

# Against their Own Kind

## The Don Esteban Agrarian Reform Beneficiaries Association's Defense of Their Acquired Lands

Competing claims over the same parcels of land have paved the way for the disturbance of peace among farmers in the Bongco landholding in Escalante City, Negros Occidental. Farmers belonging to the Panihugsa sang mga Obreros sa Barangay Jonobjonob (POBJ) not only challenge the legitimacy of the Certificate of Land Ownership Awards (CLOAs) issued to farmers from other organizations, but also actively disrupt farming activities in these CLOA-covered lands. After successfully struggling to acquire lands they could call their own, members of the Don Esteban Agrarian Reform Beneficiaries Association (DEARBA) now struggle to defend their right to land against their fellow farmers.

### The community and the farmers of the Bongco landholding

The sugarcane fields of the Bongco landholding are located in Central Leonor, *Barangay* Jonobjonob, Escalante City, Negros Occidental. Classified as a rural area, *Barangay* Jonobjonob is home to a total of 7,982 residents as of 2010 (Philippine Statistics Authority, 2010). The *Barangay* is cradled within a city in the northeastern end of the province of Negros Occidental, and is bordered by the Danao River to its south. To its east is *Barangay* Alimango, to its north are *Barangays* Balintawak and *Hacienda* Fe, while by its western periphery lies *Barangay* Tamlang.

The Don Esteban Agrarian Reform Beneficiaries Association (DEARBA), and its cooperative, the Don Esteban Agrarian Reform Cooperative (DEARCO), are two of the organizations that formed on this landholding. DEARBA and DEARCO have the same members composed of agrarian reform beneficiaries (ARBs) and former workers of the *hacienda*.

DEARBA was established with the assistance of Task Force Mapalad (TFM) and the Department of Agrarian Reform (DAR). It was then registered with the Department of Labor and Employment (DOLE) in 2010, while DEARCO was registered with the Cooperative Development Authority (CDA) in 2017. The groups presently have 27 members—17 males and 10 females. Farmers from the organizations have been working on the landholding for around 37 years.

In 2013, CLOAs covering more than 53 hectares were given to members of DEARBA. Although its members have since been successful in making their lands productive, they have not been formally installed due to their CLOAs' lack of required signatures from the Registry of Deeds (ROD).

Around the time of the organization's creation, combined efforts of the farmers, TFM, and DAR also resulted to the creation of another farmer's organization, the Hacienda Bongco Farmers Association (HABFA). Two other farmer's organizations have also been formed on the landholding: the Hacienda Leonor Agrarian Reform Beneficiaries Farmers Association (HALARBFA) and the POBJ.

### **A Conflict Spurred by Landlessness**

The Bongco landholding forms part of a larger farmland spanning around 260 hectares, historically owned by the Dela Rama family. A certain Dr. Bongco was able to have possession over the land through his marriage to the land's heiress, Leonor Dela Rama. Initially covered by CARP under the compulsory acquisition scheme in 2005, owners Gerardo

and Francisco Bongco voluntarily offered to sell the 183.94 hectares of land for distribution under the program instead (Nemes, 2013; The Daily Guardian, 2013).

Harmony among the four previously-mentioned groups have however been shaken because of competing claims over some parcels of land. In particular, reported illicit activities by the POBJ have led to tensions between them and other farmer's organizations.

POBJ is a subgroup of the National Federation of Sugar Workers (NFSW), a broad-based organization of farmers. According to DEARBA Chairperson Felix Bucaling Jr., some members of DEARBA are former affiliates of the NFSW. Moreover, most DEARBA members are also blood-relatives of POBJ members. The former allies however decided to part ways because of fundamental differences in beliefs.

Local news sources report that in 2013, 99 CLOAs were distributed to farmers of the Bongco landholding (Nemes, 2013). Around 53.0533 hectares of sugar land were awarded to DEARBA members, while some parcels of land were also awarded to HABFA and POBJ members. POBJ however cried foul over the lack of CLOAs distributed to them. According to POBJ representative Evelyn Saguirre, they have been processing their CLOAs since 2003 while members of the other organizations have only begun to do so in 2010. She further noted that they have filed a petition to exclude members of the other organizations from the list of ARBs, but this was later dismissed by DAR (Nemes, 2013).

