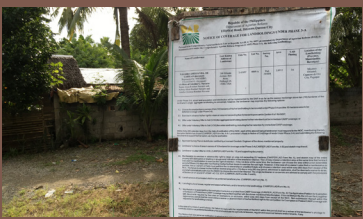




Farmers and Indigenous Peoples Defend their Right to Land: Stories from the Field



Supported by the European Union





The “Joint Action for Land Rights” is a project jointly implemented by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw), Solidarity Towards Agrarian Reform and Rural Development (Kaisahan), and People In Need (PIN). JALR contributes to the work of civil society organizations, including human rights organizations, working with vulnerable and socially excluded groups with particular focus on supporting the empowerment of farmers and indigenous peoples to claim their rights,

including protecting the rights of human rights defenders. The project is supported by the European Union’s European Instrument for Democracy and Human Rights (EU-EIDHR).



Founded in 1979, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in promoting food security, agrarian reform, sustainable agriculture, participatory governance, and rural development.

ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

The complexity of Asian realities and diversity of NGOs highlight the need for a development leadership to service the poor of Asia—providing a forum for articulation of their needs and aspirations as well as expression of Asian values and perspectives.

ANGOC
33 Mapagsanguni Street
Sikatuna Village, Diliman
1101 Quezon City, Philippines
P.O. Box 3107, QCCPO 1101, Quezon City, Philippines
Tel: +63-2 3510581 Fax: +63-2 3510011
Email: angoc@angoc.org
URL: www.angoc.org

Farmers and Indigenous Peoples Defend their Right to Land: Stories from the Field

Prepared by
Asian NGO Coalition for Agrarian Reform
and Rural Development (ANGOC)

for the project
Joint Action for Land Rights

supported by the
Delegation of the European Union to the Philippines (EU)

Citation:

Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Joint Action for Land Rights (JALR). (2018). *Farmers and Indigenous Peoples Defend their Right to Land: Stories from the Field*. Quezon City: ANGOC.

Photo Credits:

Gerard Jerome C. Dumlao (ANGOC)

Disclaimer:

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the Asian NGO Coalition (ANGOC) and can in no way be taken to reflect the views of the European Union.

ACKNOWLEDGEMENTS

ANGOC acknowledges the participation and contribution to this publication of the following organizations and individuals:

FARMERS ORGANIZATIONS

Negros Occidental

- Overflow Farmers and Farmworkers Association (OFFWA)
- ILCO Agrarian Reform Farmers and Fisherfolks Association (ILARFFA)
- Don Esteban Agrarian Reform Beneficiaries Association (DEARBA)/
Don Esteban Agrarian Reform Cooperative (DEARCO)
- Hacienda Bongco Farmers Association (HABFA)
- Hacienda Leonor Agrarian Reform Beneficiaries Farmers Association (HALARBFA)

Leyte

- Sumangga United Farmers Association (SUFA)
- Sabang Bao, Labrador, San Jose Farmers Association (SALASAFA)

Misamis Oriental

- Pagatpat Asosasyong Mansasaka (PAMA)
- Tinamay Farmers Association

Bukidnon

- Patpat Landless Association (PLA)

INDIGENOUS PEOPLES ORGANIZATIONS

Misamis Oriental

- Dulangan Unified Higaonon Tribal Organization

Bukidnon

- Miarayon, Lapok, Lirongan, Tinaytayan Tribal Association (MILALITTRA)

PROJECT PARTNERS

- Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw)
- Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan [Solidarity Towards Agrarian Reform and Rural Development] (Kaisahan, Inc.)
- People In Need (PIN)

PROGRAM STAFF OF BALAOD MINDANAW

- Maryland Gargar
- Melascom Miyak van Vugt

PROGRAM AND FIELD STAFF OF KAISAHAN

- Maricel Almojuela-Tolentino

Negros Occidental

- Gil Portillo
- Gillian Marie Cruz
- Jared Marc Lagahit
- Leomar Magbato Jr.
- Rona Gabales

Leyte

- Gilbert Negad
- Janet Divino
- Edmond Carpeso

PROGRAM STAFF OF PEOPLE IN NEED

- Alpha Carole Pontanal
- Hasna Adi
- Alphonse Figueroa

The Joint Action for Land Rights (JALR) Project is supported by the European Union's European Instrument for Democracy and Human Rights (EU-EIDHR).

The photographs used in this publication were taken by Gerard Jerome C. Dumlao (ANGOC) during the field visits to the communities featured in this publication.

PRODUCTION TEAM:

- Nathaniel Don E. Marquez
- Gerard Jerome C. Dumlao
- Denise Hyacinth Joy Musni
- Marianne Jane Naungayan
- Timothy Salomon
- Lennie Rose Cahusay
- Joseph Onesa
- Ma. Cristina O. Arceo-Dumlao

TABLE OF CONTENTS

Foreword	11
Case Briefs	
<i>Negros Occidental</i>	
Against their Own Kind: The Don Esteban Agrarian Reform Beneficiaries Association's Defense of Their Acquired Lands	13
The Construction of Destruction: Plight of the ILCO Agrarian Reform Farmers and Fisherfolks Association against Unsustainable Industrialization	23
A Two-Decade Crusade: The Overflow Farmers and Farmworkers Association's Protracted Pursuit of Their Right to Land	33
<i>Leyte</i>	
A Struggle through Generations: The Sabang Bao, Labrador, and San Jose Farmers Association's Long Road to Triumph	41
One Step at a Time: The Long Road to Victory and Present Challenges Faced by the Sumangga United Farmers Association	47
<i>Bukidnon</i>	
Trouble in Paradise: Issues in the Ancestral Domain of the Talaandigs of Talakag, Bukidnon	57
Desperate measures: The Case of Landless Farmers From <i>Sitio</i> Patpat, Malaybalay, Bukidnon	65
<i>Misamis Oriental</i>	
A Land of Opportunity for Outsiders: The Dulangan Higaonon Ancestral Domain	71
At the Crossroads of Urbanization: The Struggle for Agrarian Justice of the Pagatpat Asosasyong Mansasaka (PAMA)	83
When Fear is Replaced by Courage: The Case of the Tinamay Farmers of Misamis Oriental	99
ANGOC and JALR	7

ACRONYMS

ABERDI	A. Brown Energy and Resource Development, Inc.
ALUC	Application for Land Use Conversion
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
AD	ancestral domain
ADSDPPs	ancestral domain sustainable development and protection plans
ADMPPs	ancestral domain management plans
AFP	Armed Forces of the Philippines
AR	agrarian reform
ARBs	agrarian reform beneficiaries
ARCs	agrarian reform communities
ARCESS	Agrarian Reform Cooperative Connectivity and Economic Support Services
AR Now!	People’s Campaign for Agrarian Reform Network
A&D Lands	alienable and disposable lands
BALAOD Mindanaw	Balay Alternative Legal Advocates for Development in Mindanaw, Inc.
BIR	Bureau of Internal Revenue
CA	Court of Appeals
CARP	Comprehensive Agrarian Reform Program
CADT	Certificate of Ancestral Domain Title
CALT	Certificate of Ancestral Land Title
CARP	Comprehensive Agrarian Reform Program
CARPER	Comprehensive Agrarian Reform Program Extension with Reforms
CBFM	community-based forest management
CBFMA	Community-Based Forest Management Agreement
CDA	Cooperative Development Authority
CDO	Cease and Desist Order
CLOA	Certificate of Land Ownership Award
CLT	Certificate of Land Transfer
CLUPPI	Center of Land Use Policy, Planning and Implementation
CNO	Certificate of Non-Overlap

