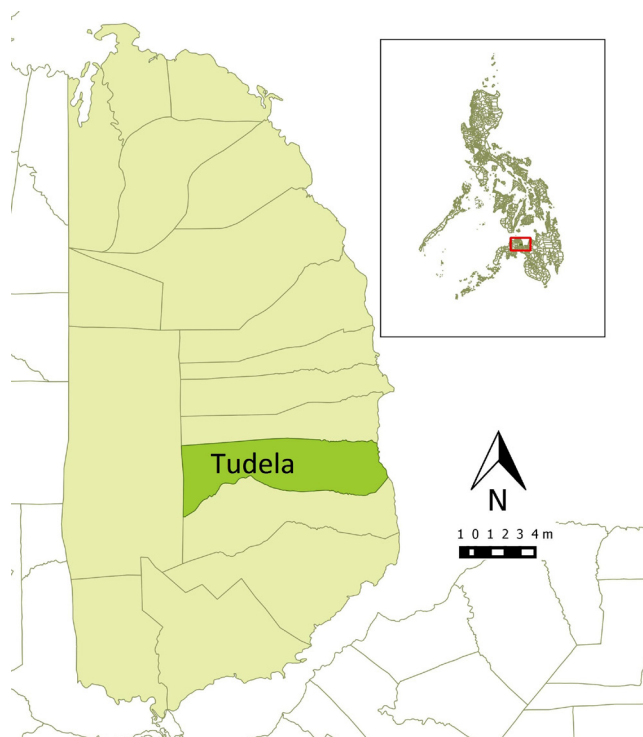


The Subanens: Protecting ancestral lands from the threat of biofuel production



Map of Misamis Occidental showing the town of Tudela
Geospatial data source: GADM

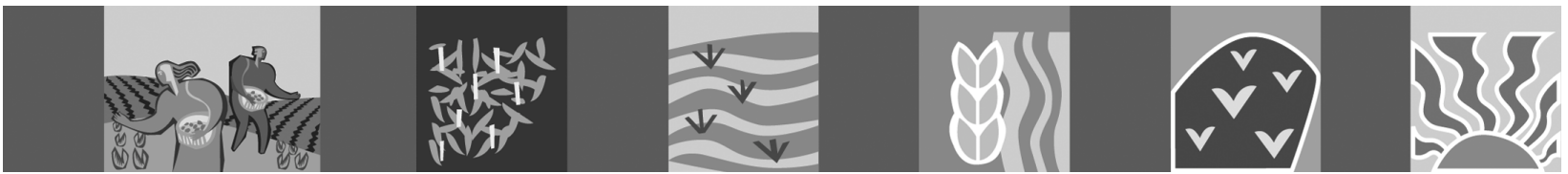
Isabela Alcolgas Corporation (IAC), a company registered with the Philippine Securities and Exchange Commission, is targeting 16,000 hectares (ha) of land in Misamis Occidental for biofuel feedstock production. The company is said to have laid the groundwork for this project in 22 barangays in four municipalities. Sixteen of these barangays are the subject of ancestral domain claims by the Subanen indigenous people.

Like other development projects purportedly aimed at improving the plight of indigenous communities, IAC's project has merely sowed disunity among the Subanens. Divided between those in favor and those against the project, the once peaceful communities of the Subanens are now confronted with conflict.

The NCIP as project facilitators

The National Commission on Indigenous Peoples (NCIP) came to the Subanens on separate occasions in September 2008. At the onset, the NCIP attended barangay assemblies and presented a project purported to bring development to the community. The project would involve the planting of sugarcane to be used as feedstock for biofuel production in Ozamiz City. Additional benefits under the project included scholarships for children, livelihood opportunities such as animal dispersal for the adults, and infrastructure

Condensed from *Large-Scale Agricultural Land Investments in the Philippines: The Case of the Subanens of Tudela, Misamis Occidental*. Paper prepared by Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA). Edited by M. J. Petilla of Asian Farmers Association. For more details of the case, contact: info@pakisama.com.



