy adjudication or settlement of agrarian disputes.

## **C. COORDINATION AND STEPS TOWARD IMPLEMENTATION**

**II. Which body or entity coordinates and formulates policies for these implementing agencies?**

The National Land Reform Council is the central body responsible for the coordination

and formulation of policies of the different land reform agencies.

The National Land Reform Council is an integrated body composed of the Governor of Land Authority as chairman, the Administrator of the Agricultural Credit Administration, the Chairman of the Board of Trustees of the Land Bank, the Commissioner of the Agricultural Production Commission and a representative of the minority Party.

## 12. What are the functions of the National Land Reform Council?

- a. It constructs the general program of land reform;
- b. It establishes guidelines, plans and policies for all land reform agencies relative to any particular land reform project,
- c. It formulates rules and regulations pertaining to the following:
  - i. Selection of agricultural land to be acquired and distributed;
  - ii. Determination of sizes of economic family-size farms;
  - iii. Selection of beneficiaries to family farms available for distribution;
- d. It revises, approves, or rejects any land reform proposal or project; and
- c. It proclaims when all the government machinery and agencies in any region



or locality are operating and, therefore, the area concerned is a land reform district.

**13. For orderly implementation of the Land Reform Program of the Government, what steps are taken by the National Land Reform Council?**

For the purpose of implementing its program and policies on the local level, the National Land Reform Council puts up a Regional Land Reform Committee, composed of the representatives of the agencies composing the National Land Reform Council.

The Regional Land Reform Committee recommends to the Council such plans for projects of land reform in its jurisdiction as it may deem appropriate.

**14. How does the Regional Land Reform Committee get to the bottom of the land situation?**

The Regional Land Reform Committee directs and assigns a Land Reform Project Team for any project or projects within the region.

The Land Reform Project Team determines the:

- a. suitability of the area for redistribution into economic family-size farms;
- b. the economic size of farm units;
- c. the feasibility of acquiring and distrib-

uting the area;

- d. the willingness of the lessees to assume the responsibilities of ownership; and
- e. the financial and other requirements of the project.

For this purpose, the Team has to gather data, obtain opinions, conduct surveys, pursue investigations, and incorporate any information thus established in a development program for the area concerned to be submitted in the form of a consolidated report to the Regional Land Reform Committee.

**15** After the Regional Land Reform Committee has submitted its report, what step should the National Land Reform Council take?

The National Land Reform Council decides on whether to proclaim the area covered by the report as a land reform district.

A land reform district constitutes one or more land reform projects, each project to comprise either a large landed estate or several areas within small estates.

**16.** In selecting a reform district, what consideration does the National Land Reform Council make?

In the selection of a district, the National Land Reform Council considers factors affecting the feasibility of acquiring for redistribution the areas within the district, including:

- a. the productivity of the areas;
- b. the suitability for economic family-size farms;
- c. the tenancy rate in the area;
- d. the minimum fixed capital outlay;
- e. the proximity of the area to resettlement projects; and
- f. the number of farmers that cultivate uneconomic-size farms, the ability and readiness of such farmers to be resettled, and the availability of idle or abandoned lands that may be acquired or expropriated as well as of other resettlement facilities.

**17. Is it necessary for farmers to know how the National Land Reform Council and its member-agencies operate from top to bottom?**

Yes. It is necessary for farmers to know how the National Land Reform Council and its member-agencies operate from top to bottom. The reason is simple enough: the Land Reform Program of the Government cannot succeed without clear understanding of its processes by the farmers themselves.

A clear understanding of the processes of the Program would place the farmers in a more active position and would move them to organize themselves into barrio associations, cooperatives and agricultural labor unions. A strong popular response from the bottom is needed

to sustain the top-heavy government instruments of land reform and to forestall sabotage of the Land Reform Program by the landlords.

18. Why should the present agricultural land reform program be any different from the past programs which have proved inadequate?

The present Program provides specific measures, funds and a well-knit and integrated government organization to increase the productivity and income of farmers and to make share-tenants independent self-sufficient farm managers. The Program specially provides sufficient measures for increased productivity, adequate credit facilities, proper guidance in farm management, profitable marketing facilities, and adequate farm implements, such as seeds and fertilizer supplies, to enable the share-tenant to become an independent and efficient owner-cultivator.

