



HOUSE OF REPRESENTATIVES

H. No. 5702

BY REPRESENTATIVES ESPARES, TEVES (A.) CHUNGALAO, ORTEGA, VILLARICA, MANGAOANG, KHO (W.), BARBA, SACDALAN, HORIBATA, ESTRELLA, COJUANGCO (J.), DIMAPORO (M.K.), SINGSON-MEEHAN, VILLANUEVA (E.), TAMBUNTING, SALCEDA, HERNANDEZ, BORDADO, MASTURA, PRIMICIAS-AGABAS, DALIPE, CASTRO (J.) AND LEE, PER COMMITTEE REPORT NO. 98

AN ACT

PROVIDING FOR THE RESTRUCTURING AND CONDONATION OF UNPAID INTERESTS, PENALTIES, AND SURCHARGES ON LOANS SECURED BY FARMERS, FISHERFOLKS, AND AGRARIAN REFORM BENEFICIARIES FROM THE DEPARTMENT OF AGRARIAN REFORM, THE DEPARTMENT OF AGRICULTURE, THE PEOPLE'S CREDIT AND FINANCE CORPORATION, THE COOPERATIVE DEVELOPMENT AUTHORITY, THE NATIONAL FOOD AUTHORITY, AND THE QUEDAN AND RURAL CREDIT GUARANTEE CORPORATION

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

- 1 SECTION 1. *Short Title.* – This Act shall be known as the “Agrarian and Agricultural Loan
2 Restructuring and Condonation Act.”
- 3 SEC. 2. *Declaration of Policy.* – The State shall promote comprehensive rural development
4 and agrarian reform through the provision of measures that will release farmers, fisherfolks,
5 and agrarian reform beneficiaries from the bondage of debt. To this end, it shall be the objective
6 of the State to provide farmers, fisherfolks, and agrarian reform beneficiaries the opportunity
7 to regain access to government and commercial credit facilities through the condonation of
8 unpaid interests, penalties, and surcharges on their existing loans obtained through government
9 lending programs.
- 10 SEC. 3. *Definition of Terms.* – As used in this Act:
- 11 (a) *Agrarian reform beneficiaries* refer to farmers who were granted lands under Presidential

1 Decree No. 27, known as the Emancipation of Tenants and Transfer of Ownership of Land
2 They Till, and Republic Act No. 6657, otherwise known as the Comprehensive Agrarian
3 Reform Law of 1988, as amended, and other existing agrarian reform laws. These include
4 regular farmworkers, irrespective of tenurial arrangement, who benefited from the
5 redistribution of lands, including their organizations and cooperatives which have availed of
6 the credit programs enumerated in Section 5 hereof;

7 (b) *Agricultural and agrarian reform credit* refers to loans granted for agricultural production;
8 promotion of agricultural business and exports including, but not limited to, the acquisition of
9 work animals, farm equipment and machinery, seeds, fertilizers, poultry, livestock, feeds
10 construction, acquisition and repair of agricultural facilities;

11 (c) *Condonation* refers to the relief granted by law in the payment of unpaid interests,
12 penalties and surcharges;

13 (d) *Delinquent borrower* refers to a borrower with at least three (3) consecutive unpaid
14 amortizations or whose total unpaid amortization has reached twenty percent (20%) of the
15 total outstanding balance of the loan regardless of the number of unpaid amortizations as of
16 the effectivity of this Act;

17 (e) *Farmers* refer to any natural person whose primary livelihood is the cultivation of land
18 or the production of agricultural crops, livestock, and agricultural products, either by
19 themselves or primarily with the assistance of their immediate farm household or workers,
20 whether the land is owned by them or by another person, under a leasehold agreement or other
21 similar arrangements;

22 (f) *Fisherfolks* refer to people directly or personally and physically engaged in taking or
23 culturing and processing fishery and/or aquatic resources;

24 (g) *Force Majeure* refers to events whether natural or political, beyond the reasonable control

1 of a loan borrower, which have a material adverse effect on the ability of the borrower to pay
2 an obligation;

3 (h) *Market aberrations* refer to unusual adverse movements in market prices which have
4 detrimental effects on the yield and income of farmers, fisherfolks and agrarian reform
5 beneficiaries;

6 (i) *Loan restructuring* refers to a process where the principal terms and conditions of the
7 original loan are modified in accordance with an agreement setting forth a new plan or
8 schedule of payment; and

9 (j) *Terminated lending programs* refer to lending programs instituted by the government
10 which are no longer existing and operational yet with intractable records of loans.

11 SEC. 4. *Condonation*. – All unpaid interests, penalties, and surcharges of agricultural and
12 agrarian reform credit secured by farmers, fisherfolks, agrarian reform beneficiaries,
13 CDA-registered cooperatives, agrarian reform beneficiary organizations and farmer
14 organizations from the Department of Agrarian Reform (DAR), Department of Agriculture
15 (DA), People's Credit and Finance Corporation (PCFC), Cooperative Development Authority
16 (CDA), National Food Authority (NFA), and the Quedan and Rural Credit Guarantee
17 Corporation (QUEDANCOR) prior to the effectivity of this Act are hereby condoned upon
18 approval of the application for condonation of a borrower qualified under this Act: *Provided*,
19 That the bases for the condonation shall be limited to cases involving *force majeure* or market
20 aberration, and shall, in no case be applied to cases resulting from the willful default of the
21 borrower to pay such loans: *Provided, further*, That accumulated payments of not less than
22 two percent (2%) of the loan principal shall have been paid at the time of application for
23 condonation: *Provided, furthermore*, That, a graduation process shall be followed in
24 consonance with the plan of payment, such that a borrower shall be granted a one-time

1 condonation only to encourage borrowing discipline and enhance credit worthiness: *Provided,*
2 *finally,* That the condonation of unpaid interests, penalties, and surcharges from loans
3 acquired through conduit banks, financial institutions, and the agencies mentioned above shall
4 be in conformity with the applicable general banking laws and regulations of the Bangko
5 Sentral ng Pilipinas (BSP).