CSC	Certificate of Stewardship Contract
CSO	civil society organization
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DARAB	Department of Agrarian Reform Adjudication Board
DARMO	Department of Agrarian Reform Municipal Office
DEARCO	Don Esteban Agrarian Reform Cooperative
DEARBA	Don Esteban Agrarian Reform Beneficiaries Association
DENR	Department of Environment and Natural Resources
DES	Deputy Executive Secretary
DOJ	Department of Justice
DOLE	Department of Labor and Employment
EP	Emancipation Patent
EU	European Union
FPIC	free, prior and informed consent
HABFA	Hacienda Bongco Farmers Association
HALARBFA	Hacienda Leonor Agrarian Reform Beneficiaries Farmers Association
HRDs	human rights defenders
ICC	indigenous cultural communities
IFMA	Integrated Forest Management Agreement
ILARFFA	ILCO Agrarian Reform Farmers and Fisherfolks Association
ILCO	Insular Lumber Company
IPs	indigenous peoples
IPS	Indigenous Political Structure
IPRA	Indigenous Peoples Rights Act
JALR	Joint Action for Land Rights
JAO	Joint Administrative Order
Kaisahan	Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan, Inc.
LAD	land acquisition and distribution
LBP	Land Bank of the Philippines
LRA	Land Registration Authority
MARO	Municipal Agrarian Reform Officer

MILALITTRA	Miarayon, Lapok, Lirongan, and Tinaytayan Tribal Association
MKaRNP	Mt. Kalatungan Range National Park
NBI	National Bureau of Investigation
NPA	New People’s Army
NIPAS	National Integrated Protected Areas System
NOC	Notice of Coverage
OFWs	overseas Filipinos workers
OHCHR	Office of the High Commissioner for Human Rights
OLT	Operation Land Transfer
PAKISAMA	Pambansang Kilusan ng mga Samahang Magsasaka
PAMA	Pagatpat Asosasyong Mansasaka
PARAD	Provincial Agrarian Reform Adjudicator
PARO	Provincial Agrarian Reform Officer
PhP	Philippine Peso
PIN	People In Need
PLA	Patpat Landless Association
PNP	Philippine National Police
RMP-NMR	Rural Missionaries of the Philippines-Northern Mindanao Sub-Region
ROD	Registry of Deeds
SAC	Social Action Center
RTC	Regional Trial Court
PSA	Philippines Statistics Authority
SALASAFA	Sabang Bao, Labrador, San Jose Farmers Association
SNIE	Southern Negros Industrial Estate
SUFA	Sumangga United Farmers Association
TCT	Transfer Certificate of Title
TFM	Task Force Mapalad
TRO	temporary restraining order
VOS	Voluntary Offer to Sell

This publication, *Farmers and Indigenous Peoples Defend their Right to Land: Stories from the Field*, is a collection of the land and human rights struggles of ten partner farmer and indigenous peoples organizations of BALAOD Mindanaw and Kaisahan in Negros Occidental, Leyte, Bukidon, and Misamis Oriental. Through the **Joint Action for Land Rights (JALR)** Project jointly implemented by ANGOC, BALAOD Mindanaw, Kaisahan and People In Need (PIN) with the support of the European Union, the stories contained in this book were selected as they offer valuable lessons, have significant policy implications and simply for the passion that emanated from the human rights defenders as they narrate their cases during the training courses and local media workshops supported by the JALR project.

The ten cases included in this publication were all sourced from the Advocacy and Land Monitoring training courses conducted in the course of the JALR project, and were fine-tuned through field visits by ANGOC staff accompanied by Kaisahan and BALAOD Mindanaw field implementers.

The cases run the gamut of issues affecting land rights: effects of the lack of a Notice of Coverage law, effects of the Joint Administrative Order No. 1, series of 2012, landowner resistance, flawed agrarian reform implementation, competing claims by beneficiaries, commercial intrusion into agrarian reform lands and ancestral domains, and have seriously affected the livelihood and even security of the communities concerned.

The outline of the cases covered roughly the description of the community, the issue each faced and the activities they had to go through, the current status of the issue and a call to action.

The JALR Partners know that each community have their stories to tell. But for the time being, we share these ten tales in the hope that this publication will contribute to the discourse on land rights in the country, provide lessons, and perhaps be sources of inspiration.

Nathaniel Don E. Marquez
ANGOC

Normita Batula
BALAOD Mindanaw

Anthony Marzan
Kaisahan

Claudia Oriolo
PIN



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).

“Harmony among the four previously-mentioned groups have however been shaken because of competing claims over some parcels of land.”

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.

“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.”

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.” ■

Articles cited

- Nemes, A. III. (8 June 2013). 99 in Escalante get CARP land. *The Visayan Daily Star*. Retrieved from <http://www.archives.visayandailystar.com/2013/June/08/topstory3.htm>
- The Daily Guardian. (9 June 2013). Illegal occupants of Hacienda Bongco to face ejection. *The Daily Guardian*. Retrieved from <https://thedailyguardian.net/negros/illegal-occupants-of-hacienda-bongco-to-face-ejection/>



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).

“The livelihoods of around 134 agrarian reform beneficiaries (ARBs) from ILARFFA would also be devastated by the industrial projects.”

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.

“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.”

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.¹ ■

Articles cited

Bayoran, G. (29 June 2017). SP studying creation of south estate authority. *The Visayan Daily Star*. Retrieved from <http://www.visayandailystar.com/2017/June/29/topstory5.htm>

The Visayan Daily Star. (2 March 2017). Tsuneishi to invest P5.2B in ship re-use center: DTI. *The Visayan Daily Star*. Retrieved from <http://www.visayandailystar.com/2017/March/03/businessnews3.htm>

Adiong, E. (20 February 2017). Green Group Questions Conversion of Agri Land to Industrial. *Negros Daily Bulletin*. Retrieved from <http://www.ndb-online.com/february2017/green-group-questions-conversion-agri-land-industrial>

¹ 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

On 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.

“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.”

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

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

“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.”

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

- PHILSUTECH. (2016). *PHILSUTECH Newsletter*. January-May 2016, Vol. XX No. 10. Retrieved from <https://www.philsutech.com/newsletter.html>
- SRA. (2016). *Directory of Mill District Development Councils (MDDCs)*. Retrieved from <https://www.sra.gov.ph/wp-content/uploads/2016/10/DIRECTORY-OF-MILL-DISTRICT-DEVELOPMENT-COMMITTEES-2016-2017.pdf>



A Struggle Through Generations

The Sabang Bao, Labrador, and San Jose Farmers Associations' Long Road to Triumph

For members of the Sabang Bao, Labrador, San Jose Farmers Association (SALASAFA), the road to obtaining what is rightfully theirs had been long and arduous. They have struggled to have lands of their own for more than 20 years. Despite being issued with Certificate of Land Ownership Awards (CLOAs) in 1994, these agrarian reform beneficiaries (ARBs) have been unable to occupy lands awarded to them due to various deterrent means employed by landowners. After several unsuccessful attempts, and two decades of struggling against landowner resistance, 72 ARBs have finally been installed on their awarded lots just last September 2017.