Yes. It is necessary to have the National Land Reform Council and its member-agencies operate from top to bottom. The reason is simple enough: the Land Reform Program of the Government cannot succeed without clear understanding of its processes by the farmers themselves. A clear understanding of the processes of the Program would place the farmers in a more active position and would move them to organize themselves into parish associations, cooperatives and agricultural labor unions. A strong popular response from the bottom is needed

## **PART II. THE AGRICULTURAL LEASEHOLD SYSTEM**

### **A. THE LEASEHOLD SYSTEM**

**19. How does the Land Reform Program intend to liberate the share-tenant and give him the opportunity to increase productivity and income?**

By converting the share-tenant into a lessee and farm manager of the land he tills, the Program liberates the share-tenant from share-tenancy and takes him a step forward towards owner-cultivatorship. The lessee pays a reasonable rental to the landlord. Any further increase in the produce of his farm is entirely his own. He is, therefore, encouraged to produce and earn more.

**20. When does the share-tenant become a lessee of the land he tills?**

A share-tenant becomes a lessee of the land he tills after an agricultural area is proclaimed by the National Land Reform Council as a land reform district. Such proclamation will be made only when all the land reform agencies created to assist the farmer to increase his productivity and manage his farm are present and operating in that area.

The proclamation automatically replaces share-tenancy with the leasehold relation.

**21 What should the tenant not do upon proclamation of his area as a land reform district?**

Upon proclamation, the tenant should not enter into a new contract with his landlord without first consulting the Agrarian Counsel. The tenant becomes a lessee of the land automatically. At no time during his conversion from share-tenant to lessee does he lose his legal rights over the land he tills.

**22. Before an area is proclaimed a land reform district by the National Land Reform Council, may a tenant become a lessee of the land he tills?**

Yes, the share tenant may choose to work under a system of leasehold on the land he tills by notifying the landlord of his desire to become a lessee one month before the beginning of the agricultural year

**23. Are there lands exempted from the leasehold arrangement? Which ones?**

Yes. Fishponds, saltbeds, and land principally planted to citrus, coconuts, cacao, coffee, durian, and other similar permanent trees are exempted from leasehold.

## **B. THE LEASE RENTAL**

**24. How much rental should the lessee pay to the lessor?**

Rent for riceland and all lands devoted to other crops should not be more than twenty-five per cent of the average normal harvest during the three agricultural years immediately preceding the date the leasehold was established deducting the amount used for seeds and the cost of harvesting, threshing, loading, hauling, and processing.

25. If the land has been cultivated for a period less than three years, how is the rental to be arrived at?

If the land has been cultivated for a period less than three years, the initial land rent is based on the average normal harvest during the preceding years when the land was actually cultivated, or on the harvest of the first year in the case of newly-cultivated lands, if the harvest is normal. After the lapse of three normal harvests, the land rent is finally to be based on the average normal harvest during those three preceding agricultural years.

26. How is the rental to be paid? What is the manner, time and place of rental payments?

Land rental may be paid in an amount certain in money or in produce, or both. It is to be paid at the place agreed upon after threshing or processing if the consideration is in kind, or within a reasonable time after threshing or processing, if not in kind.

**27. Can the lessor hike the rental after introducing capital improvements in his landholding?**

Yes. If productivity is increased as a result of capital improvements introduced by the agricultural lessor, the rental may be increased proportionately to the consequent increase in production. In case of disagreement, the Court shall determine the reasonable increase in rent.

**28. Who shoulders the cost of constructing a permanent irrigation system?**

The cost of constructing a permanent system of irrigation, including distributory canals, may be borne exclusively by the lessor upon request of the lessee. The lessor is entitled to an increase in rental proportionate to the increase in productivity resulting from the irrigation. If the lessor refuses to bear the cost of construction the agricultural lessee may shoulder the same. But, in this case, the lessor is not entitled to an increase in rental.

### **C. THE LEASE TENURE**

**29. Does the lessee enjoy a security of tenure on the landholding?**

Yes. The lessee enjoys security of tenure and cannot be dispossessed or ejected unless authorized by the Court. The agricultural leasehold once established confers upon the



lessee the right to continue working on the landholding.