6 This Act shall likewise apply to all unpaid interests, penalties, and surcharges of agricultural
7 and agrarian reform credit that will accrue in favor of the national government, government
8 agencies, or government-owned and -controlled corporations in the event of abolition,
9 dissolution, or cessation of existence of any of the above entities where it was principally
10 availed from.

11 SEC. 5. *Coverage.* – The following accounts are covered by the condonation program:

- 12 (a) Agricultural and agrarian reform credit secured through the Credit Assistance
13 Program – Program Beneficiaries Development of the DAR;
- 14 (b) Agricultural and agrarian reform credit secured through the terminated credit program
15 schemes of the DAR, such as the Dutch Rural Development Assistance Program
16 (DRDAP), DAR Direct Lending Financing Program (DDLFP), DAR Special Projects
17 Office (SPO) Direct, and the SPO Window III Financing Program for Agrarian Reform
18 Beneficiaries of the DAR and the Development Bank of the Philippines;
- 19 (c) Loans secured under the Resettlement Loan Assistance Program of the DAR for individual
20 agrarian reform beneficiaries;
- 21 (d) Agricultural credit secured through the High Yield Crop Loan Assistance Program of
22 the DA;
- 23 (e) Agricultural credit secured through Microfinance Program for Small Farmers and
24 Fisherfolk and the Household of the PCFC;
- 25 (f) Loans secured under the Cooperative Development Loan Fund of the CDA;
- 26 (g) Loans secured under the Farmers Level Grain Center of the NFA; and
- 27 (h) Loans secured under the Comprehensive Agrarian Reform Program – Barangay Marketing
28 Center (CARPBMC) and all agri-credit guarantee programs of QUEDANCOR.

29 SEC. 6. *Qualified Beneficiaries.* – Delinquent farmers, fisherfolks, agrarian reform
30 beneficiaries, CDA-registered cooperatives, agrarian reform beneficiary organizations and

1 farmer organizations that secured agricultural and agrarian reform credit under any of the
2 accounts enumerated in Section 5 of this Act and who are delinquent borrowers may apply for
3 condonation of unpaid interests, penalties, and surcharges with the concerned government
4 agency or corporation.

5 *SEC. 7. Approval of Application for Condonation.* – The government agency or corporation
6 managing the accounts secured from the various programs and agencies enumerated in
7 Section 5 hereof shall review and approve an application for condonation and loan
8 restructuring. The period for payment of the restructured loan shall be determined according
9 to the financial capacity of the farmers, fisherfolks, agrarian reform beneficiaries,
10 CDA-registered cooperatives, agrarian reform beneficiary organizations and farmer
11 organizations upon the approval of the application. The approval of an application for
12 condonation shall serve as the basis for the concerned government agency or corporation to
13 write off the unpaid interests, penalties, and surcharges condoned.

14 *SEC. 8. Collection of Payment.* – The annual collection from payments of loans under the
15 terminated credit programs as provided in Section 5(b) of this Act shall accrue to the Agrarian
16 Reform Fund and be remitted to the Bureau of Treasury.

17 *SEC. 9. Restoration of Non-performing Loans to Good Standing Status.* – Loans restructured
18 under this Act shall be restored to good standing status upon three (3) consecutive payments
19 by the borrower of the required periodic amortizations under the restructured loan as
20 determined. Upon satisfaction of the said condition, government agencies may issue the
21 appropriate certifications to the borrower thereby facilitating their reintegration into the
22 financial and banking system.

23 *SEC. 10. Writing off of Loans from the Books of Terminated Lending Programs.* – The
24 concerned agencies shall write off from their books the loans secured under lending programs
25 that have been terminated provided that the programs are clearly identified, and the accounts
26 involved are past due. The procedure for the writing off of loans shall be provided for in the
27 rules and regulations to be issued to implement this Act.

28 *SEC. 11. Implementing Rules and Regulations (IRR).* – Within sixty (60) days from the
29 effectivity of this Act, the Secretary of the DAR shall, in consultation with the secretaries and
30 heads of offices of the DA, CDA, NFA, QUEDANCOR, the Agriculture Credit Policy Council
31 (ACPC) and the BSP promulgate rules and regulations for the effective implementation of
32 this Act.

1 SEC. 12. *Repealing Clause.* – All laws, executive orders, issuances or parts thereof
2 inconsistent with the provisions of this Act are hereby amended, repealed or modified
3 accordingly.

4 SEC. 13. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the
5 remainder of this Act or any provisions not affected thereby shall remain in full force and
6 effect.

7 SEC. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the
8 *Official Gazette* or in a newspaper of general circulation.

Approved,