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NEW IMPLEMENTING GUIDELINES STRENGTHENING THE FORMATION, ORGANIZATION, AND OPERATION OF THE PROVINCIAL AGRARIAN REFORM COORDINATING COMMITTEE (PARCCOM)

DAR ADMINISTRATIVE ORDER NO. 07, August 30, 1994

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I.
Prefatory Statement

Section 44 of R.A. No. 6657 created the Provincial Agrarian Reform Coordinating Committee (PARCCOM) to coordinate and monitor the implementation of the Comprehensive Agrarian Reform Program (CARP) in the provincial level. It further mandates the PARCCOM to provide information on the provisions of the CARP guidelines issued by the Presidential Agrarian Reform Council (PARC) and on the progress of the CARP in the province. Pursuant to the said provision, the Department of Agrarian Reform (DAR) issued Administrative Order No. 5, Series of 1989 governing the organization of the PARCCOM.

However, a study conducted by the DAR Policy and Strategic Research Service revealed that there is a need to harmonize the mandate and actual activities performed by the PARCCOMs. Since the PARCCOM is tasked with the highly crucial function of ensuring that the inputs of various CARP implementing agencies are harmonized, rendered mutually reinforcing, and responsive to the actual field situation, clear cut and sufficient guidelines are hereby promulgated to address current policy issues and operational problems of the PARCCOM and to repeal the provisions of Administrative Order No. 5, Series of 1989, pertinent to the PARCCOM.

II.
Policy Statements

A. The formation and organization of the PARCCOM have been designed to ensure the success of CARP implementation in the province. To attain this, it should integrate, strengthen and intensify the various program components of the CARP on land tenure improvement, support services and beneficiaries development.

The PARCCOM shall anchor its program on the area-focused operation approach to enhance program efficiency and effectiveness at the provincial level.

B. The DAR, through the Provincial Agrarian Reform Officers (PAROs) shall be responsible for organizing and institutionalizing the PARCCOM to make the same operational and effective.

C. The DAR's Regional Directors (RDs) shall be responsible for monitoring the operationalization of the PARCCOMs, the regularity of its activities, and the performance of PAROs as PARCCOM executive officers.

D. The program of activities and status of project implementation shall be monitored through the regular submission of reports to the PARCCOM, by the Provincial CARP Implementing Teams (PCITs), or Municipal CARP Implementing Teams (MCITs).

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E. The PARCCOM, through the PCIT, shall serve as a forum for resolving operational problems and issues. It shall actively work for collective operational strategies among agencies and sectors in the province.

F. In PARCCOM meetings, the regular attendance of the highest ranking Provincial Officers of the different CARP implementing agencies shall be mandated to hasten the decision-making process and ensure more concrete accomplishments.

To ensure representation in the PARCCOM, more time and attention shall be devoted to pre-organizational activities.

III.
Definition of Terms

A. Farmers' Organization - a duly constituted organization/association of farmers operating in the province.

B. Agricultural Cooperative - is a duly registered association of persons composed primarily of small agricultural producers, farmers, farmworkers, or other agrarian reform beneficiaries with a common bond of interest who have voluntarily joined together to achieve a lawful common social or economic end, making equitable contributions to the capital required; and accepting a fair share of the risks and benefits of the undertaking in accordance with the universally accepted cooperative principles (Article 3 of R.A. No. 6938).

C. Non-Government Organization (NGO) - a civic, religious, or non-sectarian organization or association which is peasant-oriented, organized primarily for rural development and operating in the province.

D. Landowner - a person, natural or juridical, who owns agricultural lands covered by the CARP.

E. Indigenous Cultural Community - refers to existing groups of indigenous Filipinos duly recognized and certified as belonging to the cultural communities in the province by the Offices of the Northern Cultural Communities (ONCC) or the Office of Southern Cultural Communities (OSCC) or the Office of Muslim Affairs (OMA), who have continuously lived as communities in a particular place since time immemorial and have succeeded in preserving their tradition and other distinctive cultural traits.

F. Farmer - a natural person whose primary livelihood is the 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 leasehold.

G. Farmers' Representative - is a natural person whose primary livelihood is the cultivation of the land or production of agricultural crops, who has been duly elected by farmers who are non-members of Farmers' Organizations to represent them in the PARCCOM.

H. Farmworker - a natural person who renders service for value as an employee or laborer in an agricultural enterprise or farm, regardless of whether his/her compensation is paid on a daily, weekly, monthly, or "contract" 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.