**30. Can the lessor sell the landholding without first consulting his lessee?**

No. The lessor has to consult the lessee first. Because the latter has the right ahead of anybody else to buy the landholding under reasonable terms and conditions. The lessee may be aided by the Land Authority in acquiring the landholding.

In case the landholding is sold to a third party without the knowledge of the lessee, the latter has the right to redeem the same at a reasonable price and consideration.

**31. What happens to the leasehold relation if the lessor sells the landholding with the consent of the lessee?**

The leasehold relation cannot be extinguished by the sale, alienation or transfer of the legal possession of the landholding. The purchaser or transferee has to respect the rights of the lessee.

**32. In case of death or permanent incapacity of the lessee to work his landholding who takes over the leasehold?**

The leasehold will continue between the agricultural lessor and the person who can cultivate the landholding personally chosen by

the lessor within one month from such death or incapacity, from among the closest relatives of the lessee, in the following order:

- a) the surviving spouse, b) the eldest direct descendant by consanguinity, or c) the next eldest descendant or descendants in the order of their age.

**33. In the case of death or permanent incapacity of the lessor, who assumes his responsibilities?**

The leasehold binds his legal heirs, in case of his death or permanent incapacity.

#### **D. RIGHTS AND DUTIES OF LESSEE AND LESSOR**

**34. What rights does the lessee have in general?**

It is the right of the lessee:

- a. To have possession and peaceful enjoyment of the land,

- b. To manage and work the land in a manner and method of cultivation and harvest which conform to proven farm practices;

- c. To mechanize all or any phase of his farm work; and

- d. To deal with millers and processors and attend to the issuance of quedans and

warehouse receipts for the produce due him.

**35. What are the lessee's obligations?**

The obligations of the lessee are as follows:

a. To cultivate and take care of the farm, growing crops, and other improvements on the landholding as a good father of a family and perform all the work therein in accordance with proven farm practices;

b. To inform the agricultural lessor within a reasonable time of any trespass committed upon the farm by third persons without prejudice to his direct action against the trespassers;

c. To take reasonable care of the work animals and farm implements delivered to him by the agricultural lessor and see that they are not used for purposes other than those intended or by another without the knowledge or consent of the lessor; and

d. To notify the lessor at least three days before the date of harvesting or, whenever applicable, of threshing.

**36. Is the lessee allowed to work additional landholdings belonging to a different lessor? Or may he sublease his own farm?**

In both cases, no. It is unlawful to work

additional landholdings belonging to a different lessor or to acquire and personally cultivate an economic family-size farm, without the knowledge and consent of the lessor with whom he had first entered into leasehold, if the first landholding is of sufficient size to make him and the members of his immediate farm household fully occupied in the cultivation.

The lessee is not allowed to employ a sublessee for his landholding. But he may employ laborers on his own account in case of illness or temporary incapacity.

**37. What rights does the lessor have?**

It is his right:

a. To inspect and observe the extent of compliance with the terms and conditions of the leasehold contract;

b. To propose a change in the use of the landholding to other agricultural purposes, or in the kind of crops to be planted;

c. To require the agricultural lessee, taking into consideration his financial capacity and the credit facilities available to him, to adopt in his farm proven farm practices necessary to the conservation of the land, improvement of its fertility and increase of its productivity; and

d. To mortgage expected rentals.

**38. What obligations does the lessor have?**

The lessor's obligations are:

a. To keep the agricultural lessee in peaceful possession and cultivation of his landholding; and

b. To keep intact such permanent useful improvements existing on the landholding at the start of the land and marketing allotments, which in the case of sugar quotas refers both to domestic and export quotas.

**39. Can the lessor dispossess the lessee of the landholding without authorization from the Court?**

No. Should the agricultural lessee be dispossessed without authority from the Court, the lessor is liable for damages suffered by the lessee in addition to fine or imprisonment.

**40. Is the lessor allowed to deal on his own with millers or processors in connection with the produce of landholding?**

No. He cannot do so on his own unless he has a written authorization from the lessee in cases where the crop has to be sold in processed form before payment of the rental.

**41. Can the lessor require the lessee to assume, directly or indirectly, the payment of taxes or part thereof levied by the government?**

No. It is unlawful for the lessor to require

the lessee to assume directly or indirectly the payment of taxes or part thereof levied by the government.