“Kapag nawalan kami ng lupa at kapag napaalis kami sa aming lupang ninuno, wala na kaming matataniman, magugutom kami at mamalimos na lang sa baba. (If we lose our farms and ancestral lands, we would go hungry and resort to begging in the lowlands.)”

development, including construction of concrete roads. Later, a representative of IAC, together with NCIP personnel, presented the proposed project to the barangay councils. According to the Subanens, they were told that IAC would lend them an initial seed capital of PhP16,000 per hectare and provide other forms of support needed for the cultivation of sugarcane. They were further told that they could avail of a second loan of PhP16,000 if the first harvest proved unsuccessful. The business scheme to be applied, however, was unclear.

The Subanens were not keen on accepting the project. Porferia Acuram or Ehrya, one of the women leaders of the community, had been wary of the project from the start. The supposed benefits seemed unbelievable. Besides, the NCIP was seemingly bent on making them accept the project. Ehrya and the other members of the community were concerned that vast hectares of trees would be cut down to make way for the sugarcane plantations. This would mean the loss of their farms as a source of livelihood and encroachment on their ancestral domain.

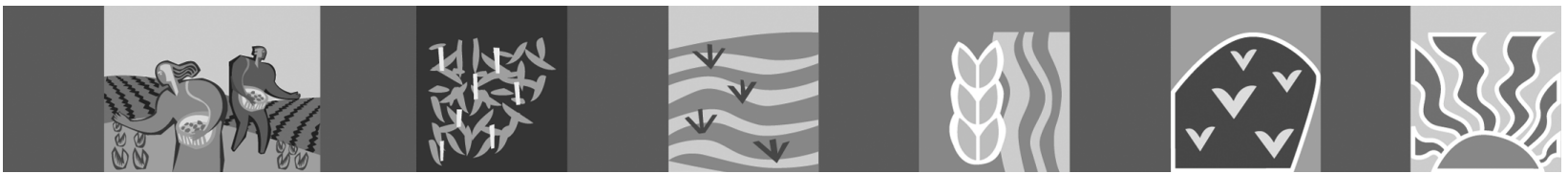
Young members of the community were also concerned about their future. *“Kapag nawalan kami ng lupa at kapag napaalis kami sa aming lupang ninuno, wala na kaming matataniman, magugutom kami at mamalimos na lang sa baba.”* (If we lose our farms and ancestral lands, we would go hungry and resort to begging in the lowlands.)

Eventually, the NCIP was able to facilitate a meeting between IAC and the tribal leaders with the intent of securing a Memorandum of Agreement (MOA) between the company and the Subanen community. The MOA was signed in November 2008. According to the focused group discussion (FGD) participants, the leaders who signed were not the duly authorized representatives of the people. They were handpicked by the NCIP, while their recognized leaders were marginalized and bypassed.

The communities who allegedly gave their free and prior informed consent (FPIC) to IAC did not have a copy of the MOA that their tribal leaders supposedly signed. Consequently, the Subanens did not know the terms stipulated in the said agreement. The tribal leaders (*datus* and *bais*) opposing the project tried several times to secure a copy of the said MOA from IAC but to no avail. They even sent a formal letter of request to the NCIP but were told that the MOA was with the NCIP-appointed tribal chieftain. When asked about the MOA, the said tribal chieftain referred them back to the NCIP.

Undeterred and with the support of the Environmental Awareness Team¹, the Subanens

¹ A group of CSOs protesting the illegal encroachment of IAC into the Subanen ancestral lands, composed of the Social Action Center of the Catholic Church, Piekaslabukan Mieggulipit nga’k Suban’n Gataw’g Ginsalogan (PIEMSUGG), Justice and Peace and Integrity of Creation (JPIC), Columban Mission Mindanao, Indigenous



conducted awareness-raising activities on the impact of the proposed biofuel plantation and on the FPIC process mandated by the Indigenous Peoples Rights Act (IPRA). Their tribal leaders also initiated a signature campaign against IAC's illegal encroachment and the NCIP's endorsement.

