

Defending land rights from a mother's perspective

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A boundary dispute arises between owners or actual occupants of neighboring properties. Such disputes are often very difficult to deal with as it involves the contending parties' homes and farms, both very dear to the parties, making resolution seem impossible.

A boundary is typically determined by reviewing documents such as the title or deed to the properties, as well as old photographs and witness statements. Without all the evidence, both parties may not come to an agreement.

It is often believed that the true owner has complete documents, while the poseur only has an agreement handwritten on a piece of paper (*kasulatan*).

Ownership of land changes as a time goes by. While ancestral lands of the indigenous peoples (IPs) are owned by the tribe, the Americans instituted land titles as proof of peoples' ownership over land in the 1940s. These land titles covered IP lands. Therefore, land titles as an instrument of ownership over IP lands in Mindanao was a fairly recent instrument.

Land "ownership" by way of a title can be traced to the parents of today's IP generation around Mt. Kalatungan. Their parents' rights are contained in the original title of ownership over a piece of land. This document traces the origin of the property – a link to what is now called the ancestral lot.

As time goes by and ownership changes hands from parents to their children through various transactions, such as gift deeds, inheritance, and so forth, transfer documents become requisite.

Parents will do everything to protect the lands that they worked hard for, in order

to properly bequeath said properties to their children. In agricultural societies, land is the most important thing that parents have, and it should be the children who will take charge of the land so that the next generation or the grandchildren will have land of their own.

In *Purok 1*, Bacusanon, the enumerators witnessed how a mother staunchly fought for her right to land. She decried how one of her children gave away his land to a neighbor just to keep the peace. The conflict began when the neighbor claimed the land. With the neighbor being influential and quite feared in the community, the rightful owners did not contest.

But the mother was not easily swayed. She protested the landgrab and produced all the pertinent documents to prove their family's ownership over the land.

The neighbor, true to his nature, used every trick in the book to dispute the mother's claim. He said that under the National Resettlement and Rehabilitation Administration, all land in the area was public land, virtually dismissing the validity of the documents in the mother's possession.

Even during the survey conducted under the "Enhancing Tenurial Security for Smallholder Farmers in Northern Mindanao, Philippines" project, the "new" owner was very vocal about his ownership.



Boundaries also are important for maintaining harmonious relationships between neighbors. Without clear boundaries, we may feel resentful or feel like we are taken advantage of.

Clear boundaries allow us to remain connected to our neighbors in a good way. Honoring boundaries between neighbors shows mutual respect. ■

The case is now under arbitration and, while the lawyers said that the “new” owner does not have the valid documents to prove ownership, he still claims that the land is public land and it is his to own because he can make it productive and is part of his property to begin with. Despite the ongoing dispute, the mother expressed that she still, in some way, was able to regain her sense of ownership of the land. What is important is that boundaries of both parties had been clearly identified and depicted on the certificates issued under the project.

Boundaries, that may be depicted by markers, identify the edge of your borders with your neighbor’s and marks the end or limit of both your lands. Without established boundaries, conflicts may arise between neighbors, and this may even lead to violence.