Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
Second Regular Session
House Resolution No. 1682

Introduced by Rep. Juan Miguel Macapagal Arroyo

A RESOLUTION URGING THE APPROPRIATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF EXECUTIVE ORDER NO. 75, SERIES OF 2019, IN THE PROVINCE OF PAMPANGA, DIRECTING ALL DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF GOVERNMENT TO IDENTIFY LANDS OWNED BY THE GOVERNMENT DEVOTED TO OR SUITABLE FOR AGRICULTURE FOR DISTRIBUTION TO QUALIFIED BENEFICIARIES

WHEREAS, on February 15, 2019, President Rodrigo Roa Duterte signed Executive Order No. 75 directing all departments, bureaus, offices, and instrumentalities of government to identify lands owned by the government devoted to or suitable for agriculture for distribution to qualified beneficiaries;

WHEREAS, the Department of Agrarian Reform (DAR) and the Department of Justice (DOJ) promulgated the Implementing Rules and Regulations (IRR) of Executive Order No. 75 on May 31, 2019;

WHEREAS, in a letter from the OIC-Provincial Agrarian Reform Program Officer II (PARO II) of the Department of Agrarian Reform (DAR), Provincial Office of Pampanga dated February 23, 2021 addressed to the Pampanga State Agricultural University (PSAU), informing the PSAU President that “beginning February 26, 2021 and onwards, the DAR personnel of Pampanga Provincial Office will conduct an identification of actual occupants, tillers on said landholdings” and on the same date, another letter was sent by the PARO II of the DAR, Province of Pampanga, requesting the PSAU Board of Regents (BoR) to post the notice to continue the Land Acquisition and Distribution (LAD) Process (CARP Form No. 10-A) on landholdings owned by the PSAU which are covered by TCT No. 045-2016003517 with an area of 310 hectares, more or less, and TCT No. 045-2015007300 with an area of 198 hectares, more or less, located at San Agustin, Magalang in the Province of Pampanga;

WHEREAS, the PSAU President has responded to official letters and notices from the PARO II of the DAR-Provincial Office of Pampanga stating that the “requests for posting cannot be granted nor the conduct of an identification of actual occupants and tillers on the lands of PSAU cannot be allowed in view of the pending
mediation proceedings before the Office of the Solicitor General (OSG) pursuant to Presidential Decree (P.D.) No. 242 and Section 68(1) of the Administrative Code of the Philippines between the Commission on Higher Education (CHED) and DAR;

WHEREAS, the PSAU submits that Executive Order No. 75 is not applicable in this case citing Section 1, to wit:

“Section 1. Acquisition of Government-owned Agricultural Lands (GOAL) – subject to the limitations and conditions provided under applicable laws, rules, and issuances, the DAR shall acquire all lands devoted to or suitable for agriculture, which are owned by the departments, bureaus, offices, and instrumentalities of the government, and which are no longer actually directly and exclusively used or necessary for the purpose for which they have been reserved or acquired, for the purpose of eventual distribution to qualified beneficiaries”

WHEREAS, Republic Acts Nos. 10605\(^1\), 11396\(^2\), and 6657\(^3\), as amended, explicitly, do not allow the disposition of lands owned and used by PSAU in favor of CARP beneficiaries;

WHEREAS, Section 2. General Mandate, of Republic Act No. 10605 states that:

“The University shall primarily provide advance education, higher technological, professional instruction, and training in the fields of agriculture, arts and sciences, teacher education, industrial technology and engineering, information technology, business management and accountancy, non-traditional courses, and other relevant fields of study. It shall also undertake research, extension services and production activities in support of the development of the Province of Pampanga and provide progressive leadership in its areas of specialization”

WHEREAS, Republic Act 11396 mandates the PSAU to prepare and implement a Land Use Development and Infrastructure Plan (LUDIP) and in compliance with the

