

Trouble in Paradise

Issues in the Ancestral Domain of the Talaandigs of Talakag, Bukidnon

An hour and a half ride from the City of Malaybalay, the capital of Bukidnon province in the southern Philippine island of Mindanao, is the picturesque town of Talakag. Nestled in the foothills of Mt. Kalatungan, the Philippines' sixth highest mountain, Talakag is a canvass of pine-covered slopes, lush hills dotted with high-value vegetables, coffee and fruit trees, and pasturelands as far as the eye can see.

Talakag is also the site of the MILALITTRA ancestral domain. MILALITTRA or the Miarayon, Lapok, Lirongan and Tinaytayan Tribal Association, the four *barangays* or villages covered by the organization, lays claim or rather has rightly been awarded more than half of the Talaandig tribe's ancestral land area.

The Talaandig ancestral Ddomain

The ancestral lands of the Talaandig indigenous peoples is situated in and around the Mt. Kalatungan Range National Park (MKaRNP), covering an area of 21,248 hectares across the municipalities of Maramag, Pangantucan, Talakag and the City of Valencia in the Province of Bukidnon.

MILALITTRA's population of 2,500 families or more or less 12,000 individuals, of which 90 percent are Talaandig, have a Certificate of Ancestral Domain Title (CADT) for over 11,000 hectares.

Mt. Kalatungan was declared as a natural park by virtue of Presidential Proclamation No. 305 in the year 2000. As such, it forms part of the initial component of the National Integrated Protected Areas System (NIPAS) Act due to its high biodiversity significance.

Considered as a buffer zone to this State-proclaimed protected area, the entire domain is comprised of primary forests (3,590.36 hectares), secondary forests (1,485.59 hectares), grasslands (2,541.61 hectares), agricultural areas (3,620 hectares) and residential areas (129.78 hectares).

Land is Life

Farming is the Talaandigs' main source of income, with focus on high-value vegetable production, which includes potatoes, carrots, beans, cabbage, Chinese cabbage (*wombok*), tomatoes, cauliflower, and broccoli, among others. Long term crops are abaca and several varieties of coffee – robusta, cathemore, sweet coffee and arabica.

Corn and various root crops are produced for household consumption only. Some community members earn other income by being transporters or haulers of farm produce. Non-agricultural sources of income include operating variety stores and cattle fattening. There are also members who are school teachers.

The market for the community's produce is mostly the cities of Cagayan de Oro, Malaybalay, and Davao. Community livelihood in the form of farming gives relatively low household income due to the high cost of farm inputs and transport, presence of middlemen, and over-supply of the same kind of product in the market.

“Most of us here are farmers. We cultivate vegetables and coffee. We used to plant abaca which we consider a

traditional plant. We are blessed because our access to the market is more convenient now. We can easily deliver our produce to the City of Valencia and other parts in Bukidnon via Malaybalay and directly to Cagayan de Oro via Talakag,” *Datu* Dominador Decano, one of the tribe’s elders and MILALITTRA Treasurer, shares.

The Talaandig tribe over the years continue to practice traditional living. “We put premium and high respect to the environment and nature. We consider all things from nature as sacred including those we cannot see for they are created by *Magbabaya* (Supreme Being). However great the creation and the culture we are living, we cannot deny that there are still issues and concerns that strongly affect our way of living,” *Datu* Decano adds.

“The major concern for MILALITTRA is their lack of tenurial security. Despite the issuance of a title, many groups and private individuals continue to migrate or acquire lands within their ancestral territory.”

One of the first CADTs, but insecurity remains

The major concern for MILALITTRA is their lack of tenurial security. The organization was one of the first IP communities granted with a CADT way back in 2003, which was in fact the first in Mindanao. However, despite the issuance of a title, many groups and private individuals continue to migrate or acquire lands within their ancestral territory. Their pending title registration with the Registry of Deeds (ROD) under the Land Registration Authority (LRA) has caused widespread selling and buying of lands within the MILALITTRA CADT.

“Our CADT is not yet registered with the Land Registration Authority. So, we could not really say that this CADT is a full-fledged title. But the people here however treat this as their title. The issue we are facing today originated from the entry of migrants here in our ancestral domain,” says *Datu* Decano.

Developments such as electricity and roads have attracted more migrants to the area. Inter-marriages between migrants and natives have become more frequent. The increase in population demanded the use of more farm land for subsistence.

This trend has caused unmonitored selling and buying of lands from natives to the migrants within the domain, which under the Indigenous People's Rights Act (IPRA), the law which paved the way for the awarding of CADTs to indigenous peoples, is illegal.