IV.
Functions of the PARCCOM

A. Coordinate and Monitor CARP Implementation in the Province.

Activities:

- The PARCCOM shall serve as the forum for policy formulation and inter-agency work programming in

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accordance with the guidelines set by the PARC. It shall submit an annual inter-agency work and budget proposal for consideration and approval by the PARC. It shall take into consideration the existing plan under the Department's Agrarian Reform Community (ARC) development program while insuring that the land tenure improvement, beneficiaries development and support services programs in areas outside of the selected ARCs are not unduly jeopardized.

- It shall conduct on-site inspections, public hearings and consultations with concerned sectors which shall be included as regular activities of the PARCCOM in its workplan.

- It shall submit to the PARC an annual PARCCOM work plan.

- It shall submit a quarterly report to the PARC Executive Committee, copy furnished the Regional Director, on the progress of CARP implementation in the province and on the PARCCOMs' accomplishments and activities.

B. Provide information on the provisions of existing and applicable agrarian laws, guidelines and issuances.

Activities:

- The PARCCOM shall coordinate the dissemination of information materials on agrarian laws, guidelines and issues of particular interest or concern to certain groups, sectors or communities.

- It may conduct information dissemination seminars in groups or communities for the abovestated purpose.

In areas where the CARP Implementing Teams are in place, the PARCCOM shall utilize these teams to conduct activities under IV. A and B.

C. Recommend to the PARC, through the DAR Regional Director and the PARC Secretariat, a priority land reform area, ahead of schedule under Sections 7 and 45 of R.A. No. 6657, for immediate acquisition and distribution to qualified ARBs.

V.
Composition

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

A. Chairperson - To be appointed by the President of the Philippines upon recommendation of the PARC Excom.

B. Members

- Provincial Agrarian Reform Officer (PARO), who acts as Executive Officer of the PARCCOM.

- Provincial Agriculture Officer (PAO)/Provincial Agriculturist (PA) to represent the Department of Agriculture (DA).

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

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

C. Elective Members

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

- One (1) representative of agricultural cooperatives.

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

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

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

- One (1) representative of cultural communities (if applicable), duly certified by the Office of the Northern Cultural Communities (ONCC), Office of the Southern Cultural Communities (OSCC), or Office of Muslim Affairs (OMA), as the case may be, as having been duly nominated by the concerned cultural communities.

VI.
Functions and Responsibilities

A. Chairperson

- Acts as presiding officer of the PARCCOM taking active leadership in operationalizing the main functions of the PARCCOM in coordinating and monitoring the CARP implementation in the province.

- Calls the PARCCOM to a meeting either motu propio or upon the request of the PARCCOM Executive Officer.

- Continues to function in a holdover capacity until such time that the President appoints his successor.

B. Executive Officer

- Acts as action officer of the PARCCOM.

- Brings to the attention of the PARCCOM matters that he/she may deem necessary for PARCCOM information, action or resolution.

- Renders periodic reports to the PARCCOM, the Regional Director and the DAR Secretary.

- Provides the PARCCOM with necessary secretariat support and supervises the same. Members of the PARCCOM with staff complement shall assist in providing personnel support to the secretariat.

- Assumes the responsibilities as acting chairperson in the event that an outgoing PARCCOM chairman refuses to continue to hold office, pending the appointment of a new chairperson.

VII.
Pre-Qualification For Sectoral Representation

A. Criteria - To be able to nominate their members for election to the PARCCOM, Farmers' Organizations, Agricultural Cooperatives/Agrarian Reform Cooperatives, NGOs and Indigenous Cultural Communities must meet the following guidelines:

- Actually operating within the province.

- Duly registered and/or accredited by any of the following agencies:

    a. Cooperative Development Authority (CDA)

    b. Securities and Exchange Commission (SEC)

    c. Bureau of Rural Workers (BRW)

    d. Office of Northern Cultural Communities (ONCC), Office of Southern Cultural Communities (OSCC), Office of Muslim Affairs (OMA)

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e. Other Agencies Concerned

- Have been existing for a period of at least two (2) years reckoned from the date of registration.

B. Requirements - Qualified Farmers' Organizations, Agricultural/Agrarian Reform Cooperatives, NGOs and Indigenous Cultural Communities shall submit the following documentary requirements to the PARO at least ten (10) days before the election for purposes of validation and screening:

- List of officers and members for the current year and terms of office as certified by the Secretary of the Organization.

- Certified photocopy of accreditation duly certified by the government agency concerned.