Four communities of farmers

Barangay Sabang Bao, Barangay Labrador, and Barangay San Jose are contiguous *barangays* in the City of Ormoc, Leyte Province. Sabang Bao sits to the right of the Bao River, bounded by *Barangays* Bayog and San Jose to its north, and by *Barangay* Labrador to its east. A few kilometers east of *Barangay* San Jose is *Barangay* Nasunogan, from which the newest members of SALASAFA hail. The four *barangays* are all classified as rural communities, home to a total of 9,182 individuals (Philippine Statistics Authority, 2010).

SALASAFA was established in 2016 and has been registered with the Department of Labor and Employment (DOLE) with the assistance of Kaisahan. The organization has more than

a hundred members composed of farmers and farmworkers from the three previously-mentioned *barangays*. These farmers have claims to a total of 700 hectares of sugarcane and rice fields. 72 of SALASAFAs members were identified as ARBs under the Comprehensive Agrarian Reform Program (CARP), while the rest have been lobbying for their inclusion in the program.

An unfair heir

The Rustico Capahi Sr. landholding is a 700-hectare field which spills over boundaries of several *barangays* in Ormoc City, Leyte. Fathers of SALASAFAs members and they themselves have worked on the landholding for more than 30 years. In 1987, 28 farmers entered into leasehold contracts with Rustico Capahi Sr., and hence were able to cultivate sugarcane, and eventually rice, on the landholding for three years.

When Capahi Sr. passed away in 1989, his son took over the management of landholding. The heir then ordered the lessees to vacate the land, for him to be able to convert the fields back into a sugarcane plantation. It appeared however, that Capahi Jr. evicted the farmers for him to be able to select and employ men of his own.

The farmers then filed a complaint to the Department of Agrarian Reform (DAR) against their forced ejection. A notice of reinstatement was later issued for 10 of the original 28 farmers. Initial attempts to re-occupy the parcels of land they used to cultivate were, however, thwarted, after men of Capahi Jr. uprooted crops planted by the reinstated farmers. In another instance, the farmers were able to successfully plant another set of crops, but these were later harvested by rival groups without giving the sowers a share of the proceeds.

The intimidation game

In 1994, DAR released a number of Certificate of Land Ownership Award (CLOAs) for 16 lots of the Capahi landholding, which accrued to a total of 145 hectares. Three years thereafter, now bearing titles, farmers once again attempted to install themselves onto the landholding. They were however blocked by two truckloads of the younger Capahi's men, who surrounded the farm with machetes in-hand. SALASFA President Nilo Jopia recounts how a military personnel pointed an ArmaLite rifle towards his father, a peasant-leader, while threatening to kill the ARBs should they pursue their occupation of the land. While members of the police were present that time, their force could not match that of the landlord's cronies.

“Terribly intimidated and fearing for their safety, many of the farmers had since refrained from returning to the landholding.”

Terribly intimidated and fearing for their safety, many of the farmers had since refrained from returning to the landholding. They had already been tagged by the landowners as members of the insurgent New People's Army (NPA) and had been afraid to be seen on the farm, where a nearby military detachment may be found. Nilo shared that the gamble was too daunting for they would risk losing their lives for a small piece of land.

The CLOA-holders were up against a formidable foe. Not only do the Capahis have close family members in the military, they also have strong ties with large landowning families such as the Larrazabals and the Torreses. Since the release of the CLOAs, landowner resistance only intensified. The Capahis continued to employ a multitude of means to prevent ARBs from accessing the farm, among these: the use of rival farmer-claimants; testifying against the ARBs' and their fathers' history of being Capahi farmworkers; filing of petitions for the cancellation of the issued CLOAs;

commissioning military assistance; and, directing threats towards the ARBs.

Without their own land, the farmers worked as agricultural laborers on other smaller landholdings owned by friends or relatives. In return, they received a share of the crops for personal consumption and for trade.

From rivals to allies

The claimant-farmers and their families remained in possession of the farmland. They later organized themselves into the Capahi Farmers Association (CaFA) and are believed to have been under the protection and influence of the Capahis.

“SALASAFa members observe that apart from land-owner resistance, the lack of support from DAR also contributed to the delaying of their installation.”

The farmer-beneficiaries then began engaging in dialogues with the rival claimants, later earning their support. Most of the rival farmers eventually agreed to support SALASAFa members’ installation attempts, so long as they would also be provided with shares of the lots. From being at the forefront of barricades preventing other farmers’ access to the land, majority of the claimants are presently working together with their former rivals towards the fulfillment of their rights to the same land. After learning of this, landowners then increased the rental fees of the claimant-farmers under their employ. Claimants were also ordered to vacate their houses situated on the landholding.

SALASAFa members observe that apart from landowner resistance, the lack of support from DAR also contributed to the delaying of their installation. Had it not been for concerned civil society organizations (CSOs), the beneficiaries would not be aware of the importance of their CLOAs, much less of the processes required for securing

their land. As one of the SALASAFAs members expounds, “[DAR] did not bother to give any instructions. They did not give any information as to what [the CLOAs] held or how legitimate they were. They just distributed them. And, you know, most farmers are not educated, so they really did not know the CLOAs’ purpose, or how to make the claims.”

Towards a brighter future

With the help of Kaisahan, dialogues were continually conducted with the municipal and provincial DAR offices to fast-track the ARBs’ formal installation on the landholding. Various installation planning meetings have also been conducted with SALASAFAs, Kaisahan, DAR, and the Philippine National Police (PNP).

Finally, on 5 September 2017, amid legal contestations and continued landowner resistance, 72 ARBs from SALASAFAs have finally been installed on land they have claimed for more than 20 years.

ARBs are prepared to lease out some of their lands to farmer-claimants who worked under the younger Capahi. Although this might leave some of them with less than a hectare of land, the beneficiaries believe that what is most important is that all of them have access to land. As SALASAFAs member Regie expressed, “The important thing is that we have something. Even if they are small parcels, at least everyone has a share, everyone has land.”

The farmers along with Kaisahan continue to lobby to DAR for the recognition and inclusion of farmers initially excluded from the issued CLOAs. In order to make their newly-acquired land productive, SALASAFAs members also call on DAR to provide them with support services as mandated in the CARP. ■



One Step at a Time

The Long Road to Victory and Present Challenges Faced by the Sumangga United Farmers Association

Indeed, it may be draining to continually be faced with one hurdle after another over a long period of time. Yet fatigue may never be enough to dampen the spirits of those continually fighting for their rights. Such is the case of the Sumangga United Farmers Association (SUFA). First issued with Certificates of Land Ownership Awards (CLOAs) in 1997, it took two decades before members of SUFA were able to physically occupy the lands awarded to them. Despite this, farmers continue to face opposition from landowners, as well from rival groups claiming the same plots. Making their lands productive also remains a challenge in the absence of support services from the government.