42 Can the lessor require the lessee to assume directly or indirectly, any part of the rent, "canon", or other consideration which the agricultural lessor is obliged to pay to third persons for the use of the land?

No. It is unlawful for the lessor to require the lessee to assume directly or indirectly any part of the rent, "canon", or other consideration which the agricultural lessor is obliged to pay to third persons for the use of the land.

43. On what grounds can the lessor ask the Court that the lessee be ejected from his landholding?

a. The agricultural lessor-owner or a member of his immediate family will personally cultivate the landholding;

b. The landholding, if suitably located, will be converted within one year into residential, factory, hospital or school site or other useful non-agricultural purposes;

c. The agricultural lessee failed to substantially comply with any of the terms and conditions of the contract;

d. The agricultural lessee planted crops

or used the landholding for a purpose other than what was previously agreed upon;

e. The land or other substantial permanent improvement is substantially managed or destroyed or has unreasonably deteriorated through the fault or negligence of the lessee;

f. The agricultural lessee does not pay the lease rental when it falls due unless non-payment is due to crop failure or a fortuitous event; and

g. The lessee employed a sub-lessee on the landholding.

**44. If the lessee is ejected in order to accommodate the lessor or his relative to take over as cultivator, or in order to accommodate the conversion of the landholding to a useful non-agricultural site, is not the lessee entitled to disturbance compensation?**

Yes. The lessee is entitled to disturbance compensation equivalent to five years rental on his landholding, except when the land is not more than five hectares, in which case instead of disturbance compensation the lessee is entitled to an advance notice of at least one year.

**45. Has the lessee the right to be indemnified for his labor and expenses in case he surrenders or abandons his landholding or is ejected therefrom?**

Yes. The agricultural lessee has the right

to be indemnified for the cost and expenses incurred in the cultivation, planting or harvesting and other expenses incidental to the improvement of his crop. In addition, he has the right to be indemnified for one-half of the necessary and useful improvements made by him on the landholding provided that these are tangible and are still useful.

## **E. ORGANIZATION OF LESSEES**

**46 Can the lessees organize themselves into unions?**

The lessees have the right to organize themselves into unions for mutual aid and protection. To protect this right it has been declared unlawful for the lessor to discourage directly or indirectly, the formation, maintenance or growth of unions or organizations of lessees in his landholding, or to initiate, dominate, assist or interfere in the formation or administration of any such union or organization.

**47. What is to be gained by the lessees in organizing themselves? Why should they organize themselves?**

If they are organized, the lessees can accelerate land reform. They can help the government implement its Land Reform Program more effectively and efficiently.

They can stand on their rights more firmly and engage in cooperative projects that will



raise their production, and they can distribute financial responsibilities as far as irrigation construction, water distribution, mechanization, fertilizer supply and the like are concerned.

If they are organized, they can consider their common problems and arrive at more effective decisions. Only their organization can give them sufficient power to demand what they deserve justly. Petitions for expropriation, for lower interest rate on loans, lower rent and the like can be pushed through effectively if the lessees are organized.

## **PART III. LAND DISTRIBUTION**

### **A. EXPROPRIATION AND DISTRIBUTION OF PRIVATE LANDS**

48. In the event that an area is declared a reform district, and share-tenants in the area become leaseholders, may the lessees become owner-cultivators of the farms they lease?

Yes, the new law created the Land Authority, an office which has the power to purchase from the landlord lands in excess of 75 hectares on which lessees are working. The lands are to be divided into family-size farms and each farm unit sold to a lessee. If the landlord sells his land voluntarily, the lessee has the right to buy the land he is tilling.

49. Suppose the landlord does not voluntarily sell his land?

The Land Authority may, by law, expropriate and pay for the land worked by the lessees.

50. Who may ask the Land Authority to expropriate a certain landholding?

The lessees themselves. Upon petition in writing of at least one-third of the lessees, the Land Authority institutes and prosecutes expropriation proceedings for acquisition of private agricultural lands and home lots.

**51. Can the landlord still sell or transfer the ownership of his land upon the filing of the lessees' petition for expropriation?**

No. Upon the filing of the petition for expropriation, the landowner may not alienate any portion of the land covered by the petition, or enter into any form of contract to defeat the purposes of the petition.

