

Bongabong, Oriental Mindoro



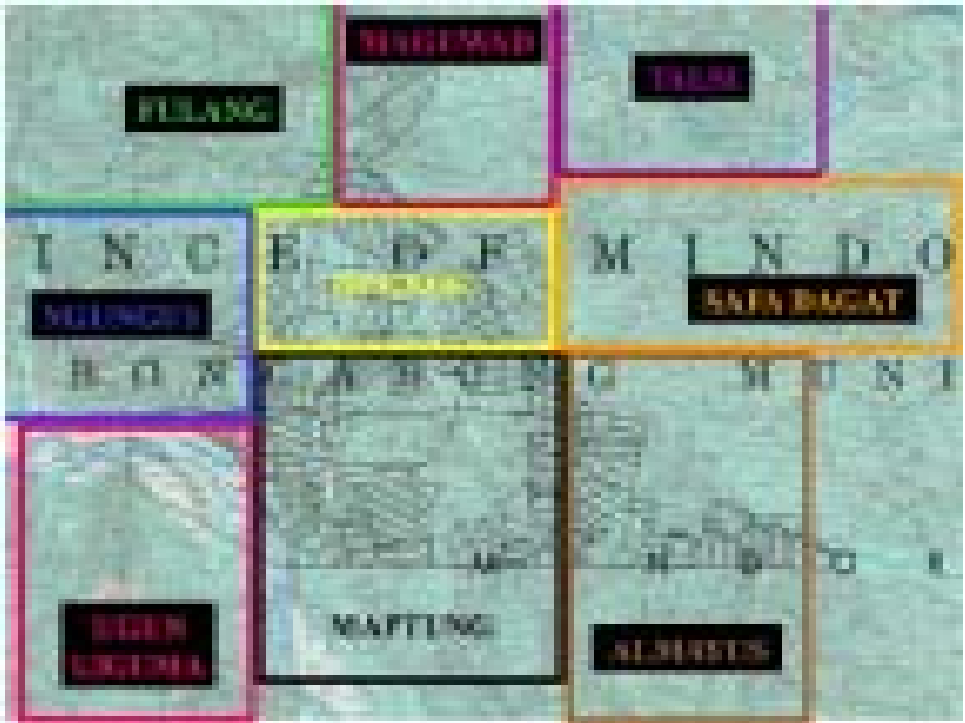
Members of the Buhid Mangyan community

The ancestral domains of the Buhid Mangyans, which are located in the municipality of Bongabong in Oriental Mindoro, consist of nine Buhid communities, namely, Fulang, Maguwad, Talsi, Ngungus, Bukbuk, Sefa Dagat, Ugun Liguma, Maptung, and Ulmayus, whose combined area covers some 94,000 hectares.

On 5 June 1998, the Buhid Mangyans were issued Certificate of Ancestral Domain Claim (CADC) (Region IV)-130 by the DENR covering all of the 94,000 hectares. While the Mangyans were waiting for their ancestral domain title, or CADT, the DAR, on separate dates in the year 2004, conducted a survey in the area (including 1,500 hectares located inside the Buhid CADC) for eventual coverage under the CARP. The bulk of the area proposed to be covered is government land that had been reclassified for resettlement and agricultural purposes, by virtue of Presidential Proclamation (PP) 2282 issued in 1983 by then President Marcos; the Buhid land that was unwittingly, or wittingly, included comprised the overlap between the area covered by CADC 130 and by PP2282.

The ARBs identified by the DAR were migrants who had settled in the area years ago. These were supposedly promised three hectares each.

According to the Buhid Mangyans, before the entry of the DAR into the area, they and the migrants had co-existed peacefully. The latter had farms of their own, which, though found in Mangyan land, had been accommodated by the IP community. Following the DAR survey, the farmers reportedly had an unfortunate change of heart. The farmers, it is said, had boasted that once they received their CLOAs, the Mangyans would have to leave the area which they had shared so amicably in the past.



Nine communities of Buhid Mangyans covered by the Buhid CADC

Moreover, a number of them had allegedly burned down huge forested areas that the Mangyans had been protecting as part of a reforestation program of the DENR. The Mangyans explained that, with the forests gone, it would be easier for the DAR to justify its coverage of the area under CARP.

Immediately following the DAR survey, the Buhid Mangyans sent petition letters to the provincial offices of the DAR, NCIP and DENR offices, and to the Mayor of Bongabong, to put a stop to the processing the CLOAs. They also brought the matter to the attention of then President Corazon Aquino, the Secretaries of the DAR and DENR, as well as a number of prominent lawmakers. The IP's claim was spearheaded by two organizations—the *Sadik Habanan Buhid, Inc.* (SHBI), a people's organization composed of Buhid Mangyans, and *Kapulungan para sa Lupaing Ninuno, Inc.* (KPLN), a federation of IP groups in Oriental and Occidental Mindoro.

Towards the end of 2005, the Commission on the Settlement of Land Problems (COSLAP), an agency under the Department of Justice, issued an order directing the Mindoro Provincial Agrarian Reform Officer (PARO) and Municipal Agrarian Reform Officer (MARO) to observe the status quo in the disputed area. That is, all land acquisition and distribution (LAD) activities would thereby be suspended, as would the processing of the Buhid CADT, until the DAR and NCIP have issued a joint memorandum on the implementation of the CARL and IPRA in the area in question.



