

[EXECUTIVE ORDER NO. 129-A, July 26, 1987]

MODIFYING EXECUTIVE ORDER NO. 129 REORGANIZING AND STRENGTHENING THE DEPARTMENT OF AGRARIAN REFORM AND FOR OTHER PURPOSES.

WHEREAS, Executive Order No. 129 dated January 30, 1987 was suspended;

WHEREAS, Presidential Proclamation No. 131 and Executive Order No. 229, both dated July 22, 1987 instituted a Comprehensive Agrarian Reform Program (CARP) and provided the mechanisms for its implementation;

WHEREAS, Executive Order No. 229 vests on the Department of Agrarian Reform quasi-judicial powers to determine and adjudicate agrarian reform matters;

WHEREAS, there is a need to strengthen and expand the functions of the Department of Agrarian Reform to be more effective in implementing the Comprehensive Agrarian Reform Program;

WHEREAS, under Article XVIII, Section 6, of the 1987 Constitution, the President shall continue to exercise legislative powers until the First Congress convenes;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. *Title* – This Executive Order shall otherwise be known as the Reorganization Act of the Department of Agrarian Reform.

SEC. 2. *Reorganization*. – The Department of Agrarian Reform is hereby reorganized structurally and functionally, hereinafter referred to as the Department, in accordance with the provisions of this Executive Order.

SEC. 3. *Declaration of Policy*. – It is the declared policy of the State to completely abolish all remnants of feudalism and all other types of unjust tenurial arrangements, implement the comprehensive agrarian reform program, increase the productivity of the direct producers, and strengthen the agricultural base for increased industrialization.

Pursuant to this policy, the State shall:

- a. Establish owner-cultivated, economic, family-size farms and collectively-owned / cooperatively-cultivated farms as the foundation of Philippine agriculture;
- b. Prohibit absentee land ownership;

- c. Rechannel and divert landlord capital in agriculture to industrial development;
- d. Assist in the preservation and conservation of prime lands for agricultural purposes;
- e. Encourage the establishment and protect the autonomy and independence of institutions of farmers and farmworkers that will safeguard their interests and ensure their dignified existence, free from pernicious restraints and practices;
- f. Create just and viable socio-economic structures in agriculture conducive to greater productivity and higher incomes through the cooperative system of production, processing, marketing, distribution, and credit services;
- g. Accelerate the disposition of public alienable, disposable, and cultivable land to actual cultivators and other qualified beneficiaries and develop agrarian communities for full utilization of land for human growth and development;
- h. Institutionalize partnerships between government and organizations of farmers and farmworkers in agrarian reform policy formulation, program, implementation, and evaluation;
- i. Provide specific investment opportunities, alternative employment, and other incentives for landowners affected by agrarian reform;
- j. Ensure adequate funding support for the agrarian reform program as well as timely, affordable, and appropriate financing schemes to its beneficiaries;
- k. Implement an agricultural land tax scheme that will prevent land hoarding and/or speculation.

SEC. 4. *Mandate.* – The Department shall be responsible for implementing the Comprehensive Agrarian Reform Program and, for such purpose, it is authorized to:

- a. Acquire, determine the value of, subdivide into family-size farms or organize into collective or cooperative farms and develop private agricultural lands for distribution to qualified tillers, actual occupants, and displaced urban poor;
- b. Administer and dispose all cultivable portions of the public domain declared as alienable and disposable for agricultural purposes transferred to it by the Department of Environment and Natural Resources;
- c. Acquire, by purchase or grant, real estate properties suited for agriculture that have been foreclosed by the national government;
- d. Undertake land consolidation, land reclamation, land forming, and conservation in areas subject to agrarian reform;
- e. Facilitate the compensation of landowners covered by agrarian reform;
- f. Issue emancipation patents to farmers and farmworkers who have been given lands under the agrarian reform program as may be provided for by law;

- g. Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land tenure problems;
- h. Develop and implement alternative land tenure systems such as cooperative farming and agro-industrial estates, among others;
- i. Undertake land use management and land development studies and projects in agrarian reform areas;
- j. Approve or disapprove the conversion, restructuring or readjustment of agricultural lands into non-agricultural uses;
- k. Monitor and evaluate the progress of agrarian reform implementation;
- l. Assist the Office of the Solicitor General in providing evidence for the reversion proceedings to be filed with respect to lands of the public domain, occupied by private individuals and their tenants or farmworkers which are subject to land reform, and real rights connected therewith which have been acquired in violation of the Constitution or the public land laws or through corrupt practices;
- m. Submit progress reports to the Office of the President, to Congress, and to the people at the end of each year and at all times make available to the general public information on the current status of its programs.