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According to the same sources, claimants of the disputed land who have not been awarded with CLOAs, most of which are alleged members of the POBJ, then illegally occupied the *hacienda* during the land acquisition process (Nemes,

2013; The Daily Guardian, 2013). An ejection case against the occupants was filed with the Provincial Agrarian Reform Adjudicator (PARAD), but was later dismissed due to lack of jurisdiction of the PARAD. The same case was no longer filed with regular courts (The Daily Guardian, 2013).

To remedy the conflict, Provincial Agrarian Reform Officer (PARO) Enrique Paredes advised the claimants to file a petition for inclusion in the CLOAs, but POBJ representative Saguirre maintains that some of them have already filed for such even before the CARP was extended and amended (The Daily Guardian, 2013).

It was discovered however, that the awarded documents lacked the needed signatures from the ROD, thus deeming these CLOAs virtually invalid. Despite the unlikelihood to be formally installed, DEARBA's legal counsel advised that members proceed to divide and cultivate operational land presently available to them, which at the time totaled only seven hectares. They were also advised to commence the occupation of other lands belonging to the 53 hectares covered by the CLOAs once these have been vacated or cleared.

### **Hostilities from former allies**

As the rest of the farmland later became arable, members of the POBJ allegedly seized the opportunity to plant their own sugarcanes on their claimed land. As if Mother Nature exacted due karma, drought later withered all crops planted by the rival group. The sugarcanes which DEARBA planted to replace the withered crops then yielded abundant dividends amounting to PhP 4,000 per member.

POBJ and NFSW reportedly have continued to employ various tactics to block DEARBA members' access to the contested land. DEARBA members recounted numerous instances wherein crops they have planted have been uprooted by



farmers from the rival groups. Just last 15 February 2017, members of DEARBA found rival farmers plowing some of their plots using a rented tractor from the city government. This was immediately halted after Felix filed a police report against one of POBJ's leaders on the same day.

In June of the same year, POBJ had once again planted crops on their claimed parcels, only a few days after DEARBA members had plowed and prepared the land. DEARBA then implored the assistance of the local police force in reclaiming their land, but were denied by a certain Captain Tagumira, who asserted that they could only assist DEARBA upon the orders of the Municipal Agrarian Reform Officer (MARO). Frustrated but in no way disheartened, DEARBA members proceeded to uproot and chop down the banana trees planted by POBJ, replacing them with corn and sugarcane crops as they go. Felix shared, "we needed to be brave, to implant hope in each member." In addition to this, POBJ has also been reported to steal DEARBA lands, to distribute these to NFSW members from other places in Negros.

In a separate instance, DEARBA was granted the assistance of policemen in another attempt to occupy some of the land. Unfortunately, they were later advised to discontinue the installation, because rival groups were threatening to forcefully enter the area and burn down tractors owned by DEARBA—the very ones they were able to acquire through DAR’s Agrarian Reform Cooperative Connectivity and Economic Support Services (ARCESS) program.

In more than one occasion, NFSW members have allegedly threatened to physically harm the relatives and destroy properties of DEARBA members. These threats have personally been delivered to DEARBA leaders at night, allegedly by POBJ/NFSW members accompanied by armed men.

Other farmers within the *hacienda* recounted similar experiences. According to members of HALARBFA and HABFA, they also have been able to grow crops on some parcels of land covered by CLOAs. POBJ and NFSW however, allegedly continue to meddle with lots which they claim to be theirs, despite allegedly possessing CLOAs covering other *haciendas*. The deviant organizations are said to employ the same tactics on lands owned by the two other organizations – they uproot crops, plant their own, and threaten members of the groups. One HABFA member shared that he was threatened by armed men inside his own home. The incident caused his mother-in-law to have a nervous breakdown and to eventually pass away in a hospital.