VIII.
Selection Process

A. Pre-Election Activities

- Pre-election activities for the formation of the PARCCOM shall be conducted over a period of three months immediately upon the approval of these Guidelines.

- During the pre-election period, the PARO shall launch a province-wide information campaign utilizing appropriate media strategies to reach the intended sectors.

- The PARO shall direct the MAROs under his supervision to conduct community assembles participated in by concerned sectors and persons on the mandate and objectives of the PARCCOM and the process of selection of representatives. The BARCs shall assist the MARO in the preparation and conduct of these assemblies.

- Invitation letters shall be sent to all these sectors for an assembly on the mandate and objectives of the PARCCOMs and the procedure of nomination and election of representatives to the PARCCOM.

- The MARO shall submit to the PARO a listing of landowners and non-organized farmer and farmworker beneficiaries who are eligible and willing to serve as representatives in the PARCCOM.

B. Nomination of Delegates

- Representative from the Organized Sector -

There shall be one nominee from each accredited organization of the following sectors namely: Farmers' Organizations, Agricultural/Agrarian Reform Cooperatives, NGOs and Indigenous Cultural Communities in the province, if any.

The nominees of the accredited organizations shall elect from among themselves their respective representative to the PARCCOM.

For purposes of nomination, a nominee who is nominated by two or more sectors shall be required by the PARO to choose in which sector he/she shall be nominated.

- Representative from the Non-Organized Sector

There shall be two (2) representatives each of Landowners and Farmer and Farmworker Beneficiaries, one of whom shall be a Landowner or Farmer/Farmworker representing the principal crop of the province.

The PARO shall conduct joint community assemblies among Landowners, Farmer and Farmworker Beneficiaries for purposes of nominating and electing their representatives to the PARCCOM.

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Each group (i.e., Landowners, Farmer and Farmworker Beneficiaries) shall elect from among themselves two (2) representatives composed of the following:

- Representatives of Landowners

1. Producer of principal crop - 1
2. Producer of other crops - 1

- Representatives of Farmer and Farmworker Beneficiaries

1. Producer of principal crop - 1
2. Producer of other crops - 1

A Certification from the Provincial Agriculturist shall be secured as to the principal crop of the province.

C. Basic Qualifications

- Representative from the Organized Sector - To qualify for nomination and election as PARCCOM member, a person must meet the following qualifications:

- Farmers' Organization Agricultural/Agrarian Reform Cooperatives and NGOs

1. Be a bonafide resident of the province for at least 6 months immediately preceding the day of election;

2. Be a bonafide member of an association/organization/cooperative as certified by the said organization/cooperative/NGO;

3. Be able to read and write Filipino or any other local language or dialect.

4. Be at least 18 years of age at the time of election;

5. Be of good moral character;

6. Be of sound mind; and

7. Have not been convicted by final judgment of an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment.

- Indigenous Cultural Communities

1. Possess the basic qualifications enumerated in Section VIII. C.a. except number 2 thereof: and

2. A bonafide member of an Indigenous Cultural Community as certified by the Office of Northern Cultural Communities (ONCC), Office of the Southern Cultural Communities (OSCC), Office of Muslim Affairs (OMA) as the case may be.

- Representative From the Non-Organized Sector - To qualify for Nomination and Election as PARCCOM member, a person must meet the following qualifications:

- Landowner

- Possess the basic qualifications enumerated in Section VIII.C.a except number 2 thereof.

- Be a registered owner of agricultural land in the province.

- Farmer and Farmworker Beneficiaries

- Possess the basic qualifications enumerated in Section VIII.C.a except number 2 thereof.

- Must be cultivating a piece of agricultural land in the province as certified by the BARC or the Barangay Chairman.

D. A Certificate of Nomination for sectoral representatives shall be filed with the DAR Provincial Office (DARPO) by the Secretary of the organization, duly attested by its President within ten (10) days before the date of Election.

In case of the non-sectoral representatives, the Certificate of Nomination shall be filed with the DARPO by the nominees.

E. Posting of List of Nominees

Immediately after the last day for filing of the Certificates of Nomination, the PARO shall post a list of nominees at the DARPO or at strategic public places in the province.

IX.
Election

A. Provincial Election Committee (PEC) - A Provincial Election Committee shall be created in each province to be composed of the following:

1. Provincial Agrarian Reform Officer - Chairperson
2. Chief, Legal Division - Member
3. Chief, Administrative Division - member
4. Chief, Operations Division - member
5. One MARO - member

B. Duties and Responsibilities - The PEC shall have direct control and supervision in the conduct of the election proceedings. The Committee, in consultation with the sectoral and non-sectoral organizations, shall formulate necessary guidelines to govern the conduct of the elections.