Another cause of rampant selling of lands within ancestral domains is that many IPs do not know their rights and obligations under the IPRA law. There are also issues concerning boundary conflicts between clans due to unsettled land claims by their ancestors.

IPs selling land to outsiders

One concrete issue confronting the MILALITTRA now involves a parcel of a land in *Barangay* Mirayon which was allegedly sold to the Municipal Government of Talakag. About 20 families are occupying the 5-hectare parcel owned by the Labadan family. These families, who have long been tenants of the Labadans, are now being pressured to leave as the land has already been sold.

The property was bought by the municipal government in order to build an extension office in the *barangay*.

The Tribal council came out with a decision stating that the sale was unacceptable because the land is within an IP ancestral territory. But then, the claimant, the widow of one of the Labadans, had a document which proves her claim over the land: a Certificate of Land Ownership Award (CLOA), a document issued by the Department of Agrarian



Reform (DAR) to farmer-beneficiaries of the government's Comprehensive Agrarian Reform Program (CARP).

"We are puzzled because we know that the Mayor knows this is a CADT area yet he still is willing to purchase the property. Even if my sister-in-law has a legal claim on the land, she can not easily sell this property because she has to undergo the free, prior and informed consent (FPIC) process. But she disrespected this. She did not even go to the *barangay* to ask for their consent," Labadan, whose brother is the deceased husband of the claimant, said.

The tribal elders as well as the Labadans were further alarmed when they saw the year the CLOA was issued, which was in 2012.

"As a matter of policy, this is technically wrong since the CLOA cannot overlap with CADT issued nine years earlier," *Datu Jun Danio*, the tribal chieftain of *Barangay* Miarayon and one of the members of the Tribal Council, said.

The MILALITTRA Tribal Council referred the case to BALAOD Mindanaw and the Regional Office of the National Council for Indigenous Peoples (NCIP). They also sought a dialogue with the local government of Talakag regarding this concern.

“Their reply to us was that this property has already been purchased by the municipal government for the purpose of building an extension office in the area,” *Datu* Danio said.

The NCIP advised MILALITTRA to secure a certified true copy of the title from the Registry of Deeds (ROD), from where they learned that the title is a CLOA title. They then went to the Land Bank of the Philippines (LBP) to check if there is any record of an amortization for the said title; the bank yielded no record of amortization.

“We began to wonder how come there is no record for the said property. When we checked with DAR Talakag of any amortization record, there was also none. We then speculated that there is a bogus transaction of the titling of this property,” *Datu* Decano said.

Calling on government intervention

During a policy forum on the Joint Administrative Order No. 1 Series of 2012 held in Cagayan de Oro City last 20 June 2017, this concern was raised. It was stated that the NCIP followed the order of suspending the issuance of titles and registration of CADTs, while DAR and DENR continued to issue tenurial instruments like CLOAs, Community-Based Management Forest Agreements (CBFMAs), Integrated Forest Management Agreements (IFMAs), Certificate of Stewardship Contracts (CSCs). What is happening there in the *Talaandig* community is a clear example of the violation of this policy.

While it is clear in the IPRA that lands within ancestral domains can not be sold, and can only be transferred by

inheritance only among the members of the tribe, cases of selling ancestral lands are indeed happening. Even MILALITTRA leaders admit that they are aware of this.

“We are aware that some members sell their lands to other members or even to outsiders. We are more than 2,000 families so it is difficult for us to manage all these members. Within the ancestral domain, we intend to recover all the lands sold to migrants,” *Datu Decano* reveals.

Datu Danio shares that the very clear irregularity is that there is a suspension of issuance of titles within a contentious area, thus the titling of the said property within the CADT should not have taken place.

“So far this is just the first case we have recorded. We fear that there may be more cases that might surface along the way,” he adds. ■

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Desperate Circumstances

The Case of Landless Farmers From *Sitio* Patpat, Malaybalay, Bukidnon

What do you do when you want something so bad but it is not on offer? Do you just settle for what is available? Or do you push those in authority to make it available?

For a group of farmers in Malaybalay, Bukidnon, the latter was not simply the better option, it was the only option.

Taking matters into their own hands

These farmers have worked as seasonal farmers or laborers all their lives. They had no land, so they were naturally to become beneficiaries of the government's Comprehensive Agrarian Reform Program (CARP). But the land they wanted, although for years has been idle, was not on the list of the targets for coverage by the Department of Agrarian Reform (DAR).

But while they had no lands to till, the purpose of their quest for the resource was initially not for farming. It was more basic. They needed lots on which to build their houses. Because aside from being landless farmers, they were also squatters.