However, because they feared for their and their families’ safety and because they did not want to prompt any bloodshed, DEARBA members (as well as members of other farmer’s organizations) have hesitantly allowed most of the NFSW’s unlawful actions. Dialogues involving the rival groups and the DAR were conducted, but were deemed pointless because counterclaimants allegedly refuse to accept explanations provided by the DAR.

## Yearning for a peaceful resolution

*Mang Felix* however maintains that they do not see POBJ or NFSW members as enemies, for the rival groups are composed of farmers like themselves. However, while DEARBA members are willing to undergo the legal process of owning lands, their rival groups see the present agrarian reform program as ineffective and futile, and thus opt to forcefully (and illegally) seize landholdings instead.

In pursuit of a peaceful way to solve the disputes between farmers groups, DEARBA sought the assistance of Kaisahan. The alliance formed between DEARBA and Kaisahan led to the expansion of the farmers' operational CLOA-covered land. The group started with three hectares of operational land, which rose to seven, then to 13.5, and finally to 51 hectares.

A series of negotiations had also been participated in by representatives from both sides. There had been several occurrences wherein peaceful discussions led to DEARBA allowing POBJ and NFSW members to temporarily cultivate and harvest crops on contested land. The desire for peace compels DEARBA members to persistently engage in dialogues with rival groups and the DAR, in search for a formal agreement for compromise or a mechanism for harmonious coexistence between the groups.

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## Success amid the challenges

The 53 hectares of land awarded to DEARBA members are however unequally divided among them. Members fear that this might stir conflicts within the organization. Hence,

they are calling on the DAR to resurvey the land. They plan on conducting a tree-planting activity to later mark the boundaries of the delineated land parcels.

Furthermore, DEARBA has yet to reclaim around two hectares of land from rival groups. But in spite of their grueling struggle to assert their rights over their land, the members of the DEARBA remain grateful, especially because no deaths or physical damages have befallen their members and their property. In Felix's words, they "would always try to dodge conflict or danger. It will be hard to cultivate lands when you are dead." Felix further shared that being CLOA-holders increased their morale, "we felt more confident because we are now worker-owners or *plantaderos*," he continued.

At present, the cooperative (DEARCO) has been able to pool PHP 6,748,369.46 from their operational land—a significant financial improvement for the members, considering they used to earn only PHP 100.00 to PHP 120.00 daily as farm workers or manual laborers during the off season, before they had possession of their awarded lands. Through a strong cooperative mechanism and relentless efforts towards acquiring their lands, DEARBA has been able to utilize the CARP to uplift the livelihoods of its members.

Since having been awarded with farmlands, the farmers through their cooperative have also able to contribute to improving the welfare of their community. DEARCO has been able to donate funds for the construction of schools and housing units, through their own Welfare Development Plan. They have even been able to pitch in a bit of money for the NFSW's annual commemoration of the "Escalante Massacre." As of this writing, DEARBA leaders checking if the protection fund from the JALR project may be used to reimburse the cooperative for the cost of building the watchtower.



DEARBA also expressed gratitude for the initiative to popularize the plight of farmers through the mainstream media. “Our problem is likened to a man stuck inside a well,” Felix expressed, “He is shouting and struggling but nobody hears him.” ■

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# The Construction of Destruction

## Plight of the ILCO Agrarian Reform Farmers and Fisherfolks Association against Unsustainable Industrialization

Farmers' rights to their newly-acquired land hang in the balance now that the provincial and municipal governments of Hinoba-an, Negros Occidental, have committed to pursue the construction of industrial facilities on their land. These infrastructure projects, which include an airstrip and a ship recycling facility, would form part of the provincial government's plans to establish the Southern Negros Industrial Estate (SNIE) on land once owned by the Insular Lumber Company (ILCO). Not only would the construction projects drive farmers away from their livelihoods, these would also tear down lush mangrove plantations and pollute the bays of the province.