**52. May the landlord institute or prosecute ejection proceedings against any lessee or occupant of the land covered by the petition for expropriation?**

No. No ejectment proceedings against any lessee or occupant of the land covered by the petition for expropriation may be instituted or prosecuted until it becomes certain that the land will not be acquired by the Land Authority.

**53. Do the lessees who stand to benefit from the expropriation have anything to do with the valuation of land to be expropriated? Why?**

Certainly, yes. Any person qualified to be a beneficiary of such expropriation or purchase may object to the valuation of the land as excessive, in which case the Court will have to determine the just compensation, because ultimately he will bear the purchase price plus other charges when he buys the expropriated land from the Land Authority.

**54. When does the Land Authority take possession of the land to be expropriated?**

The Land Authority takes immediate possession of the land after commencing the expropriation suit.

**55. What should the Land Authority do immediately after taking possession of the land?**

Immediately after the Land Authority takes possession of the land, it must undertake a survey of the land for the purpose of its subdivision into economic family-size farms which will be immediately assigned to beneficiaries.

**56. How is just compensation to be determined?**

To determine just compensation for the land, the annual lease rental income capitalized at the rate of six per cent per year will be used as the basis.

**57. What is to be done after the payment of just compensation on the land expropriated?**

After the payment of just compensation on the land expropriated, separate certificates of title for each parcel or lot will be made in accordance with the subdivision survey made beforehand by the Land Authority.

**58. After the issuance of certificates of title**

**What does the Land Authority have to do with the parcels of land?**

The Land Authority allots and sells each parcel or lot to a qualified beneficiary of land reform.

**2. How are the beneficiaries of land reform chosen? Who are they?**

Selection of beneficiaries to family farms available for distribution will be according to the following set of priority:

First, to members of the immediate family of the former owner of the land within the first degree of consanguinity who will cultivate the land personally with the aid of labor available within his farm household;

Second, to the actual occupants personally cultivating the land either as agricultural lessees or otherwise with respect to the area under cultivation;

Third, to farmers who are cultivating uneconomic-size farms with respect to idle or abandoned lands; and

Fourth, to owner-operators of uneconomic-size farms

**3. For how much shall the expropriated land be resold to qualified beneficiaries? Further-**

**more, how shall payment be made by the farmer?**

Resale shall be at cost, which means the purchase price plus not more than six per cent, covering administrative expenses and actual expenses for subdivision, surveying, and registration. Payment may be made within twenty-five years at the option of the beneficiary according to an amortization schedule.

**61. Suppose some agricultural lessees prefer to remain lessees of the parcel allotted to them. what should they do in order to remain on the land?**

If some agricultural lessees working portions of agricultural lands already acquired by the government prefer to remain as lessees, their preference should be expressed in writing and attested by a representative of the Office of Agrarian Counsel that the resale and redistribution to them shall be referred until such time as they are ready and willing to assume the obligations and responsibilities of independent owners.

**62. Which entity shall administer the parcels of expropriated land during the period they are under lease?**

The Land Authority shall administer these parcels of expropriated land during the period

they are under lease.

**63. To which entity should the lessees of expropriated land pay their rentals?**

The lessees shall pay their rentals to the Land Bank. However, the Land Bank takes the policy of applying the rental to the six per cent added to the acquisition price and of crediting the balance to acquisition cost in the name of the lessee as partial payment for the land.

**64. Are there limitations on the land rights?**

Except in case of hereditary succession by one heir, landholdings acquired through land distribution by the government may not be sold, mortgaged, encumbered or transferred until after the lapse of ten years from the date of full payment and acquisition. Furthermore, after such ten-year period, any transfer, sale or disposition may be made only in favor of persons qualified to acquire economic family-size farm units.

**65. May a purchaser of a parcel of expropriated land borrow from a private bank?**

A purchaser who acquired his landholding under a contract to sell may secure a loan on the same from any private lending institution or individual in an amount not exceeding his equity on said landholding upon guaranty by

the Land Bank.

**66. What guarantee is there that expropriation proceedings will be expedited?**

Expropriation cases filed by the Authority will take precedence over all other civil cases pending before the Court and will be terminated within a period not exceeding six months from the date of filing.

**67 Should farmer beneficiaries of land distribution organize themselves?**

The farmer beneficiaries should organize themselves into cooperative associations for the purpose of more efficient management, adoption of modern farm methods and techniques and spreading risks either through diversification of farm projects or mutual assumption of risks. They may avail themselves of the advice or assistance of the Agricultural Productivity Commission.