SUFA in challenging terrain

SUFA was organized with the assistance of Kaisahan in 2015 to strengthen Sumangga ARBs' capacities to secure their right to land. In 2016, the organization was officially registered with the Department of Labor and Employment (DOLE). The organization is presently composed of 23 CLOA-holders (14 males and nine females). SUFA members are presently cultivating corn, cassava, and other vegetables on their newly-acquired plots.

SUFA's 35.56-hectare farm area is located in *Barangay* Sumangga, in the southwestern portion of Ormoc City, in the Leyte Province. *Barangay* Sumangga is a small rural

barangay with a recorded population of only 1,184 in 2010 (Philippine Statistics Authority, 2010). It is bounded by *Barangay Donghol* to its north, *Barangay Alta Vista* to its west, *Barangay Patag* to its east, and *Barangay Hugpa* to its south.

The landholding is located in a mostly highland *barangay* which sits alongside hills and slopes. Portions of Sumangga have been found to be suitable for growing coconut, rice, rubber, and sugarcane (Department of Agriculture Farmers Guide Map, n.d.).

The geographic and topographic details of the *barangay* also pose additional challenges for farmers. Ninety-three percent of Sumangga has been found to be highly vulnerable to landslides, erosions, droughts, and strong winds. Sourcing water for household consumption and for irrigation is also a primary concern. There is hardly any groundwater available in the farm area, and the construction of a water tank in the area has yet to be completed. SUFA ARBs have thus been gathering water from a river about a kilometer away from the installed farms. Moreover, farmers also have limited access to farm inputs, and the nearest farm-to-market road is rough and rocky.

Workers under a powerful clan

The 35.56 hectares of farmland in question formed part of a sugarcane plantation owned and operated by the Potenciano and Aniceto Larrazabal Economic Corporation (PALEC). Pablo Silva, chairperson of SUFA, is among the agrarian reform beneficiaries (ARBs) who had grown up on PALEC's land. According to him, the landholding was originally owned by a different family. His parents (and later himself) were under this family's employ until the *hacienda* went bankrupt in 1982. The farmland became idle for four years, until the Larrazabal family took over it in 1986. With incredible wealth and a number of friends in high places,

the Larrazabals are among the most powerful land-owning clans in Leyte and in the Philippines.

The farmers then toiled on PALEC's sugarcane plantation as agricultural laborers, beginning their day at five in the morning and ending at five in the afternoon. Their long 12-hour shift was compensated by a meager daily wage of PhP 70 which did not come with any food rations or medical benefits. Moreover, according to Pablo, they would not be given their full day's wage if they had worked on the plantation for less than 12 hours. Their yearly bonus also never went over PhP 150.

Tenacious resistance, denial of rights

In 1998, the farmers learned that 23 of them have been identified as ARBs under the Comprehensive Agrarian Reform Program (CARP). Moreover, they were made aware that CLOAs with their names had already been issued in the prior year. In 1999, these ARBs were scheduled for installation. Surveyors from the government along with an official from the Department of Agrarian Reform (DAR) met with Pablo Silva to explain that they were about to be installed into land that would now be their own.

“A member of the Larrazabal family then interfered and demanded that DAR officials go through the landowners’ office first.”

A member of the Larrazabal family then interfered and demanded that DAR officials go through the landowners’ office first. The DAR official and the surveyors obliged, but not without giving Pablo assurance that the ownership of the land would soon be transferred to the ARBs. This was, however, the last time they were to hear from DAR until 2014.

Despite being aware of the CLOAs awarded to the ARBs, PALEC continued to exercise control over the plantation and the farmworkers. Explaining why they did not assert



their right to the farmland, Pablo shared, “First, we did not have the capacity to fight them. Second, we were afraid we might lose our houses and jobs. Even if we were earning so small, we just worked on living in peace, without fear. We understood that it is risky to go against the rich and powerful.”

Moreover, according to Gilbert Negad, a Kaisahan area coordinator, from the issuance of the CLOAs in 1997, landowners along with their allies from the local DAR continued to block the farmers’ installation attempts with intimidation and threats directed towards the ARBs. “Blocking the installation is already a human rights violation because this deprives (the farmers) of livelihood and security,” Negad states. “Violation of land rights is a violation of human rights,” he adds.

In 2014, upon learning of their case, Kaisahan approached Pablo and the rest of the Sumangga farmers to offer

assistance. He was apprehensive at first, fearing threats from the Larrazabals and anxious about the materialization of their installation. The ARBs' confidence was eventually raised by their improved knowledge of land rights, acquired through seminars and paralegal workshops organized by Kaisahan.

The ARBs in cooperation with Kaisahan and the local DAR attempted to organize another installation in 2014. This was however postponed in order to safeguard the farmers who had been receiving threats from the landlords and their allies. Sometime during the preparatory phase for the installation, unidentified men claiming to be sent by a certain Baba Herrera went to Pablo's house and asked him to vacate his property. Knowing that lawful processes ought to be followed in cases of eviction, he refused to leave his home. The following day, the same men returned with a backhoe in hand, to ask Pablo to demolish his own house. Remaining sturdy, Pablo once again refused.

Some ARBs were also discharged from being agricultural laborers under PALEC, upon the accusation from the landowners that such farmers were not legitimate residents of Sumangga nor legitimate employees of PALEC. Exemplifying just how influential the Larrazabals are, the Sumangga *Barangay* Chairman then issued an official document certifying that the farmers in question were not residents of the *barangay*, in support of the landowners' false accusations. Speaking out on these absurd allegations, Pablo shared that his own mother was the local midwife who was called to assist with the birth of all the Chairman's children.

Opportunely, Pablo and other ARBs were able to secure official documents such as birth certificates and voter's IDs proving their residence in Sumangga. Some were also able to gather official receipts of payments made by PALEC to their Social Security System (SSS) accounts, thus verifying

their employment history under the Corporation. However, numerous ARBs and all of the women farmers could not produce such evidences, as they were not able to open SSS accounts during their time under PALEC.

In 2015, a petition for cancellation of the ARBs' CLOAs was filed by 14 supposed farmworkers of PALEC. Represented by Atty. Adelito Solibaga, Jr., these rival farmers claim to be the rightful beneficiaries of the lands awarded to Pablo Silva and other ARBs. Building on the landowners' contentions, these farmers also claim that the ARBs were not PALEC workers nor are they original residents of Sumangga. Pablo however claims that some of these counterclaimants are already CLOA-holders on a farmland in *Barangay Patag*. SUFA farmers therefore suspect, that these rival claimants are being used by the Larrazabals to regain control over the farmland.

A long-awaited triumph

The farmers continued planning for their installation. With the help of Kaisahan, the ARBs organized themselves into SUFA and attempted to occupy the farmland once again in June 2015. This time, the farmers brought with them a police force of around 10 to 12 men. They were taken aback however, by the number of people blocking their way. SUFA ARBs were confronted with PALEC's group of about 200 individuals. The police then advised the farmers to back down since they clearly would not be able to get past PALEC's group without resorting to violence.

Another year of planning for the installation ensued. This time, SUFA and Kaisahan sought the help of high-level officials from the Ombudsman's office, the Commission on Human Rights (CHR), the Philippine National Police (PNP), and other government agencies. One more installation attempt was made in February 2016 but was unsuccessful.