### The community and the organization

The disputed ILCO landholding is located in *Sitio* Salvacion, Zone 6, *Barangay* Bacuyangan, Hinoba-an, Negros Occidental. *Barangay* Bacuyangan is a small area in the south of Negros Occidental. It is bordered by *Barangay* Talacagay to its north, and by *Barangay* San Rafael to its south. To its west are marine areas, which include the Catmon and Nabulao Bays. *Barangay* Bacuyangan is classified as a rural locality, inhabited by about 7,282 residents in 2010 (Philippine Statistics Authority, 2010).

The ILCO Agrarian Reform Farmers, and Fisherfolks Association (ILARFFA) is an organization of farmers,

farmworkers, and fisherfolk situated in portions of land which previously belonged to the now-defunct lumber company. With the help of Kaisahan, the organization was formally established in February 2015 and was registered with the Department of Labor and Employment (DOLE) in the same year.

ILARFFA members have claims to 15 lots comprising more than 64 hectares of land. These lots have been covered by the Operation Land Transfer Program (OLT) and the Comprehensive Agrarian Reform Program (CARP). One-hundred and thirty-four ILARFFA members have been revalidated as agrarian reform beneficiaries (ARBs) in 2014, 80 of which are now holders of CLOAs partially distributed between 2014 and 2015.

### **The seeds of the struggle for land**

In early 1900s, the ILCO, a large American company known for producing hardwood lumber, began its operations in Negros Occidental. During its prime, ILCO was one of the largest lumber-exporting companies in the world. It however brought upon widespread denudation of mountains and forestlands. ILCO's main area of operations in the Philippines had been in the northern city of Sagay, until the depletion of hardwood led the company to transfer south to Hinobanan. It is in this southern municipality that the company established an airstrip and a ship port.

ILARFFA's members have long been residing and cultivating crops on ILCO lands. Some members have even worked for the corporation, bearing as evidence their hardwood houses constructed with lumber from ILCO's operations. In the early 1970s, three ILCO lots comprising a total of 10.5364 hectares were identified for distribution under OLT (Presidential Decree 27 of 1972)—the government's agrarian reform program during that time.

Timber resources in the south were later exhausted as well, prompting the company to close all of its Philippine operations in the late 1970s. The firm declared bankruptcy in 1984, and was scheduled for public auction in February 1989. Days before the mentioned date, the auction schedule was rescinded due to an approved application for voluntary insolvency filed by ILCO's assignee, Luis C. Diaz (LC Diaz).

After the establishment of CARP in 1988, 12 more of ILCO's lots were identified for distribution. On 21 September 1989, LC Diaz filed a Voluntary Offer to Sell (VOS) for 24 parcels of land to the government pursuant to the CARP. The survey plan for 64.5126 hectares of ILCO's former properties was later approved in 1994.

In 1996, custody of the ILCO landholding was transferred to the Bureau of Internal Revenue (BIR). Two years thereafter, the value of the property was assessed and was found to be enough to pay off ILCO's tax debts.

### **Under false notions of development**

In 2012, the Negros Occidental government expressed its intention to establish the Southern Negros Industrial Estate (SNIE) in *Barangay* Bacuyangan. The provincial government filed an expropriation case for the 285 hectares of former ILCO properties, asserting that these now belong to the province since ILCO has not been able to settle its taxes after its bankruptcy. Included in these 285 hectares, however, are 65 hectares of agricultural lands covered by CARP. The same authorities claim that they did not know of the voluntary insolvency and VOS filed by LC Diaz.

To form part of the SNIE, the provincial and municipal governments headed by Governor Alfredo Marañon Jr. and Mayor Ernesto Estrao respectively, have agreed to construct several industrial facilities in partnership with the Japanese firm Tsuneishi Heavy Industries Inc. Tsuneishi is a

shipbuilding and recycling company with present operations in Cebu province. According to the Department of Trade and Industry Secretary Ramon Lopez, Tsuneishi plans to invest on a PhP 5 billion shipyard in Hinoba-an, that could generate around 6,000 jobs (The Visayan Daily Star, 2017). Governor Marañon expects the construction of the facility to commence in 2018 (Bayoran, 2017).