## **B. DISTRIBUTION OF PUBLIC LANDS**

**68 In the event that there are not enough private lands to expropriate and distribute in a certain area, what may the Land Authority do in order to provide family-size farms to the landless?**

The Authority will develop plans and ini-



tiate actions for the systematic opening of alienable and disposable lands of the public domain for speedy distribution to and development by deserving and qualified persons. Through organized resettlement, qualified and deserving farmers in the province where such public lands are located will be given economic family-size farms.

**69. What is the assurance of the settler of owning his own land?**

Individual titles or specific parcels or lots are issued according to the subdivision survey made by the Land Authority.

**70. What assistance can the Land Authority extend to settlers?**

The Land Authority will, in certain projects, assist settlers in transporting themselves, their belongings, work animals and farm equipment, if any, from the communities from which they are migrating to the settlement areas reserved for the purpose and for subsistence necessary until credit can be provided by government financing agencies. These loans from the Land Authority are non-interest bearing, constitute a lien upon the land, and are repayable over a period of ten years, payable annually beginning with the end of the third year after their arrival in the settlement areas.

The Authority will assist the settlers in securing equipment, supplies and materials needed or assist the cooperative associations of the new settlers in securing the most advantageous prices or terms on farm implements and supplies needed.

The Authority will help provide housing and other accommodations for the new settlers upon their arrival in the settlement areas by stationing them in properly surveyed and subdivided lots reserved for the purpose; help them organize community activities, and cooperate with the Bureau of Health, the Bureau of Public Schools, and other pertinent agencies of the government in providing services necessary for the proper establishment of community facilities.

## **PART IV. FINANCIAL, TECHNICAL AND LEGAL SUPPORT FOR LAND REFORM**

### **A. THE LAND BANK**

**71. Which entity makes the payments for expropriated land? In what manner?**

The Land Bank makes the payments to the owners of the expropriated land. Such payments are to be made in the following manner: ten per cent in cash and the balance in six per cent, tax-free, redeemable bonds issued by the Land Bank, unless the landowner desires to be paid in shares of stock issued by the Land Bank in an amount not exceeding thirty per cent of the purchase price.

**72. How much capital does the Land Bank have?**

The authorized capital stock is one billion five hundred million pesos divided into ninety million shares with a par value of ten pesos each, which is fully subscribed by the Government, and sixty million preferred shares with a par value of ten pesos each.

**73. What agencies will further assist the new owner-cultivator in securing and developing his land?**

The Agricultural Credit Administration,

the Agricultural Productivity Commission, the Agrarian Counsel and the Court of Agrarian Relations.

## **B. THE AGRICULTURAL CREDIT ADMINISTRATION**

74. What specific services will the Agricultural Credit Administration give the emancipated farmer?

The Agricultural Credit Administration helps the small farmers by providing them adequate loans for the purchase of work animals, tillage equipment, certified seeds, fertilizers, poultry, livestock, feeds and other similar items, based upon their paying capacity and such securities as they can provide.

75. How much interest should the farmers and farmers' cooperatives pay for loans?

The total charges including interest and insurance fees on all kinds of loans should not be more than eight per cent.

76. What is the relation between the amount of loan and the collateral pledged?

The amount of loan shall not exceed eighty per cent of the value of the collateral pledged. In instances where credit is extended for items

which are not consumed in their use, such items may be pledged as security. The amount of loan can be automatically enlarged as long as it is used for durable items.

**77 What else can the small farmer put up as security for loans?**

The production of the borrower, after deducting the lease rental and/or liens thereon, will be acceptable as security for loans. The production should be pledged to the Agricultural Credit Administration with appropriate safeguards. However, the amount of loan shall not exceed sixty per cent of the value of the estimated production.

**78. May the farmers' cooperative as a distinct entity borrow from the Agricultural Credit Administration?**

Certainly, yes. As far as credit is concerned, the farmers' cooperative is put up in order to spread risks and widen the capability of members to pay back. Furthermore, the Agricultural Credit Administration has been put up precisely to stimulate the growth and operation of farmers' cooperatives.