SEC. 5. *Powers and Functions.* – Pursuant to the mandate of the Department, and in order to ensure the successful implementation of the Comprehensive Agrarian Reform Program, the Department is hereby authorized to:

- a. Advise the President and the Presidential Agrarian Reform Council on the promulgation of executive/administrative orders, other regulative issuances and legislative proposals designed to strengthen agrarian reform and protect the interests of the beneficiaries thereof;
- b. Implement all agrarian laws, and for this purpose, punish for contempt and issue subpoena, subpoena duces tecum, writs of execution of its decision, and other legal processes to ensure successful and expeditious program implementation; the decisions of the Department may in proper cases, be appealed to the Regional Trial Courts but shall be immediately executory notwithstanding such appeal;
- c. Establish and promulgate operational policies, rules and regulations and priorities for agrarian reform implementation;
- d. Coordinate program implementation with the Land Bank of the Philippines and other relevant civilian and military government agencies mandated to support the agrarian reform program;
- e. Acquire, administer, distribute, and develop agricultural lands for agrarian reform purposes;

- f. Undertake surveys of lands covered by agrarian reform;
- g. Issue emancipation patents to farmers and farmworkers covered by agrarian reform for both private and public lands and when necessary, make administrative corrections of the same;
- h. Provide free legal services to agrarian reform beneficiaries and resolve agrarian conflicts and land/tenure related problems as may be provided for by law;
- i. Promote the organization and development of cooperatives and other associations of agrarian reform beneficiaries;
- j. Conduct continuing education and promotion programs on agrarian reform for beneficiaries, land-owners, government personnel, and the general public;
- k. Institutionalize the participation of farmers, farmworkers, other beneficiaries, and agrarian reform advocates in agrarian reform policy formulation, program implementation, and evaluation;
- l. Have exclusive authority to approve or disapprove conversion of agricultural lands for residential, commercial, industrial, and other land uses as may be provided for by law;
- m. Call upon any government agency, including the Armed Forces of the Philippines, and non-governmental organizations (NGOs) to extend full support and cooperation to program implementation;
- n. Exercise such other powers and functions as may be provided for by law or directed by the President, to promote efficiency and effectiveness in the delivery of public services.

SEC. 6. *Structural Organization*. – The Department shall consist of the Department Proper, the staff offices, the staff bureaus and the regional/provincial/municipal agrarian reform offices.

The Department Proper shall consist of the following:

- a. Office of the Secretary;
- b. Offices of the Undersecretaries;
- c. Offices of the Assistant Secretaries;
- d. Public Affairs Staff;
- e. Special Concerns Staff;
- f. Agrarian Reform Adjudication Board.

The staff sectoral bureaus, on the other hand, shall be composed of:

- a. Bureau of Land Acquisition and Distribution;
- b. Bureau of Land Development;
- c. Bureau of Agrarian Legal Assistance;
- d. Bureau of Agrarian Reform Information and Education;
- e. Bureau of Agrarian Reform Beneficiaries Development.

The field offices shall consist of the Department regional offices, the provincial offices and the municipal agrarian reform offices.

SEC. 7. *Secretary of Agrarian Reform.* – The authority and responsibility for the exercise of the mandate of the Department and the discharge of its powers and functions shall be vested in the Secretary of Agrarian Reform, hereinafter referred to as Secretary, who shall have supervision and control over the Department and shall be appointed by the President.

SEC. 8. *Office of the Secretary.* – The Office of the Secretary shall consist of the Secretary, his immediate staff, the Public Affairs Staff and the Special Concerns Staff.

SEC. 9. *Undersecretary.* – The Secretary shall be assisted by four (4) Undersecretaries who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Undersecretaries, *provided*, That such responsibility shall be with respect to the mandate and objectives of the Department; and *provided, Further*, that no Undersecretary shall be assigned primarily administrative responsibilities.

SEC. 10. *Assistant Secretary.* – The Secretary and the Undersecretaries shall also be assisted by seven (7) Assistant Secretaries, who shall be appointed by the President upon the recommendation of the Secretary. The Secretary is hereby authorized to delineate, assign and/or reassign the respective functional areas of responsibility of the Assistant Secretaries, *provided*, That such responsibility shall be with respect to the mandate and objectives of the Department.

SEC. 11. *Public Affairs Staff.* – There is created a Public Affairs Staff, under the Office of the Secretary, to be headed by a Director and assisted by an Assistant Director, which shall serve as the public information arm of the Department. It shall be responsible for disseminating information and agrarian reform policies, plans, programs and projects; and respond to public queries related to the implementation of the agrarian reform program.

SEC. 12. *Special Concerns Staff.* – There is hereby created a Special Concerns Staff under the Office of the Secretary, to be headed by a Director and assisted by an Assistant Director, which shall be responsible for handling priority areas/subjects identified by the Secretary that necessitate special and immediate attention.

SEC. 13. *Agrarian Reform Adjudication Board.* – There is hereby created an Agrarian Reform Adjudication Board under the Office of the Secretary. The Board shall be