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RULES AND PROCEDURES GOVERNING THE ORGANIZATION OF THE PROVINCIAL AGRARIAN REFORM COORDINATING COMMITTEE (PARCCOM) AND THE BARANGAY AGRARIAN REFORM COMMITTEE (BARC)

DAR ADMINISTRATIVE ORDER NO. 5, March 03, 1989

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I
Prefatory Statement

To ensure the successful implementation of the CARP, there shall be organized at the provincial level a Provincial Agrarian Reform Coordinating Committee (PARCCOM), and at the barangay level a Barangay Agrarian Reform Committee (BARC), pursuant to Section 44 and 46 of R.A. 6657, respectively, their functions shall be the following:

A. PARCCOM Functions —

1. Coordinate and monitor the implementation of CARP in the province;

2. Provide information on the provisions of existing and applicable agrarian reform laws, guidelines and issuances;

3. Monitor the progress of CARP in the province;

4. Recommend to the PARC through the DAR Regional Director and the PARC Secretarial whether the province should be a priority land reform area in which case the acquisition and distribution of private agricultural lands therein may be implemented ahead of schedule under Sections 7 and 45; and

5. Perform such other functions as may be assigned by the PARC through the Secretary of Agrarian Reform.

B. BARC Functions —

1. Mediate and conciliate between parties involved in an agrarian dispute, including matter related to tenurial and financial arrangements;

2. Assist in the identification of qualified beneficiaries and landowner within the barangay;

3. Attest to the accuracy of the initial parcellary mapping of the beneficiary's tillage;

4. Assist qualified beneficiaries in obtaining credit from lending institutions;

5. Assist in the initial determination of the value of the land;

6. Assist the DAR representative in the preparation of periodic reports on the CARP implementation for submission to the DAR Central Office;

7. Coordinate the delivery of support services to beneficiaries; and

8. Perform such other functions as may be assigned by the DAR.

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II
Definition of Terms

Farmer's Organization — a duly constituted organization/association of agrarian reform farmer-beneficiaries organized province-wide and registered/accredited with the Securities and Exchange Commission (SEC), Bureau of Agricultural Cooperative Development (BACOD), Bureau of Rural Workers (DOLE), or any appropriate government entity.

Agricultural Cooperative — an organization composed primarily of small agricultural producers, farmers, farmworkers, or other agrarian reform beneficiaries who have voluntarily organized themselves for the purpose of pooling land, human, technological, financial or other economic resources, and which operates on the principle of one member one vote. A juridical person may be a member of a cooperative, with the same rights and duties as a natural person.

Non-Government Organization (NGO) — a civic, religious, or non-sectarian organization or association organized primarily for rural development. The organization's network must be province-wide insofar as electing a member to PARCCOM Is concerned, and barangay-wide in the case of BARC.

Landowner — a person who owns land within the barangay and resides within the municipality where the barangay is located or in an adjacent municipality. If there is no landowner who can fulfill this residence requirement, any landowner who is willing and able to represent the landowners' group in the activities of the BARC shall qualify.

Cultural Community — a tribal grouping of ethnic Filipinos duly organized and certified by the office of the Northern Cultural Communities (NCC), Southern Cultural Communities (SCC) or Office of Muslim Affairs (OMA) as belonging to the cultural Communities in the province.

Farmer — a natural person whose primary livelihood is cultivation of land or the production of agricultural crops, either by himself or primarily with the assistance of his immediate farm household, whether the land is owned by him or by another person under a leasehold or share tenancy agreement or arrangement with the owner thereof.

Farmworker — a natural person who renders service for value as an employee or laborer in an agricultural enterprise or farm regardless of whether his compensation is paid on a daily, weekly, monthly, or " pakyaw" basis. The term includes an individual whose work has ceased as a consequence of, or in connection with, a pending agrarian dispute and who has not obtained a substantially equivalent and regular farm employment.