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There are also plans of reconstructing the airstrip previously operated by ILCO. The area of the former airstrip had been used for cultivating crops such as rice after ILCO closed its operations. To accommodate the mentioned construction projects, members of ILARFFA and the Green Alert Negros believe that agricultural land has been illegally converted into other uses through municipal ordinances such as “Municipal Ordinance No.2017-03 amending Ordinance No.2002-004, Entitled An Ordinance Reviving

The Zoning Regulations of the Municipality of Hinoba-an, Negros Occidental” (Adiong, 2017).

Numerous Hinoba-an residents are to be affected by the construction of the SNIE. The livelihoods of around 134 agrarian reform beneficiaries (ARBs) from ILARFFA would also be devastated by the industrial projects. Residents on the contested properties would be expected to vacate their areas and would thus be left without homes and without farmlands to till.

One of the earliest consultations on the matter was held in *Barangay Bacuyangan*, and was attended by representatives from DAR. Farmers on the landholdings however, were allegedly intentionally not invited to the dialogue. Moreover, the consultation ended without any meaningful resolutions.

The gradual unfolding of the government’s plans tormented the ARBs. Initially only vaguely acquainted with

the proposed SNIE, several encounters slowly made it clear to them that such industrial projects would bring about grave detriment to their livelihoods and properties.

### **Destruction takes flight**

On 14 June 2016, Mayor Estrao called for a meeting to notify the city's residents that ILCO's former properties are to be expropriated. According to the Mayor, a Court Order for expropriation had already been issued, and that hindrance of the expropriation underway could result to one being held in contempt of court. Only a few ILARFFA members were able to attend the said meeting.

The next day, 30 by 50 meters of rice land were bulldozed by men supposedly under the orders of the local government of Hinoba-an. According to ILARFFA members, they first caught sight of the bulldozer on the road at around eight in the morning. When concerned farmers asked the operators what the bulldozer was for, they replied that it was for the clearing out of crops for the establishment of an airstrip. The men also stated that the operation was in compliance with a Court Order—a Writ of Possession.

That same morning, ILARFFA Chairperson Jocelyn Callope called Mayor Estrao to ask why an airstrip would be built on land belonging to CLOA-holders. Estrao merely reiterated that a Writ of Possession had already been issued to private landholders residing on former ILCO properties. When the bulldozing commenced, "all that [the farmers] could do was watch from their houses and cry," ILARFFA member Israel Fortuna shared.

On 16 June 2016, a helicopter landed on the newly-bulldozed area. The Mayor, along with a few Japanese investors allegedly from Tsuneishi, were seen descending from the plane, seemingly inspecting the cleared area.

Abdon Pabila, an elderly CLOA-holder fell into depression after all his crops were bulldozed. He was not able to reap what would have been his first harvest. His heart broke upon seeing the other farmers obtain their harvest while he was left with nothing. Fortuna further recounts that during the bulldozing, *Mang* Abdon could be heard crying out “Where is justice? If we oppose, we will be put behind bars. What will we do?” The ill-feelings which he harbored, according to ILARFFA members, are what lead to his untimely demise.

On 21 June 2016, a large public hearing attended by private investors, landowners, representatives from the government, people’s organizations and civil society organizations, was held at the *Barangay* Bacuyangan Plaza. ILARFFA and Kaisahan representatives present expressed dismay about not being consulted on the matters of expropriation and infrastructure-building, especially because their livelihoods would be lost should the SNIE project commence. Attendees further maintained that not all stakeholders had been invited to the few dialogues that took place.

Municipal assessors that were present advised the CLOA holders against further constructions on their houses. ILARFFA member Bambi believes this was meant to prevent the consequent raise in the value of their land. *Sangguniang Bayan* members then advised against continued farming on the “expropriated” areas, as these would soon be bulldozed. Much to the surprise of the ILARFFA members present, the representatives from DAR did not defend their right to the contested landholdings. They simply stated that the farmers should file a complaint if they are against the establishment of the infrastructure projects.

