

# Land tenure insecurity due to overlapping land claims

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“I am very worried because I can lose my lot any time,” Juan (not his real name), one of the survey respondents shared.

As one of the enumerators in *Barangay Nabaliwa* deployed for the project “Enhancing Land Tenure Security of Smallholder Farmers in Northern Mindanao, Philippines,” I had many encounters with issues of tenurial security conflict and one of these caught my attention. Juan and his

siblings have been anxious for a long time because of another family that claims 300 hectares of land, including their 10 hectares.

I gathered data and facts in the neighborhood to prove if that certain family really has a legitimate claim to the 300 hectares. Six out of 10 people I interviewed said that it is true and that the said family acquired the land through informal agreements such as through a “barter” system or other transactions that never underwent legal processes. Furthermore, the land under conflict is inside the forest area. Juan’s family is not the only one that is involved, but seven other clans as well.

However, Republic Act 6657 also known as the Comprehensive Agrarian Reform Law of 1988, states under Section 6 that: “... upon the effectivity of this Act, any sale, disposition, lease, management, contract or transfer of possession of private lands executed by the original land owner in violation of this Act shall be null and void: provided, however, that those executed prior to this Act shall be valid only when registered with register of deeds within a period of three months after the effectivity of this Act. Thereafter all register of deeds shall inform the Department of Agrarian Reform (DAR) within 30 days of any transaction involving agricultural lands more than five hectares.”

I asked Juan how their family acquired their land. He said that they purchased

it from an indigenous tribe following a formal agreement countersigned by a *Datu*. They paid in cash and in kind. This is the same method used by the other seven clans.

As of now, their lands are covered by a stewardship agreement awarded by the Department of Environment and Natural Resources (DENR), proving that their family are authorized to cultivate the land. But still, they have this uncertain feeling because they already face a court case against the family with a 300-hectare claim.

Juan’s and the other seven families fear losing their domain even though they have this stewardship document because according to them, that certain family has many connections in government and has the means to win in and outside the court.

I sense that Juan and his family have renewed hope of their tenurial security because of the project, giving them recognition of their occupancy and stewardship over the land they are cultivating.

Indeed, this initiative played a vital role in my community of *Barangay Nabaliwa*. I am honored to be part of this project. ■