After several failed attempts and years of struggling against landowners and rival groups, the 23 ARBs were finally successfully installed into the farmland on 20 June 2016, with the assistance of around 300 policemen and DAR officials. They were also supported by staff members of Kaisahan, the Regional Director of the Commission on Human Rights, and farmers from the newly-organized Ormoc-Kananga Leyte Farmers Association (ORKALEFF).

During the day of the installation, the adjacent *Barangay Patag's* Chairman Joel Rubin came forward and introduced himself as a representative of PALEC. Attempting to stop the installation, the Chairman insisted that the land still belonged to PALEC.

Several individuals from the landowners' party were also present that day. Farmers claiming to be legitimate workers and thus supposed beneficiaries of PALEC's land also pitched tents within the farm areas to prevent SUFA members from working on the field. Accompanying these counter-claimants was their legal counsel, Atty. Solibaga. The lawyer asserted that the installation be postponed because the legitimacy of the ARBs claim to the land is still being contested. He further stated that his clients would not leave the area given the pending petition for cancellation they filed against SUFA ARBs. Lawyers of Kaisahan however countered that by law, only a temporary restraining order from the Supreme Court may be able to halt the installation of CLOA-holders.

SUFA farmers therefore proceeded to enter the farmland, slowly clearing the sugarcanes, despite the nearby presence of PALEC farmworkers and tractors sent by the Larrazabals. It was a victorious day for agrarian reform.

It took about a year however, before SUFA ARBs were able to have actual physical possession and control over the

land. After the installation, SUFA allowed PALEC to harvest the last of the sugarcanes cultivated before the transfer of ownership from the Corporation to the ARBs. And at last, in May 2017, the farmers began to plant their own crops on their own lands.

Just a few more stumbling blocks

The present situation of the ARBs on the former PALEC plantation is quite bittersweet. On one hand, the farmers are grateful for finally having physical control over land awarded to them twenty years ago. Pablo expounds, “There is a big difference now in our situation compared to before. We have our own land now. Although they no longer hired us—as we are now *hacenderos*, so to speak—we are in a better place.”

At the same time, even Pablo admits that they were better off *financially* when they were agricultural laborers under PALEC. As of writing, the ARBs have not yet been able to earn income from their crops. The little they have harvested since having actual possession of the land, they have used for personal consumption. To augment their incomes, farmers have asked for a bit of financial assistance from their children, while other ARBs have begun working as farm laborers under small landholders.

SUFA members plan on growing corn and upland rice on the farmland for household consumption. However, they would have to plow down the tough remnants of sugarcane planted deep into the soil for these crops to grow properly. This has been a tedious ordeal for the ARBs who lack agricultural machinery and have but one small tractor they use for uprooting the canes.

They also expect to face challenges in the sale of commercial crops. Aside from the farm-to-market roads being in bad

condition, they might not be able to access the (sugar) mills which are also operated by large landowners.

As previously mentioned, the insufficiency of the water supply for sustaining crops is another pressing concern for the ARBs. According to Pablo, the availability of water enables farming as well as raising livestock.

CSOs and ARBs are thus together in calling on DAR to implement the post-installation provisions of its agrarian reform program. In particular, SUFA members are urging DAR to provide them with support services in the form of irrigation, and the provision of farm inputs and heavy equipment. These support services would be of great value to struggling, newly-installed farmers that have yet to harvest their first yields as small landholders.■

“CSOs and ARBs are thus together in calling on the post-installation provisions of its agrarian reform program.”



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. ■



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

“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 manage to earn surplus income.”



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. ■



A Land of Opportunity for Outsiders

The Dulangan Higaonon Ancestral Domain

The *Higaonon* tribe in the Opol¹ and Manticao² municipalities of Misamis Oriental have traditionally practiced small-scale mining in their ancestral domain earning for it the name: *Dulangan*, which means “traditional mining.” Indeed, the ancestral domain of the Dulangan Higaonon tribe is a land of golden opportunity, allowing for a rich variety of economic activity such as mining, agriculture, fisheries, forestry, pasture, and tourism. Unfortunately, it is not the Higaonon tribe members who benefit from the bounty of the land, but outsiders.

The Ancestral Domain of the Dulangan Higaonon

The ancestral domain claim of Dulangan covers an area of more than 24,000 hectares, which according to the elders of the Dulangan Higaonon, should have been 28,000 to 30,000 hectares. This is reflected in records of the Office for the United Nation’s High Commissioner for Human Rights (OHCHR), which states that the Dulangan Higaonon are occupants of their ancestral territory in Misamis Oriental.

An estimated 30 percent of the total land area is forest cover while the remaining are farm and pasture lands. There are

¹ Six *barangays* in Opol, Misamis Oriental namely: Nangcaon, Tingalan, Bagoqboc, Awang, Cauyanon, and Limonda

² Two *barangays* in Manticao, Misamis Oriental namely: Mahayahay and Upper Malobog

at least three river systems found in the said domain. Iponan River is the main body of water found at the heart of the ancestral land.

There are around 11,000 people residing in the ancestral domain, majority of which are IPs. Their main source of livelihood is farming, and occasional hunting, gathering, and fishing in Iponan River. Although still relatively rural, economic activities within Dulangan Higaonon ancestral domain is rapidly undergoing industrialization due in part to the rich array of natural resources in the area and to its proximity to urban centers such as Cagayan de Oro City and Iligan City.

Dulangan Unified Higaonon Tribal Organization is the name of their Indigenous Political Structure (IPS) under the leadership of a council composed of the leaders of the eight tribal *barangays*. Its leaders are called *Limbobongan*.³

A heritage of displacement

The Dulangan Higaonon have been subjected to numerous historical experiences of displacement. Even prior the colonization of Northern Mindanao by the Spanish Crown, the Dulangan Higaonon have been subjected to displacement from their ancestral lands by invading Muslim kingdoms from the Sultanates of Lanao and Maguindanao. In these invasions, the Dulangan Higaonon served as the source of slaves for trade.

The Dulangan Higaonon staged uprisings against the Muslim invaders and succeeded to drive them out. Since then, they were able retain relative dominion over their land resisting Spanish, American, and Japanese rule.

³ Tribal chieftain: *Datu* Mampinuhan Norberto Puasan of *Barangay* Nangaon. The council members are *Datu* Fausto Landong of *Barangay* Limonda, *Datu* Maulana Romeo Gican of *Barangay* Cauyonan, *Datu* Mambubulig Roger Sambulay of *Barangay* Mahayahay, *Datu* Els Madrino of *Barangay* Upper Malubog, *Datu* Salansang Faustino Husayan of *Barangay* Tingalan, and *Datu* Tapurok Romel Mansilao of *Barangay* Awang.

It was only until the mid-20th century, upon entry of private individuals and corporations, that they lost control over critical portions of their ancestral domain. Jomorito Goaynon, Chair of the Kalumbay Regional Lumad Organization, says that during a series of land grabs and occupations by cattle ranchers in the 1950s, the Dulangan Higaonon were alternately forced off their land and then able to move back as various landlords came and went, even though the land was now deforested and their communal structure of life fractured.