NCIP Provincial Officer Dodge Cabahug allegedly lashed back at them and threatened to take the petitioners to court. He told them: *"Pwede lang kayong magtanong pero hindi kayo pwedeng magreklamo. Malaki na ang gastos sa proyektong ito kaya hindi pwedeng hindi ito matuloy."* (You can only ask questions but you cannot complain. So much has already been spent for the project. It therefore cannot be stopped.) Fearful of being imprisoned, some of those who signed the petition retracted.

Cabahug allegedly further insulted them: *"Kaya kayo pobre dahil Subanen kayo mag-isip. Huwag kayong manatiling Subanen para umasenso kayo at umunlad ang buhay ninyo."* (You are poor because you think like Subanens. Stop being Subanens so that you can develop and prosper.)

The people, including barangay leaders, alleged that Tudela Municipal Mayor Felix Sarigumba, Misamis Occidental Gov. Herminia Ramiro, and Rep. Loreto Leo Ocampos were supportive of the project, and that NCIP personnel were the ones pushing for the entry of IAC into their ancestral lands.

Peoples Apostolate (IPA), Gitib, Inc. Ozamiz City, RSM-Environmental, Institutional Social Concerns Office (ISCO), LSU Ozamiz City, PIPULI Foundation Inc., Stewards of the Earth's Ecological Resources (STEER), Ecology Concern of Misamis Occidental (ECOMIS), and DIOPIM Committee on Mining Issue (DCMI).

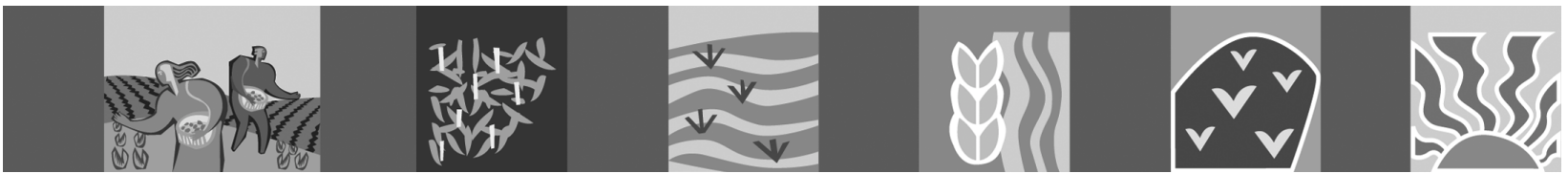
"The communities who allegedly gave their free and prior informed consent (FPIC) to IAC did not have a copy of the MOA that their tribal leaders supposedly signed. Consequently, the Subanens did not know the terms stipulated in the said agreement."

On November 22, 2010, the IP community filed a petition for the transfer of the NCIP provincial officer to Basilan to be replaced with a Subanen leader/elder who would uphold the interest of the community. In addition, the community issued a call to advance the development of IPs towards self-governance. This was to counter the plan of the congressman of the district to title the land to protect and promote his tourism project.

The community's tribal leaders have also met with Rep. Kaka Bag-ao of Akbayan and the Committee on Human Rights' Chairperson Etta Rosales to present their grievance and gather support for their struggle.

To date, about 36,000 to 45,000 ha of land have been placed under the biofuel project, with the land converted to monocrop farming (sugar cane initially, then jatropha). Around 4,000 households have been affected.

Based on these accounts, the provincial NCIP has been remiss in its duties. For one, the NCIP failed "to promote and protect the rights and well-being of the indigenous cultural communities (ICCs)/IP and the recognition of their ancestral



domains or lands based on customs, traditions and institutions”² when it acted on behalf of the IAC. For another, the NCIP violated its role “to ensure that the basic elements of free and prior informed consent (number of days, language, consensus) are present and are complied with in all instances when such must be secured,” as stated in the IPRA’s Implementing Rules and Regulations, Sec. 3, b, Rule VII. It conducted the gathering of the FPIC in only one day and without the knowledge and participation of the majority of the affected community members.

The commission replaced the tribal leader representing the IPs without abiding by the IP process of selecting leaders, thereby sowing the seed of disunity and conflict among the community members. It failed to practice transparency enshrined in the IPRA as well as refused the Subanens’ request for a copy of the MOA. As primary stakeholder, the IP groups are without question a party in interest to the case, a fact which the NCIP failed to respect.