### **Far from smooth sailing**

On 19 September 2016, a public hearing on the municipality’s zonification amendments was held. Attendees from



ILARFFA were present, prepared to once again forward their contestations against the airstrip to be constructed. They were however surprised when a representative from Tsuneishi, a certain Dr. Salvador, began presenting to the body their plans to construct a ship recycling facility within the *barangay*. Prior to the meeting, the ARBs had not been informed of plans regarding the ship recycling facility, or that the presentation of the proposed project was on the meeting's agenda. Dismayed, the farmers started to walk out of the meeting without approving any agreements/resolutions.

Such plans to establish a shipyard also alerted environmental groups, for the construction of this facility would involve tearing through rich, century-old mangroves. Moreover, according to ILARFFA Chairperson Jocelyn Callope, the operations of this proposed shipyard would pollute the seas and destroy the beautiful beaches in the nearby city of Sipalay. On the promise of jobs to be generated by the Japanese-sponsored facility, ILARFFA members believe that these would not be jobs that would be for farmers and fisherfolk, but jobs for manual laborers. Even if they are given space for relocation, they would be unemployed with no farmlands to cultivate food crops on if the shipyard goes bankrupt.

A signature campaign was also launched by the local government of Hinoba-an, in an attempt to gather support for the construction of the airstrip, the ship facility, and the broader SNIE. The sheets have been passed around among residents of the municipality, but peculiarly had not been able to reach the hands of ILARFFA members.

In December 2016, the Hinoba-an LGU organized the annual Christmas party for senior citizens. During this event, attendees were asked to sign an attendance sheet. The title on the sheets of paper, however, clearly states that it was for the ongoing signature campaign in support of the SNIE.

On 14 February 2017, the Provincial Board passed a resolution reclassifying the landholdings from agricultural into other uses, even without assembling any public hearings on the matter.

### The resistance persists

From September 2016 to August 2017, no more public hearings or consultations have been held. ILARFFA members have sent a petition to the Negros Occidental Governor for the cancellation of the expropriation orders, but have yet to receive a response. Leaders of the organization have also decided to use the sub-grants under the **Joint Action for Land Rights (JALR)** project to file a court order cancellation case at the Court of Appeals.

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ARBs continue to call on the municipal, provincial, and national governments to stop the expropriation measures, and to respect their right to tenure over their CARP-covered lands. ILARFFA members, along with other farmers and fisherfolk in *Barangay Bacuyangan*, private landowners, environmental groups, and the Catholic Church have banded together in calling for the discontinuation of the establishment of the SNIE.

The ARBs explain that they do not need the industrial facilities to thrive. They are content with their humble farming livelihoods and are happy to be able to till lands of their own. Albert of ILARFFA clearly states, “We oppose the establishment of the airport and ship recycling facility. Our lives are peaceful here – we are able to provide for our families, and our children are able to go to school.”

They feel as though they would not benefit from the employment opportunities promised by the establishment of the SNIE, since the nature of these jobs would not be

appropriate for the skills and needs of farmers and fisherfolk. ILARFFA member Dodoy adds, “If the government truly wants us to become richer, they should provide programs for agrarian reform, farming, and fishing.”

To express their opposition, ILARFFA members have posted placards calling for the discontinuation of the infrastructure projects outside of their houses and on various places in the CARP-covered area, for investors and for government officials to see. Most of the signs contain messages to the likes of “No to ship recycling!” or “This is a CARP-covered area!”

Despite threats of more bulldozing, they were encouraged by Kaisahan to continue planting on their claimed areas. Due to strong community opposition, industrial development activities have temporarily stopped. However, expropriation proceedings are still ongoing, and ocular visits are still being conducted by Japanese investors accompanied by members of the local government.<sup>1</sup> ■

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<sup>1</sup> As of December 2017, ILARFFA members were also able to use the support from the JALR to organize a public hearing in partnership with Kaisahan and the Social Action Center. They were also able to produce information education and communication materials on their case, which had been distributed to residents of the *barangay*.