Laying claim over their ancestral domain

In view of securing their claim over their ancestral domain, the Dulangan Higaonon filed an ancestral domain claim with the National Commission on Indigenous Peoples (NCIP). It has been 12 years since their ancestral domain claim has been staked at the NCIP (2006). To date, the land has yet to be fully awarded to the Dulangan Higaonon tribe.

The first few years were spent complying with the requirements for the self-delineation process of their ancestral domain claim until they hit a major snag. Tremendous delay was caused by overlapping land claims of outsiders within their ancestral domain.

This was further complicated when the Joint DAR-DENR-LRA-NCIP Administrative Order 01, Series of 2012 (JAO 1) was inked. The JAO 1 stipulates that overlapping land claims of outsiders within ancestral domains shall be considered existing and vested property rights, and shall be excluded/ segregated from the ancestral domain claim. It also stipulates that a Certificate of Ancestral Domain Title (CADT) shall only be issued once the overlapping land claims have been resolved and delineated as certified by Certificates of Non-Overlap (CNO) to be issued by the DAR (Department of Agrarian Reform), DENR (Department of Environment and Natural Resources), and LRA (Land Registration Authority).

To date, the JAO 1 has caused the delay of issuance of CADTs not only of the Dulangan Higaonon, but also of CADTs and Certificate of Ancestral Land Titles (CALTs) of indigenous peoples and indigenous cultural communities (IPs/ICCs) nationwide.

Due to the additional procedural burdens caused by the JAO 1 on the ancestral domain titling process, the Dulangan Higaonon are not able to effectively enforce their claim over their ancestral domain allowing for unhampered entry of outsiders. This has spurred several instances of land grabbing.

Although mandated by the IPRA, it has been the norm that their traditional systems of governance be set aside in matters related to their ancestral domain. Rarely do outsiders make the effort to show due respect to the Dulangan Unified Higaonon Tribal Organization by securing free, prior and informed consent (FPIC) before pursuing any project within the Dulangan Higaonon ancestral domain. This action has led to bloody confrontations.

Contestation from within: inter-tribal conflict

One source of difficulty in securing the CADT for the Dulangan Higaonon ancestral domain is internal conflict. Factions have formed that challenge the leadership of the existing tribal chieftain. This situation has caused difficulty in coming up with a list of families to be enlisted as beneficiaries of the ancestral domain.

In addition to this, another group of IPs based in Cagayan de Oro City has applied for a separate ancestral domain claim over selected *sitios* in Cagayan de Oro City and half of the *barangays* claimed under the Dulangan Higaonon ancestral domain claim in Opol, Misamis Oriental. The Cagayan de Oro-based IPs filed their ancestral domain claim after the Dulangan Higaonon filed theirs in 2006. The former IPs'

leadership is over a tribe of similar Higaonon ancestry and heritage outside of the Dulangan Higaonon.

The leadership of the other group has, in two instances, disrupted community consultations conducted by the NCIP in connection with the delineation of the ancestral domain of the Dulangan Higaonon. In both instances, they abrasively contended that the territory claimed by the Dulangan Higaonon Tribal Organization is illegitimate and belongs to the IPs from Cagayan de Oro City. This has caused confusion among the members of the Dulangan Higaonon Tribal Organization and proved to be a major hurdle in the finalization of the boundaries of their ancestral domain claim.

This has been recently resolved in a conflict resolution process in adherence to Higaonon customary law, and resulted in the setting of boundaries of both IPs' ancestral domain claims. Both ancestral domain claims are now due for perimeter surveys by the NCIP.

Mining in the Dulangan Higaonon ancestral domain

Mining is a traditional source of income dating back to precolonial times where the Higaonon traded their crafts for food and other merchandise from merchant traders, particularly the Chinese. Through the years, mining has transitioned from traditional practices to small and large-scale methods where private companies, foreign, and local including Dulangan Higaonons themselves have invested in harvesting gold ores from the ancestral domain.

As a result, migrants flocked over, increasing the population by hundreds of people every year. Even politicians encroach upon the ancestral domain of the Dulangan Higaonons. This is a big challenge to them as their traditional ways of living are being challenged by the flux of outsiders entering their ancestral domain.

The increase in the population has also triggered conflicts over land tenure. Competition over land and overlapping territorial claims abound. At times, conflict situations boil over, leading to violence between disputing parties.

“Aside from mining, there are a number of overlapping land claims within the Dulangan Higaonon ancestral domain. The local government has declared a reservation area for a water system within the ancestral domain.”

In the scourge of Typhoon *Sendong* (Washi) in 2011, the damage caused by heavy flooding was horrific, killing thousands of people. One of the identified causes of the flooding was the mining from uptown communities which include communities from the Dulangan Higaonon areas. Since then, mining activities have been strictly prohibited in the area.

The policy prohibiting mining in the Dulangan Higaonon ancestral domain was supported by then Secretary of the Department of Environment and Natural Resources (DENR), Gina Lopez. Despite these, mining companies are still attempting to continue or start new operations in the ancestral territory outside

of the FPIC process. This is due to the knowledge that the CADT has not yet been issued.

A land torn apart

Aside from mining, there are a number of overlapping land claims within the Dulangan Higaonon ancestral domain. The local government has declared a reservation area for a water system within the ancestral domain. Although the Dulangan Higaonon understand that the project is for the greater good, they still assert that the project should have underwent the proper FPIC process.

Also, Certificates of Land Ownership Award (CLOAs) have been issued to non-IP agrarian reform beneficiaries (ARBs) in the early 1990s within the ancestral domain. After 12

years of issuance and use for agriculture, the ARBs sold the land to the Mindanao Enduro Park.

Encroachment by Agribusiness⁴

Many areas of the Dulangan Higaonon ancestral domain are now planted with oil palm, which some members of the Dulangan Higaonon tribe leased to a certain agribusiness corporation named A. Brown – a trading, real estate, mining and energy, and oil palm cultivation and milling company. This is due in part to the government’s campaign to promote the palm oil industry in the area.

Joseph Paborada, chairman of the local indigenous people’s organizations called *Pangalasag*⁵ petitioned with the DENR for land rights to 520 hectares of an old, abandoned grazing concession they had reclaimed and were farming. But according to both Joseph Paborada and Jomorito Goaynon, the local DENR officials were in negotiation with a pro-corporation organization. The negotiations culminated in the signing of a Memorandum of Agreement allowing A. Brown Energy and Resource Development, Inc. (ABERDI), a subsidiary of A. Brown Corporation, to establish its oil palm plantation on the already-cultivated land under what is called the Community-Based Forest Management (CBFM) program.

Paborada and Goaynon alleged that some residents were tricked into waiving the rights to their land using signatures transferred onto documents they have never read. Many were not made aware of the investment negotiations. This is supported by the statement of the Dulangan Higaonon Tribal Council, that A. Brown upon their entry to the ancestral domain in 2002, did not undergo the correct FPIC process, thereby violating the rights of the tribe over their ancestral domain.

⁴ Excerpts in this sections were paraphrased from an article by Brad Miller in *Mongabay* published on 1 June 2017.

⁵ *Indigenous shield*, then called the Sarahogon Bagoceboc Farmer’s Association

Jomorito Goaynon said that in a 2014 Congressional hearing, it was later revealed that a Community-Based Forest Management Agreement (CBFMA) for the area never existed. The DENR's Assistant Chief of Enforcement Division in Region 10, Sarah Chacon, said in an interview in March 2017 with Mongabay that there is an ongoing investigation into whether ABERDI is operating with the proper permits.