III
Composition

A. PARCCOM — The PARCCOM shall be composed of thirteen (13) members as follows:

1. Chairman — To be appointed by the President of the Philippines upon recommendation of the PARC Excom.

2. Ex Officio members —

a) Provincial Agrarian Reform Officer (PARO), who acts as executive officer of the PARCCOM.

b) Provincial Agriculture Officer (PAO), to represent the Department of Agriculture (DA).

c) Provincial Environmental and Natural Resources Officer (PENRO), to represent the Department of Environment and Natural Resources (DENR).

d) Land Bank of the Philippines (LBP) representative, to be designated by the LBP Regional Office.

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3. Elective members —

a) One (1) representative of farmers organizations in the province.

b) One (1) representative of agricultural cooperatives.

c) One (1) representative of Non-Government Organizations (NGOs).

d) Two (2) representatives of landowners, one of whom shall be a producer representing the principal crop in the province.

e) Two (2) representatives of farmers and farmworker beneficiaries. one of whom shall be a farmer of farmworker representing the principal crop in the province.

f) One (1) representative of cultural communities (if applicable) duly certified as elected by the office of the Northern Cultural Communities (NCC), Southern Cultural Communities (SCC), or Office of Muslim Affairs (OMA), as the case may be.

B. BARC — The BARC shall be composed of eleven (11) members as listed below:

1. A representative of the barangay council;

2. The Department of Agriculture (DA) official assigned in the barangay;

3. The Department of Environment and Natural Resources (DENR) official assigned in the area;

4. The DAR Agrarian Reform Technologist assigned in the area;

5. A representative of the Land Bank of the Philippines (LBP);

6. A representative of farmer and farmworker beneficiaries;

7. A representative of non-beneficiary farmers and farmworkers;

8. A representative of the local agricultural cooperative;

9. A representative of other farmer or farmworker organizations;

10. A representative of Non-Government Organizations; and

11. A representative of the landowners group.

The members specified above from (1) to (5) shall be designated by their respective offices while those from (6) to (11) shall be elected respectively in a meeting called for this purpose by the Municipal Agrarian Reform Officer (MARO), from among and by the representatives of each sector. An equal number of alternate representatives shall be elected at the same meeting.

If any elective member mentioned under (6) to (11) in the list of BARC members is unable to serve in the committee for some reasons an alternate member shall serve the remaining tenure of the original member.

There should be an executive committee composed of the BARC chairman, DAR representative and two (2) members chosen by the chairman.

IV
Pre-Qualification

A. PARCCOM —

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1. Farmers Organizations — Qualifications/eligibility of various farmers organizations for representation in the provincial assembly of sectoral representatives which will elect the PARCCOM representatives:

a) Must be organized and duly registered with the appropriate government agency/ ies such as Bureau of Agricultural Cooperative Development (BACOD), Department of Labor and Employment (DOLE), and Securities and Exchange Commission (SEC).

b) Must be organized up to the provincial level, the proof of which is the registration/accreditation of the provincial chapter.

c) Must submit a list of their officers for the current year and their terms of office as certified by their secretary.

It is understood that all pre-qualification requirements shall be submitted to the PARO before the election of delegates.

2. Agricultural Cooperatives/NGOs — Qualifications/eligibility for representation in the provincial assembly:

a) Must be duly registered and/or accredited with appropriate government agency/ ies;

b) Must submit certified list of current officers and their terms of office.

V
Election Process

A. PARCCOM —

1. Farmers Organizations/Farmer and Farmworker-Beneficiaries — For the purpose of electing their sectoral representatives (totalling three) to the PARCCOM, all accredited farmers organizations in the province shall be entitled to send three (3) delegates each to a provincial assembly to be called for this purpose. One of the delegates must be engaged in the production of the principal crop of the province. The delegates shall be grouped into three sectors — one sector to elect the representative of farmers' organizations, the second sector to elect the representative of farmer and farmworker beneficiaries, and the third sector to elect the representative for the principal crop of the province.

2. Landowners/NGOs/Agricultural Cooperatives —

a) The PARO shall make a general announcement to all landowners and accredited NGOs and agricultural cooperatives in the province to choose from among themselves their respective sectoral representatives to the PARCCOM. In the case of the landowners they shall select two (2) representatives one of whom shall represent the principal crop produced in the province.

b) Should the said landowners, NGOs and/or agricultural cooperatives fail to select their representatives for recognition on or before the date set by the PARO, the PARO shall initiate the election of the respective landowner/NGO/cooperative representatives from among the sectoral representatives in the various Barangay Agrarian Reform Committees (BARC) in the province.