# A Two-Decade Crusade

## The Overflow Farmers and Farmworkers Association's Protracted Pursuit of Their Right to Land

**O**n the farmland they have watered with tears and sweat, the Overflow Farmers and Farmworkers Association's (OFFWA's) crusade against landlessness wages on. It was in 1998 when 400 hectares of *Hacienda San Lucas* in *Barangay* Hilamonan, Kabankalan City, Negros Occidental were first covered under the Comprehensive Agrarian Reform Program (CARP). Nineteen years later however, potential farmer beneficiaries remain landless, while urban infrastructure projects continue to be constructed on CARP-covered land.

### ***Barangay* Hilamonan and the Overflow Farmers and Farmworkers Association**

*Barangay* Hilamonan is a rural community in the city of Kabankalan, province of Negros Occidental. It is bordered to its west by *Barangays* Camugao, One, and Four, to its northwest by *Barangay* Binicuil, to its northeast by *Barangay* Buenavista, to its east by *Barangay* Tan-Awan, and to its south by *Barangays* Orong and Camansi. With an enumerated population of 12,212 in 2010, *Barangay* Hilamonan is the most populous of the 32 *barangays* in Kabankalan City (Philippine Statistics Authority, 2010).

The Overflow Farmers and Farmworkers Association (OFFWA) is an organization of farmers and laborers of *Hacienda San Lucas* in *Sitio* Overflow, *Barangay* Hilamonan. It emerged from the reorganization of *Katilingban sang*

*Mangunguma kag Mamumugon sang Overflow* (KAMMO), which had been founded earlier. With the help of the Social Action Center–Kabankalan and of Kaisahan, OFFWA was formally established in 2012, and was registered with the Department of Labor and Employment (DOLE) in 2015. As of July 2017, OFFWA has 56 members engaged in the cultivation of rice, sugarcane, and banana.

### **Uprooted from their land**

The landholding originally belonged to Doña Concepcion “Concha” Pabiles, who married into the Garruchari family. Vicente, Maria, and Laura Garruchari, heirs to the landholding, later established the sugar corporation, San Lucas Inc. OFFWA officers Casimiro Pabiles and Eduardo Pabiles are blood-relatives of the late Doña Concha, but they have not been able to contact the Garrucharis since they migrated abroad.

Families of OFFWA’s members and other potential ARBs have been residing and working on *Hacienda* San Lucas since the 1940s. When San Lucas Inc. fell into bankruptcy in the 1970s, its administrator during this time requested that farmworkers continue cultivating crops on the *hacienda* to keep it productive.

In 1975, *Hacienda* San Lucas was first covered by the CARP under the Department of Agrarian Reform’s “Task Force Sugarlands,” which aimed to fast-track the distribution of sugarcane plantations in Negros. A lengthy 23 years later, Notices of Coverage (NOCs) were issued for several lots spanning 400 hectares of the landholding.

When Pablo Luis Azcona, present administrator of the vast farmland, heard news of the land’s coverage under the CARP, he demanded that the farmworkers vacate the *Hacienda*. Azcona began to drive the farmworkers away and to prevent them from working on the *hacienda* with the help of hired



armed goons. These armed goons have already purportedly slain two defiant farmers in the past.

The farmers' families were then made to move to a relocation site, which was allegedly purchased by the National Housing Authority (NHA) from Azcona. Fearing for their lives, the farmers reluctantly complied.

### **More than just a powerful administrator**

According to older members of OFFWA, it was only under Azcona's administration that they were made to leave the *hacienda*. Previous administrators respected the farmworkers' claim to the land and allowed them to continue farming on the landholding even without CLOAs.

Azcona claims to have special power of attorney bestowed upon him by the Garruchari family. OFFWA members also suspect that Azcona is no longer just an administrator, but a titled owner of some lots in the *hacienda*, thus giving him a greater stake in the contested lands. Some documents

found online may provide support to this theory. For one, the Philippine Sugar Technologists Association, Inc. (PHILSUTECH) identifies a certain “Pol Azcona” as the owner of a plantation within *Hacienda San Lucas*, curiously named Azcona Farms (PHILSUTECH, 2016). The Sugar Regulatory Administration of the Philippines (SRA) also lists Pablo Azcona as the Chairperson of the Southern Negros Development Corporation sugar mill for 2016 to 2017 (SRA, 2016).