Violence, impunity, and development aggression

ABERDI began clearing the land for its nursery and planting operations in 2010-2011 under its subsidiary, Nakeen Corporation. Pangalasag members say that even those who did not opt to give up their land were barred from entering into their farms by the company's armed guards, who were given what Joseph Paborada called a "shoot to kill" order if anyone trespassed. Paborada said anyone not backing Nakeen's operation was harassed – their crops destroyed or planted over with oil palm, their houses burnt.

One morning in 2010, Edwin Baronggot was working on his land. He recalled how a dump truck and several other vehicles arrived, loaded with armed company guards, government security forces, and members of the National Bureau of Investigation (NBI). Shots were fired, he said, and people ran. Baronggot said he was apprehended, beaten by an NBI agent and thrown in jail for two weeks. His case was dismissed three years ago, but he has lost his land and his livelihood. He has not returned to his farm since the incident. He says he lives under the pall of a death threat.

As does Joseph Paborada, whose brother Gilbert, the prior leader of Pangalasag, was shot and killed on October 3, 2012 in Cagayan de Oro City by two men on a motorcycle. Joseph claims his brother was murdered after refusing an offer of PhP 1 million to cease his opposition to the palm oil operation. Then on 2 December 2013, one of the group's founding members, Rolen Langala, was allegedly murdered



by a Bagochoc town councilor, stabbed and shot twice in the head at a community festival, according to the Kalumbay Regional Lumad Organization.

Because of “money and power,” says Joseph Paborada, “the force has continued.” He added that the murders have remained unpunished. Pangalasag members say that the elected town leader of Tingalan, allegedly a supervisor at the plantation, is now driving around in an expensive sports utility vehicle (SUV) and protected by armed security. Tension remains in the community, which is divided over the issue of palm oil.

Militarization of the ancestral domain

An atmosphere of impunity and lack of responsiveness by government agencies has left Paborada and others feeling abandoned and forgotten. He says he has little faith in the squad of soldiers from the Armed Forces of the Philippines (AFP) that are now camped out in the town hall for what Staff Sergeant Felipe Minister told Mongabay was a Civilian-Military Operation under President Rodrigo Duterte’s Development, Support and Security Plan – the new program

being employed to fight the 48-year-old insurgency of the communist New People's Army (NPA).

From past experience, the Dulangan Higaonon regard the military as “protectors of the plantations,” as Paborada puts it, and claim it brands anyone that opposes the palm oil industry as NPA. The Nakeen Corporation suspended its operation in Opol in September 2016, and Joseph Paborada says the community was left with no benefits, broken promises and one alternative: “If the government would not help us, we will seek help from the NPA.”

Prevailing situation

The Dulangan Manobo have been part of the **Joint Action for Land Rights (JALR)** project since 2016. The Balay Alternative Legal Advocates for Development in Mindanao, Inc. (BALAOD Mindanaw) supports the implementation of the project through capacity development interventions; legal counsel; community organizing; and information, education and communication (IEC) campaigns. Also part of the JALR, the Dulangan Higaonon engaged in dialogues with government agencies and the media in 2017: (1) policy dialogue on overlapping land claims in Northern Mindanao in Cagayan de Oro City, (2) local media briefing in Cagayan de Oro City, and (3) national policy dialogue on the JAO 1 in Quezon City.

Members of the Dulangan Higaonon tribe are now actively monitoring the status of the CBFM issues, mining permits, and other resource use instruments within their ancestral domain. This is to ensure that if said resource use instruments expire, they can push for the observance of FPIC.

They are also constantly following up the NCIP on the status of their CADT. In tribal assemblies, they are holding voluntary community discussions about the IPRA and their claim. In a tribal assembly, they invited the NCIP and DENR

to be present for tribe members to be able to air out their sentiments in person. The leadership particularly asked the NCIP to conduct the photo documentation since it is the only lacking document in their folder as indicated in the claim status given to them, but NCIP was not able to adhere to their request accordingly due to lack of personnel.

Call to Action

The Dulangan Higaonon is a case among many that manifest the need to revise the JAO 1. The JAO 1 must be transformed from an abeyance to the issuance of CADTs in the presence of overlapping land claims within ancestral domain claims, to a policy that effectively resolves overlapping land claims within ancestral domains.

Likewise, the clamor of the Dulangan Higaonon and human rights organizations for A. Brown, ABERDI, and, Nakeem to take full accountability for deceiving residents to waive their rights over their land, and for taking the lives, livelihood, and way of life of members of the Dulangan Higaonon tribe, must be heard. Ailene Villarosa, Advocacy Officer for the Rural Missionaries of the Philippines-Northern Mindanao Sub-Region (RMP-NMR) utters: “This is not the type of development people are asking for—the destructive development that will ruin their lives.”

It cannot be overstated that measures to claim justice for the Dulangan Higaonons, and for indigenous peoples and indigenous cultural communities (IPs/ICCs) in general must be undertaken to restore a lasting peace not only in ancestral domains, but nationwide. Many residents affected by the palm oil plantations have been left with meager plots as small as half a hectare to till for their subsistence and livelihood. Joseph Paborada, in a local dialogue process with the local government encapsulates the burning desire of the Dulangan Higaonon: “We want our land back.” ■



Republic of the Philippines
Department of Agrarian Reform
Elipit Road, Diliman, Quezon City

NOTICE OF COVERAGE FOR LANDHOLDINGS UNDER PHASE 3-A

Pursuant to the Comprehensive Agrarian Reform Law or Republic Act (R.A.) No. 6657 as amended by the Department of Agrarian Reform (DAR) is mandated to cover under the Comprehensive Agrarian Reform Program (CARP) Phase 3-A, the following Landholdings:

Name of Landowner	Last Known Address of Landowner	Title No.	Lot No.	Survey No.	Area	LAD Phasing	Location of the Landholding (Province, Municipality, Barangay)
NAVARRO ABELIA DA. DE CARIAS (Decedent) Represented by NAVARRO CELISTO G. (Decedent) c/o Heirs of Celestina G. Navarro Kamela Alicia Richard Navarro and Arthey Alicia Richard Navarro and Amelia Clarissa Richard Navarro	244 Hillside Avenue, First Floor, Pinarosa I A 15302, USA	T-41497	4009-A	Pal-245858	3,8911	3A	Misamis Oriental, Cagayan de Oro City, Pagsanjan

Under Phase 3-A actual land acquisition and distribution will be implemented by the DAR in so far as the excess hectareage above ten (10) hectares of the landowner's single aggregate landholding is concerned, however, the landowner may exercise the following options:

1. Choose the landholdings in excess of ten (10) hectares of his/her landholding to be covered under Phase 3-A and the 10-hectare area to be covered coverage under Phase 3-B;
2. Exercise in advance his/her right to retain an area not exceeding five (5) hectares pursuant to Section 6 of RA6657;
3. Offer under Voluntary Offer to Sell (VOS) the aggregate landholding above his/her retention limit for immediate CARP coverage; or
4. Offer under Voluntary Offer to Sell (VOS) the entire landholding, including his/her retention for immediate CARP coverage;