C. Limitation to Voting - For purposes of voting, the PEC shall see to it that once a voter has cast his/her vote, he/she shall not be allowed to vote anew.

D. Proclamation - Upon completion of the canvass, the candidate who obtains the highest number of votes shall be proclaimed as the duly elected representative of his/her sector.

E. Filing and Resolution of Protest - A candidate who is not satisfied with the results of the election may file a written protest within five (5) days after proclamation to the PEC.

The PEC shall decide said protest within a period of ten (10) days from receipt of the written protest. The decision of the PEC shall be final and executory.

X.
Meetings

A. Frequency of Meetings - The PARCCOM shall meet once a month, or as often as necessary upon call by its chairperson or at the request of the simple majority.

B. Quorum - Under items A and B of this section, a simple majority shall constitute a quorum and shall be sufficient for rendering official decisions.

XI.
Tenure of Office

Chairperson - He/she shall serve office for the term of three (3) years at the pleasure of the President. In case he/she fails to satisfactorily discharge the functions and responsibilities of his/her office, he/she may be replaced for the unexpired portion of his/her term.

Elected members - all elected non-government sectoral representatives shall serve for three (3) years.

Any elected member who fails or refused to serve or complete his/her terms of office for any cause, shall be replaced by a candidate who obtained the second highest vote during the last election.

XII.
Operation and Management

Upon its organization, the PARCCOM shall plan and operationalize the implementation of its function. The PARCCOM and the PCIT shall meet and discuss their respective roles, functions and responsibilities under R.A. No. 6657, E.O. No. 406 and these Guidelines.

The PARO, as the Executive Officer of the PARCCOM, shall ultimately be responsible for ensuring that the PARCCOMs are made effective and operational.

A leadership capability building through appropriate training programs shall be provided to all PARCCOM members.

XIII.
Delineation of Responsibilities Between the PCIT and the PARCCOM

A. The PARCCOM shall exercise direct supervision over the Provincial CARP Implementing Team (PCIT), the latter being its implementing arm as mandated by E.O. No. 406.

B. The PARCCOM shall provide overall direction in inter-agency coordination and work programming at the provincial level.

C. The PARCCOM shall utilize the PCIT network in implementing its resolutions and in providing feedback in aid of monitoring and coordination.

D. The PARCCOM shall exercise overall responsibility for monitoring the inter-agency activities and the status of CARP implementation in the province. It shall submit quarterly reports to the PARC.

E. The PCIT shall be responsible for the following functions/responsibilities:

- Undertake measures to promote, integrate and harmonize the working relationship between and among the participating government agencies and non-government organizations (NGOs);

- Undertake measures to hasten the generation, development and execution of CARP programs and projects;

- Undertake measures to consolidate and maximize the utilization of available resources of government for the program;

- Recommend measures to improve, increase and accelerate the delivery capacity of agencies for the implementation of CARP projects;

- Submit a monthly accomplishment report to the Secretary of Agrarian Reform through the PARCCOM; and

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- Submit regular reports to the PARCCOM on its Program of activities and the status of project implementation in its area of coverage.

F. The PCIT shall elevate to the PARCCOM all policy-related issues arising from the performance of its functions. The PARCCOM shall primarily be concerned with policy-making activities while the PCIT shall be responsible for the operational aspects of the CARP.

Joint PARCCOM-PCIT meetings shall be conducted on a quarterly basis or as necessary.

XIV.
Maintenance and Operational Funds

The PARO shall allocate a specific amount for the maintenance and operations of the PARCCOM upon approval of the PARCCOM work and budget plan and in accordance with the guidelines set for the purpose.

XV.
Counterpart Funding for Participating Organizations

A. The PARO may enter into a Memorandum of Agreement with the organized and non-organized sectors represented in the PARCCOM, for the provision of counterpart funds, to cover incidental expenses incurred by the PARCCOM representatives in the performance of their functions and responsibilities.

B. The Memorandum of Agreement may also include stipulations on the ways and means by which the participating organizations/sectors can assist the PARCCOM.

XVI.
Effectivity/Repealing Clause

This Administrative Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657. This Order repeals the PARCCOM provisions under Administrative Order No. 5, Series of 1989 and all other orders, circulars, rules and regulations which are inconsistent herewith.

Adopted: 30 Aug. 1994

(SGD.) ERNESTO D. GARILAO
Secretary

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