**79 What does the term "farmers' cooperative" refer to?**

The term "farmers' cooperative" refers to all cooperatives relating to the production and

marketing of agricultural products and those formed to manage or own, on a cooperative basis, services, and facilities, such as irrigation and transport systems, established to support production and marketing of agricultural products.

**80. Can the Agricultural Credit Administration audit the operations, records, and books of accounts of the farmers' cooperatives?**

For the effective supervision of farmers' cooperatives, the head of the Agricultural Credit Administration has the power to audit their operations, records and books of accounts and, also, to issue subpoena and subpoena duces tecum and to compel the attendance of witnesses and the production of books, documents and records in the conduct of such audit or of any inquiry into their affairs.

**81. What happens if a person, after being summoned by the Agricultural Credit Administration, refuses to appear in connection with the auditing?**

Any person who, without lawful cause, fails to appear before the Agricultural Credit Administration, shall, upon application of the head of the Agricultural Credit Administration with the proper court, be liable to punishment for contempt. If he is an officer of the association, he is liable to suspension or removal from office.

82. Has the Agricultural Credit Administration the right to see to it that the loans are properly used even after the loans have been given?

To provide for the effective use of credit by farmers, the Agricultural Credit Administration may institute a program of supervised credit in cooperation with the Agricultural Productivity Commission.

The Agricultural Productivity Commission has also the right to provide credit guidance or assistance to all agricultural cooperatives including irrigation cooperatives and other cooperative associations.

83. Are there fees that the farmer should pay in securing loans?

None. Any justice of the peace will render notarial service free of charge to any person applying for a loan either in administering the oath or in the acknowledgement of instruments relating to such loans.

### **C. THE AGRICULTURAL PRODUCTIVITY COMMISSION**

84. How does the Agricultural Productivity Commission help the farmer?

The Agricultural Productivity Commission assists the farmer in preparing his farm program—the proper scheduling of his farm production activity—and helps him determine his financial requirements. Moreover, the Agricultural Productivity Commission helps the farmer organize barrio associations and cooperatives and helps him obtain his loan from the Agricultural Credit Administration.

**85 How can the farmer have direct contact with the Agricultural Productivity Commission?**

The Agricultural Productivity Commission operates through extension workers who are selected and recruited from graduates of agricultural colleges with adequate practical experience and training in actual crop, tree, poultry and livestock farming.

Graduates of agricultural high schools may also be enlisted in case there are not enough graduates of agricultural colleges available.

**86. How do the extension workers work with the farmers?**

The extension workers reside in the locality where they are assigned to disseminate technical information to farmers and to demonstrate improved farm management practices and



techniques. They work with individual farmers in farm planning and budgeting, guide them in the proper conduct of farm business and work out schedules of re-payment of loans obtained by farmers.

The extension workers also assist farmers in securing the services or assistance of other agencies, or their personnel, having to do with relevant activities and problems of farmers. They visit newly-established independent farm operators either singly or collectively at least once a month. They conduct educational activities that will acquaint leaseholders and other independent farm operators with their rights and responsibilities.

The extension workers encourage the formation and growth of private associations, study clubs, committees and other organized groups of farmers, familiarize them with modern methods of farming and interest them to actively participate, collaborate or take the initiative in agricultural research, experimentation and implementation of projects in cooperation with the Agricultural Productivity Commission and other agencies. They promote, stimulate and assist in the organization of farmers' cooperatives.

#### **D. THE AGRARIAN COUNSEL**

**87. What is the role of the Agrarian Counsel?**

The Agrarian Counsel assists the farmer

free of charge before the Court of Agrarian Relations in case the farmer has any problem in the Court regarding his farm. The Counsel especially helps the lessee fix the rental he pays the landlord for the use of the land. At any time that the farmer needs the services of a lawyer he can himself or through a representative or a local official call the office of the Agrarian Counsel who is stationed within the land reform district.

## E. COURTS OF AGRARIAN RELATIONS

### 88. What is the Court of Agrarian Relations?

The Court of Agrarian Relations is a court of law organized to ensure the speedy adjudication or settlement of cases brought before it under the Agricultural Land Reform Code and other related laws and regulations.