Apart from the above violations, the NCIP seemingly derided, verbally insulted, and mocked the community and their way of life—unbecoming and unacceptable behavior for an agency tasked to protect IPs’ rights.

Calls of the Subanen community

Since 2010 and 2011, AR Now! and PAKISAMA have been closely monitoring the case of the Subanens. The community calls for:

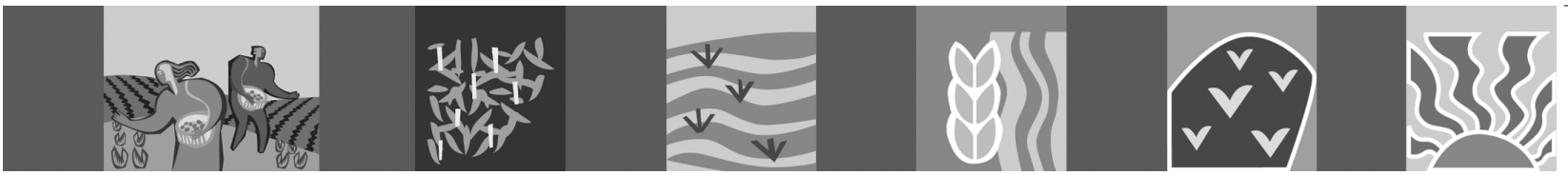
1. The scrapping of the MOA signed by the NCIP-installed tribal leaders, and invalidation of the fraudulently obtained FPIC;

² Sec. 3, b, Rule VII of the IPRA Implementing Rules and Regulations

“In cases where government measures to protect and uphold the rights of its citizens fail, an intensified and effective multi-sectoral and multi-stakeholder response is imperative.”

2. The conduct of an immediate investigation of the NCIP Misamis Occidental provincial office, specifically the provincial officer;
3. A stop to the intimidation of and threats to Subanen communities;
4. The conduct of a genuine FPIC that respects the decision of the Subanen communities;
5. Transparency in transactions between the company and community stakeholders;
6. A review of the Biofuels Act of 2006 to address concerns in the conversion process of ancestral and agricultural lands into biofuel or feedstock production sites; and,
7. The inclusion of food security and protection of the welfare and rights of the citizens as priority and essential principles in the national government’s development paradigm.

The calls of the Subanen people must be considered and heeded by all stakeholders concerned. In cases where government measures to protect and uphold the rights of its citizens fail, an intensified and effective multi-sectoral and multi-stakeholder response is imperative. All sectors of society, both at the national and international levels, need to work towards addressing the issue, as the Subanens’ case is not isolated. There are countless other small-scale women and men farmers and IPs here and abroad who experience a similar fate.



International treaties or covenants pertinent to their cases and to which the respective governments involved are parties need to be strictly observed and implemented. Sanctions should be employed if state parties fail to strictly observe and implement the treaties or covenants they signed. ■

References:

Bernabe, R. (2010). *Private sector agricultural land investment: Impacts on small men and women farmers and on food security*. OXFAM Great Britain. [Unpublished].

Bernad, K. (2010). *Ozamiz, MisOc, potential investment sa BIO-FUEL*. Retrieved from: <http://pagkagobernador.blogspot.com/2010/01/ozamiz-misoc-potential-investments-sa.html>.

Duka Bay. (2012). *About Misamis Occidental*. Retrieved from http://www.dukabayreef.com/misamis_occidental.html.

Misamis Occidental Official Website. (2012). *Misamis Occidental*. Retrieved from <http://www.misocc.gov.ph>

National Commission on Indigenous Peoples. (1998). *Rules and Regulations Implementing Republic Act No. 831, Otherwise Known as "The Indigenous Peoples' Rights Act of 1997."* Philippines: National Commission on Indigenous Peoples.

Wikipedia. (2012). *Tudela, Misamis Occidental*. Retrieved from http://en.wikipedia.org/wiki/Tudela,_Misamis_Occidental.

For the complete list of references, please contact the author of this case as indicated at the beginning of the article.