The land they wished to have was the Hilario Estate, located in *Barangay* Patpat (Patpat village), Purok 4, City of Malaybalay, the capital of Bukidnon Province. Hilario Estate

has a total land area of more or less 50 hectares, of which 30 hectares are for distribution, while the remaining 20 hectares are retained for the four landowners identified by the DAR (the heirs of the original landowner).

The farmers organized themselves and took on the long and arduous journey towards emancipation. Thus, on 10 April 2010, the Patpat Landless Association (PLA) was organized with its sole purpose of making its members beneficiaries of the CARP.

They occupied and started tilling the land owned by the Hilario Estate until the DAR placed the land under the CARP Program.

There were many organizations who attempted to enter and till the land but failed due to the strong military control back then.

“We started with more than 600 members. At first, we planned to establish a housing area for our members. When our (community) organizer, Jimmy Sambian, was killed, many members, fearing for their lives, left the organization. Now, there are only 60 of us left,” June Neil Bagato, president of the Patpat Landless Association, shared.

An undertaking as ambitious as this would naturally have its share of detractors. Neighboring farmers and even their relatives rejected their idea of tilling the idle land since members of the PLA were not the actual tillers of the Hilario Estate.

“Our neighbors and even some of our relatives said that we were squatters and that we do not have any right to the land,” Bagatao revealed.

But the group persevered and were able to get a confidence boost when they became a partner of the Pambansang

Kilusan ng mga Samahang Magsasaka (PAKISAMA) and eventually, the MAPALAD farmers (Sumilao farmers) and Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw).

Through constant learning of the provisions of agrarian reform laws such as Republic Act 6657 or the CARP and Republic Act 9700 (Comprehensive Agrarian Reform Program Extension with Reforms or CARPER), with valuable coaching and mentoring by Sumilao and BALAOD Mindanaw, the PLA farmers were able to monitor DAR's land distribution program, which helped fast-track its implementation.

Their struggles are now bearing fruit as a land valuation activity for 18 hectares of the Hilario Estate was conducted. With this development, PLA members can now freely till the land without harassment from the landowner's representatives and other groups. As per valuation, the total value of the 18 hectares was placed at PhP 650,000, or a little over PhP 36,000 per hectare.

Sustainability is the next step

Aside from the struggle for land, the PLA is also effectively organizing for sustainability. The land was not equally divided among the remaining members, which might lead to some selling their parcels, but each member has been allocated 0.2 of a hectare for subsistence use. The remaining portion has been made a communal farm, whose income from produce will be distributed among members as well as generate funds for the organization.

At present, the organization's members say that they are better off economically. They now eat three square meals a day and, when the price of their produce is good, even

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manage to earn surplus income. They produce tomatoes on their communal farm, which fetches as high as PhP 1,000 per box.

The organization is also laying down the foundation of good governance to ensure that each and every member enjoys equal protection of their rights. Thus, the PLA underwent a workshop which created their policies, constitution and by-laws. All members were oriented regarding their duties and obligations so as to ensure that the lands provided them is theirs to cultivate and make productive. This is also to avoid selling or leasing of land.

Members with active participation and good performance are privileged to choose where they want to plant. Their performance is measured during meetings and community work or "*pahina*."

"We have achieved small victories due to our persistence. More than half of the 30 hectares are now being processed for land acquisition, with a land valuation survey for 18 hectares already conducted by the DAR. But there is still work to be done to make the land truly our own," Bagatao said.

More work to be done

While indeed there has been progress regarding their claim, the PLA is still working for the processing of the remaining 12 hectares. “We hope that despite the hectic schedule of DAR we could still approach them to prioritize those lands pending distribution,” Bagatao said.

At present, the core of PLA’s work for land security is now on fast-tracking the release of their Certificate of Land Ownership Award (CLOA). This entails active engagement with the DAR for following through with the steps for the release of the CLOA and their subsequent formal installation on the 18 hectares already valued, and the conduct of valuation for the remaining 12 hectares.

An interesting side bar to the PLA’s story is that its members are indigenous peoples but they did not opt to pursue an application for a Certificate of Ancestral Domain Title (CADT) because for them, it would have been an exercise in futility since almost all the productive lands within their “claim” are now titled.

“Our ancestors used to own all of these lands, long before the migrants came. Over the years, the migrants have legalized their possession of our lands through land titles. We could have opted for a CADT but since we have learned about the CARP and gotten the support of NGOs and other farmer’s organizations, we decided push for a CLOA instead,” Bagatao shared.

The PLA’s end of the rainbow is indeed within sight, and they, like other organizations depending on government agencies to help them attain a better life, not to mention social justice, are calling on the DAR for one last push – to continue with the land distribution process for the Hilario Estate so that they can finally call themselves legitimate owner-cultivators, and get the justice that they deserve. ■