## **PART V. RIGHTS OF AGRICULTURAL WAGE LABORERS IN GENERAL**

### **A. FARM LABORERS' RIGHTS UNDER THE CODE**

**89. In non-tenanted lands that are worked by laborers who are paid wages, what rights do these wage laborers have under the new law?**

The Agricultural Land Reform Code defines the rights of the agricultural wage laborers as follows:

- a. Right to self-organization;
- b. Right to engage in concerted activities;
- c. Right to a minimum wage;
- d. Right to work for not more than eight hours a day;
- e. Right to claim for damages for death or injuries sustained while at work;
- f. Right to compensation for personal injuries, death or illness; and
- g. Right against suspension or lay-off from work.

In this manner, farmers working for wages will have similar rights as industrial laborers.

**90. What is the right to self-organization?**

It is the right of farm workers to form, join or assist farm workers' organization for

the purpose of collective bargaining.

**91. Are supervisors eligible for membership in farm workers' organizations under their supervision?**

No, the supervisors are not eligible for membership in farm workers' organizations under their supervision. But they may form separate organizations of their own.

**92. What is the right to engage in concerted activities?**

The right to engage in concerted activities includes all mass actions, such as mass rallies and strikes, for the purpose of collective bargaining and other mutual aid and protection.

**93. Do labor leaders, organizers, advisers, and their assistants have a right to enter the plantation or compound freely?**

Yes, they have the right and freedom to enter and leave the farm, plantation or compound at the portion of the same where the farm workers live or stay permanently or temporarily. It is the duty of the farm employer or manager to allow them free access.

**94. What is the minimum wage for farm laborers under the law?**

The minimum wage for farm laborers is

**P3.50 a day for eight hours' work.**

**95. What is the right to eight hours' work?**

Under this right, the farm workers, cannot be required to work for more than eight hours daily.

Work may be performed beyond eight hours a day only in cases of actual or impending emergencies caused by serious accidents, fire, flood, typhoons, epidemic, or other disaster or calamity, or in case of urgent work to be performed on farm machines, equipment or installations in order to avoid a serious loss which the farm employer or manager would otherwise suffer. There may be other just causes for overtime.

When the work is not continuous the time during which the farm worker is not working and can leave his working place and can rest completely will not be counted.

**96. How much overtime pay must the farm owner or manager pay to the farm worker?**

For overtime work, the farm worker is entitled to the same rate as his regular wage, plus at least twenty-five per cent additional to the base rate.

No farm employer or manager, however, may compel a farm worker to work during Sundays and legal holidays unless the latter

agrees. If the farm worker agrees, he shall be paid an additional sum of at least twenty-five per cent of his regular compensation.

The farm employer or manager can not be held liable, nevertheless, for any claim for overtime work which he had not previously authorized, except if the work rendered was to avoid damage to crops, produce, work animals or implements, buildings or the like.

97. May the farm workers claim damages for personal injuries and death suffered by them while at work?

Yes. They have a right to claim damages. Farm workers have as much right as the industrial workers in this regard.

98. May farm workers also claim compensation for personal injuries, death or illness contracted in the performance of their duties?

Yes. They have as much right as the industrial workers to claim compensation for personal injuries, death or illness contracted in the performance of their duties.

99. How are farm workers protected in the pursuit of organized activity to improve their lot?

The landowner, farm employer or farm manager may not suspend, lay-off, or dismiss

any farm worker without just cause from the time a farm workers' organization or group of farm workers has presented a petition or complaint regarding any matter likely to cause a strike or lockout, or while an agricultural dispute is pending before the Court of Agrarian Relations.

If it is proved during the said period that a worker has been suspended or dismissed without just cause, the Court may direct his reinstatement and the payment of his wages during the time of his suspension or dismissal, or of any sum he should have received had he not been suspended or dismissed. The landowner, farm employer or farm manager may also be held criminally liable in this regard.

## **B. FARM WORKERS' RIGHTS UNDER OTHER LAWS**

100. If the Agricultural Land Reform Code would have the farm worker equal to the industrial worker in his rights, do other laws favoring the latter also apply to the former?

Yes. All other existing laws applicable to non-agricultural workers in private enterprises which are not inconsistent with this Code will likewise apply to farm workers, farm labor organizations and agrarian disputes as defined in this Code, as well as to relations between farm management and farm labor and the functions of the Department of Labor and other agencies.



LAPIANG  
MANGGAGAWA

Prepared by the

SECRETARIAT, LAPIANG MANGGAGAWA