\(^1\) An Act Converting the Pampanga Agricultural College (PAC) in the Municipality of Magalang, Province of Pampanga, into a State University to be known as the Pampanga State Agricultural University and Appropriating Funds Therefor

\(^2\) An Act Requiring State Universities of Colleges (SUCs) to prepare and Implement a Land Use Development and Infrastructure Plan that shall Include the Construction of Dormitories for Students and Housing Sites for Employees

\(^3\) An Act Instituting a Comprehensive Agrarian Reform Program to Promote Social Justice and Industrialization, Providing the Mechanism for its Implementation and for other Purposes
law, the PSAU, by virtue of Resolution No. 12, series of 2020, as approved by the PSAU Board of Regents (BoR), issued a Twenty Five (25) year Master Development Plan (MDP). As contained in the approved PSAU MDP, the University is utilizing two hundred ten (210) hectares for Academic Core including experimental areas; one hundred (100) hectares for NICER Tamarind Project with the Department of Science and Technology (DOST); ten (10) hectares for coconut plantation project with the Philippine Coconut Authority (PhilCoA); three (3) hectares for dairy goat project; fifty (50) hectares for Coffee Plantation; five (5) hectares for Special Action Force (SAF) Complex through its Deed of Usufruct; and ten (10) hectares for Genebank Forestry Project including development of a one hundred ten (110 hectares) of Bamboo Plantation / agroforestry and ten (10) hectares for Mulberry Farm;

WHEREAS, the total number of hectares to be used by PSAU as contained in the PSAU MDP is 508 hectares, thus fully utilizing its available land for academic and related use;

WHEREAS, Republic Act No. 6657, as amended, exempted from the coverage of CARP “lands actually directly and exclusively used and found necessary for… school sites and campuses, including experimental farm stations operated by public and private schools for educational purposes, seeds and seedlings research and pilot production centers;”

WHEREAS, with the afore-cited reason/s the DAR Order dated September 6, 2011, categorically exempted the PSAU land from the coverage of CARP:

“Instructively, therefore, this office is not amiss to reiterate that under exiting law “lands actually, directly and exclusively used and found to be necessary for parks, wildlife, forest, reserve reforestation, fish sanctuaries and breeding grounds, watersheds and mangroves, national defense, school sites and campuses including experimental farm stations operated by public and private schools for educational purposes, seeds and seedlings research and pilot production centers, church sites and covents appurtenant thereto, mosques, sites and Islamic centers appurtenant thereto, communal burial grounds and cemeteries, penal colonies and penal farms actually worked by the inmates, government and private research and quarantine centers and all lands with eighteen percent (18%) slope and over, except those already developed shall be exempted from the coverage of this Act.”

WHEREAS, the entire area of the PSAU is classified as institutional based on the 2018 Comprehensive Land Use Plan (CLUP) of the Municipality of Magalang, Hence, the assigned land use is compatible with the function of the university;
WHEREAS, the memorandum created a confusion on whether the recommendation approved by the President on February 22, 2021 included and identified the PSAU landholdings for distribution to beneficiaries of the Comprehensive Agrarian Reform Program;

WHEREAS, the alleged inclusion of the PSAU landholdings in the list of identified parcels of land for distribution pending the result of the OSG mediation violates Section 1, Article III of the 1987 Philippine Constitution, which states that no person shall be deprived of life, liberty, or property without due process of law;

WHEREAS, DAR-PARPO has neither provided PSAU a copy of the validation report nor any information on their findings that would confirm compliance with the criteria for validation based on the Implementing Rules & Regulations (IRR) of E.O. No. 75;

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate committee in the House of Representatives to conduct an inquiry, in aid of legislation, on the implementation of Executive Order No. 75, Series of 2019, in the Province of Pampanga, specifically to review the process of identification, validation, segregation, transfer and distribution of all government-owned lands (GOLs) suitable for agrarian reform.

Adopted,

[Signature]

JUAN MIGUEL MACAPAGAL ARROYO
2nd District, Pampanga