B. BARC —

1. The MARO shall prepare a voters' list for the following sectoral groups in every barangay:

a) Farmer and farmworker beneficiaries;

b) Farmer and farmworker non-beneficiaries;

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c) Agricultural cooperatives;

d) Other farmers' organizations;

e) Non-Government Organizations; and

f) Landowners.

The above list shall be posted in the barangay hall and other conspicuous places for a period of ten (10) days prior to the scheduled elections.

2. Election by sectoral group shall be held separately. Each election shall be supervised by the Agrarian Reform Technologist (ART) who shall likewise certify to the election results. Election shall be done by secret balloting.

VI
Tenure of Office

A. PARCCOM — all elected members from the private sector shall serve for two (2) years.

B. BARC — elected BARC members shall hold office for two (2) years.

VII
Meetings

A. Initial/Organizational PARCCOM Meeting — Invitation letters shall be sent to the provincial heads of offices of the DA, DENR and LBP indicating among others the date, time and place of the first organizational meeting of the PARCCOM to be hosted by the PARO.

The PARO, as the executive officer of the PARCCOM shall establish a secretariat to handle the organization of the PARCCOM and provide administrative and technical services.

B. Frequency of Meetings — The PARCCOM and the BARC shall meet once a month or as often as necessary upon call by its chairman or secretary at the request of any member.

C. Quorum — In both A and B, a simple majority shall constitute a quorum and shall be sufficient to render a decision.

VIII
Procedures (Functions/Responsibilities)

A. PARCCOM

1. Chairman —

a) Acts as presiding officer of the PARCCOM; and

b) Calls the PARCCOM to a meeting either on his own initiative or upon the request of the PARCCOM executive Officer.

2. Executive Officer —

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a) Acts as action officer of the PARCCOM;

b) Brings to the attention of the PARCCOM; matters that he may deem necessary for PARCCOM Information and action or resolution;

c) Renders periodic reports to the PARCCOM, the Regional Director and the DAR Secretary;

d) Seeks assistance from the PARCCOM whenever necessary for better implementation of the CARP; and

e) Provides PARCCOM the necessary secretariat support and supervises the same. Members of PARCCOM shall assist in providing personnel support to the secretariat.

3. Report and Recommendations —

a) The PARCCOM shall submit a monthly report to the PARC Secretariat copy furnished the Regional Director, on the progress of the CARP implementation in the province.

b) The PARCCOM through the Regional Director shall recommend policies, procedures and guidelines for consideration by the PARC for implementation in the province.

B. BARC —

1. The BARC may create such committee/s as may be necessary to assist in the exercise of its functions.

2. A BARC member shall withdraw from the meeting when any matter concerning his person is under discussion. He shall be replaced by his alternate representative.

3. The BARC shall operate on a self-help and free-service basis.

4. Any elected BARC member who fails to fulfill his duties maybe removed by a majority vote of the members. He shall be replaced by the alternate sectoral representative.

5. The BARC shall endeavor to mediate, conciliate and settle agrarian disputes lodged before it within thirty (30) days from its taking cognizance thereof. If after the lapse of the thirty-day period it is unable to settle the dispute, it shall issue a certification of the proceedings and shall furnish a copy thereof upon the parties within seven (7) days after the expiration of the thirty-day period.

6. All decisions of the BARC shall be final and executory unless appealed to the Provincial Agrarian Reform Officer (PARO) within ten (10) days from receipt of decision by any party aggrieved thereof. The PARO, in turn, shall render his decision on the appeal within fifteen (15) days from receipt of the records of the case.

7. The BARC shall have its seat at a suitable place in the barangay hall or any other suitable place.

IX
Effectivity

This Administrative Order shall take effect ten (10) days after its publication in two (2) national newspapers of general circulation pursuant to Section 49 of R.A. 6657. All orders, circulars, rules and regulations inconsistent herewith are hereby revoked, amended, or modified as the case may be.

Adopted: 3 March 1989

(SGD.) PHILIP ELLA JUICO
Secretary

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Effective: 16 March 1989

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