In the year 2000, it is believed that Azcona himself applied for the conversion/reclassification of CARP-covered land. It however remains unclear to the farmers whether the land use of the areas in question has been changed from agricultural to either residential or industrial in the municipality’s present zoning plan.

### **The process reboots but old issues remain**

The dreary waiting game for OFFWA members was further extended when in 2012, the agrarian reform process for San Lucas Inc. was brought back to step one. Through the Comprehensive Agrarian Reform Program with Extension and Reforms (CARPER), a new NOC was issued for 130.8269 hectares of land under title number T-46616. This NOC was published by the Philippine Daily Inquirer (PDI) on 4 October 2012.

In 2014, additional NOCs for more than 270 hectares of land under title numbers T-208006 and T-208008 were issued under the CARPER. Both were published by the Philippine Star on 22 May 2014. However, since these lots are affected by the previously mentioned application for land conversion, the land acquisition and distribution (LAD) process for the two titles has halted.

The DAR Municipal Office (DARMO) however, maintains that they have not received any conversion order from



the DAR Central Office. Despite the unclear status of the conversion application and the opposition of potential ARBs, several construction projects have emerged and have since persisted on allegedly CARP(ER)-covered land. These projects include a subdivision named after the *hacienda's* original owner. As of writing, the construction of La Villa Concha has almost been completed and the units are almost ready for occupancy. The construction of the villa has been commissioned to HLJ Construction and Enterprises, headed by a certain Henry Jordan.

### **Another hurdle emerges**

In September of 2016, DAR reported that the issuance of the NOC for title number T-46616, the first one to be issued, was *erroneous*. Azcona claimed that the NOC had not been served to him as the administrator of San Lucas Inc. The LAD process for this lot had thus been halted as well, as the NOC has yet to be served to and received by the landowner for land acquisition to commence.

When confronted by OFFWA members about the DARMO's failure to serve the NOC, the MAROs were unable to produce documentation proving that Azcona had indeed received the NOC. Moreover, OFFWA's claim folders for the CARP-covered areas in *Hacienda San Lucas* could no longer be found at the DARMO.

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*“When confronted by OFFWA members about the DARMO's failure to serve the NOC, the MAROs were unable to produce documentation proving that Azcona had indeed received the NOC.”*

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### **OFFWA's perseverance and their Calls to Action**

OFFWA's members unfortunately, are still being hindered from working on the hacienda. To make ends meet, they have been engaging in various skilled to semi-skilled occupations unrelated to agriculture. According to the members, having their own land would enable them to have sufficient income

without having to break their backs over a meager laborers' daily wage. Hence, farmers of OFFWA along with around 900 potential ARBs affected by the above-mentioned issues, continue to struggle for peaceful access to lands which they have been entitled to.

OFFWA members are thus calling upon the Kabankalan government to clarify the land use status of the areas on which construction projects are ongoing. Industrial activities ought to be put to an immediate halt if the subdivision and other projects are illegally being constructed on agricultural land. If the lands in question have been converted for other

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purposes, farmers of Barangay Hilamonan ask that the affected ARBs be issued with new NOCs.

As regards the issuance of an erroneous NOC, OFFWA also calls upon the DARMO, specifically MAROs Lito Delos Santos, Luz Rezaga, and Rolando Morales, to sign CARPER-LAD Form 14, or the “Report on Failure to Serve the NOC or VOS Acceptance Letter to the Landowner and Request for its Publication.”

The long road has been difficult, the future remains unclear, but sweet victory has yet to be claimed. Unwearied by complications, OFFWA has been preparing for the acquisition and cultivation of their land through a five-year organizational plan. Members also continue to hone and practice skills they have acquired through paralegal trainings. They have actively been monitoring the CARP process for their claimed lands, through continuous engagements with CSOs and with government offices. ■

## Documents cited

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