Forested areas alleged to have been burned down by identified ARBS in Buhid lands



Notwithstanding the status quo order, the Mangyans received word that 900 CLOAs, each covering three hectares, have already been processed by the local DAR office, and that 300 of these have already been distributed.

The Mindoro Consultation—Heading Off Conflict

The Mindoro Consultation was held on 26-27 April 2006.

Representatives from two provincial farmers’ federations—KAISA-MO and SALAKMMA—participated in the consultation. The IP representatives consisted of 42 Buhid Mangyan leaders from the affected communities, as well as five leaders from other non-Mangyan tribes such as the Bangon, Iraya, Alangan, Hanunuo and Tadyawan. Five representatives from the DAR, specifically the Regional Office, the Legal Division, Support Services and Operations Offices, were also present.

The meeting of the government representatives yielded no consensus, except on the need to come up with a mutually acceptable interpretation of a provision of the IPRA on which the DAR has justified its coverage of the disputed land. Section 56 of the IPRA (“Existing Property Rights Regimes”) states that “[p]roperty rights within the ancestral domains already existing and/or vested upon effectivity of [the IPRA], shall be recognized and



Petitions filed by the Buhid Mangyans to protest the DAR's entry into their ancestral lands

respected". In the present case, this provision has been interpreted by the DAR to mean that, since the reclassification of the disputed area had preceded the passage of the IPRA in 1997, therefore the land reclassified thus can no longer be subject to an ancestral domain claim.

Meanwhile, the IP groups' session began with the IPs listing the ways in which non-IPs have generally gained access to the Mangyans' ancestral lands, particularly those of the Buhid. These are as follows:

- ▶ Encroachment;
- ▶ Non-IP migrants settling on IP lands and proceeding to cultivate a larger area, often without the permission of their IP hosts, or inviting relatives to settle in the area with them, thus expanding their territory;
- ▶ Fraud and deceit. Non-IPs offer loans to IPs, which the latter invariably default on, and the transaction ends with the non-IP gaining ownership of the IP's land. Non-IPs have also been reported to trick IPs into signing documents, which turn out to be a contract to sell the IP's land to the non-IP.
- ▶ Non-IPs seeking permission to put up structures on IP land, like a sari-sari store. When the business grows, the non-IP claims ownership of the land on which the structure is built. At other times, non-IPs hire Mangyans to plant trees on Mangyan land. The grown trees take up so much space, leaving the Mangyans limited room for cultivation.
- ▶ Areas left behind (and deforested) by Timber License holders are taken over by non-IPs. Unfortunately, these areas are part of Mangyan domains.
- ▶ Tree plantations being set up on Mangyan land, resulting in the displacement of the IPs.
- ▶ The DAR encouraging non-IPs to

Participants at the Mindoro consultation



settle on Mangyan land, with the non-IPs threatening the IPs into submission.

The IPs cited the following as proof of their claim:

- ▶ De facto ownership, by virtue of continued occupation of the land;
- ▶ Mangyan settlements, including burial grounds;



Stefano di Gessa of ILC, Kiko Fisher, a volunteer for the Buhid Mangyans, and other NGOs at the consultation

- ▶ Land features, including creeks, rivers, rocks and mountains, with Mangyan names; and

- ▶ The Buhid CADC which includes a list of Buhid/Bangon families with actual claims.

The IPs presented the following recommendations to resolve the conflict in the area:

- ▶ Speedy issuance of the Buhid CADT;
- ▶ Greater transparency, particularly on the status of the processing of the CLOAs, including the names of the beneficiaries;
- ▶ Moratorium on the issuance of CLOAs to non-IPs who are already residing in Mangyan land, especially in areas that are subject to CADC applications (although non-IP residents would be allowed to stay on Mangyan land, but not to expand their territory); and
- ▶ Clarification of the conditions under which non-IPs may remain on Mangyan land, and the inclusion of such in the ADSPP.

When asked if they would accept a CLOA in lieu of their CADT, the IPs expressed their preference for the latter, which they said provides for rights not included in the former.

The farmer groups represented in the consultation are not involved in the land dispute with the Buhid Mangyans, but provided the farmers' perspective on the issue nonetheless. A farmer representative related the case of land reclassification in Barangay Metolza, Paitan, Naujan, wherein farmers, including him and his group were removed from an area they had been occupying since 1957 to give way to the Naujan Lake National Park or Paitan reservation. PAFID Executive Director Dave de Vera affirmed that cases like this have been happening all over the country, chiefly because 90 per cent of the reservations declared by the government were not based on a ground survey. Farmers thus affected may apply for a Protected Area Community-Based Resource Management Agreement



A Mangyan leader (left) and a farmer leader (below), speaking at the Mindoro consultation

(PACBRMA), a tenurial instrument awarded to occupants of reservations and national parks as provided for in the National Integrated Protected Areas System (NIPAS).



Another farmer declared that many land disputes can be attributed to a failure of the DAR, adding that the selection of CARP beneficiaries is almost always skewed in favor of the well-connected, particularly to the Barangay Agrarian Reform Committees (BARCs).

Some of the farmer leaders reassured the IPs that they do not blame the IPs for the problem, but rather the DAR and the DENR. The shortcomings of these agencies affect not just the IPs, but farmers as well.

Noe Baracheta, representing KAISA-MO, an ARB group, expressed the farmers' desire to form an alliance with the IPs, "such that your problems become our problems, and vice-versa". He enjoined the ANGOC and its partners to continue to act as intercessor between the conflicting groups, and to help them bring the issue to the attention of the national agencies concerned.