Within thirty (30) calendar days from the date of publication of this NOC, each of the above-named landowner must respond to the NOC, manifesting therein the option he/she has chosen (CARPER LAD Form No. 4-A, Landowner's Reply to Notice of Coverings of lands Under Phase 3-A) and submitting the following documents to support his/her option, as may be applicable:

1. Approved Survey Plan or sketch plan certified by a Licensed Geodesic Engineer of the above-mentioned property;
2. Landowner's choice of area in excess of 10 hectares for coverage under Phase 3-A (CARPER LAD Form No. 4-B) and sketch map thereof;
3. Landowner's Letter Offer for VOS (CARPER LAD Form No. 16) and supporting documents;
4. Manifestation to exercise in advance the right to retain an area not exceeding (5) hectares (CARPER LAD Form No. 5), and sketch map of the entire property with destination or shading or any general indication of the area to be retained. The L.O may choose a retention area of the same area that he/she is a period of three (3) days after manifesting his/her desire to exercise the said right. However, in the case of co-owners, who filed a manifestation to NOC, the co-owner or heirs must petition the co-owners to choose a retention area within sixty (60) days from receipt of the L.O that automatically authorizes the DAR/DRO to choose the area to be retained. The right landowner or co-owners are advised to comply with the provisions of Section 30-31-32 and 37 of DAR A.O.S. 2011 (CARPER LAD Form No. 5 and 6);
5. List of names of nominated children as preferred beneficiary/ies. (CARPER LAD Form No. 7)
6. List of agricultural lessees, regular and seasonal farmers, and/or tenants in the landholding. (CARPER LAD Form No. 8)
7. Manifestation to apply/petition for exemption/avoidance or protest from CARP Coverage (CARPER LAD Form No. 9) The Application/Petition for Exemption/avoidance or Protest from CARP Coverage may be filed together with the above-referenced Manifestation. It is not filed jointly that L.O can file together registration period shall be considered a waiver or abandonment of his/her/his/her right to file said petition for Exemption or Protest CARP coverage with respect to the landholding covered.

In the case of numbers 5 and 6 above, the failure to reply with the requirements of this NOC within the period shall be a waiver of the landowner's privilege to nominate children as preferred beneficiary/ies and nominate the agricultural lessees, regular and seasonal farmers and/or tenants, if any.

This Notice also serves as notification to whoever has interest on the property as successors or as transferees that he/she should manifest and signify in writing his/her legal interest over the subject property to the DAR Provincial Office within fifteen (15) days from receipt/publication of this Notice of Coverage.

[Signature]
RODOLFO S. MIBUENO
Director, Bureau of Land Acquisition and Distribution

November 15, 2012
Date

Manila Bulletin-Nov. 16, 2012

At the Crossroads of Urbanization

The Struggle for Agrarian Justice of the Pagatpat Asosasyong Mansasaka (PAMA)

Since 1980, members of the Pagatpat Asosasyong Mansasaka (PAMA) were the actual tillers of 5 parcels of agricultural land, totalling 18.6949 hectares in *Barangay* Pagatpat, Cagayan de Oro City, under peaceful and consensual arrangements with the now deceased landowner Amelia G. Navarro. The said parcels of land served as the stage for agrarian unrest between the PAMA and the Jukens Builders and Trade represented by Joselito Talaid.

Profile of the Community: Barangay Pagatpat, Cagayan de Oro City

Barangay Pagatpat is one of the 80 *barangays* in Cagayan de Oro, Misamis Oriental located in the north-central part of the city. The *barangay* is a plain land with a large river (Iponan River) located in the northeast.

Barangay Pagatpat used to be an agricultural community. The major crops grown in the area are corn, banana, rice, coconut, and papaya. At present, many of the agricultural lands have been reclassified into residential lands to cope with the fast-growing population of the city. *Barangay* Pagatpat was identified by the City Government as one of its relocation sites. Recently, a housing project was constructed by the city government. Not less than 1,000 houses were built to cater to informal settlers living in the city. Among

the lands affected by the reclassification of agricultural lands to residential lands are the lands of the PAMA.

Pagatpat Asosasyong Mansasaka (PAMA) and their landholding

PAMA is a farmers' association duly registered with the Department of Labor and Employment (DOLE) under Certificate of Registration No. WMO-X-06-039-2008 and with office address at House No. 375, Zone 7, Pagatpat, Cagayan de Oro City. They are farmers who, since 1980, have been the actual tillers and tenants of five parcels of agricultural land in Pagatpat, Cagayan de Oro City which were then covered by TCT No. T – 43500, T- 43497, T- 43801, T – 43499, and T – 43498, with a total land area of 18.6949 hectares and registered in the name of the late Amelia G. Navarro. The said lands are agricultural and irrigable as per certification by the National Irrigation Administration (NIA) of Cagayan de Oro City.

A peaceful past: Harmony with the landowner

Since 1980, the PAMA planted coconut, bananas, corn, *palay* (rice), mangoes, vegetables, and an orchard of assorted seasonal fruits on their land. During harvest time, the PAMA shared the fruits of their labor with the landowner, Ms. Amelia G. Navarro, under arrangements agreed upon by both parties. In the farmers' times of need, Ms. Navarro time and again, showed acts of compassion towards them. As such, the PAMA considered Ms. Navarro not only as their landowner, but also as their friend.

On 9 February 1991, Ms. Navarro passed away and the same landowner-farmer relationship continued with the landowner's sole heir, Mr. Celestino Navarro, and his subsequent heirs Ms. Karen Alician Rineheart and Ms. Aubrey Alicia Rineheart who resided in the United States of America.

An Abrupt Development

The peace was disturbed in 2007 when Jukens Builders and Trade bulldozed the farmlands of the PAMA and seized the land to make way for socialized housing. Total damage was estimated at one million pesos.

Jukens Builders and Trade was owned by Joselito Talaid, a Mayor of Kadinglan, Bukidnon who claimed that the landholdings of the PAMA were sold to him by the heirs, Ms. Karen Alicia Rineheart and Ms. Aubrey Alicia Rineheart in 2008. Through the years, Jukens Builders and Trade continued to seize the land under the possession of the PAMA until only four hectares remained with them.

Beginning of the Struggle

The PAMA was terrified of the actions of the Jukens Builders and Trade. Ms. Rumelin Calalin, member of PAMA, said that not only did the children cry, but so did the adults, most especially the elderly in the sight of their farmlands, which for more than 20 years they tilled, were leveled, destroyed, and paved.

Alejandro L. Responde, the leader of the PAMA rallied his family and his companions to muster the strength to resist the actions of Jukens Builders and Trade. They sought the counsel and support of civil society organizations (CSOs) and the Church. They were advised to file cases against the Jukens Builders and Trade and as such, on 29 November 2007, the PAMA filed a case of declaration of “Tenancy, Peaceful Possession, Security of Tenure, Damages, and Issuance of Temporary Restraining Order (TRO)” against Amelia G. Navarro, Celestino G. Navarro, and Jukens Builders and Trade (as represented by Joselito J. Talaid) over the land that they till before the Provincial Agrarian Reform Adjudicator (PARAD) of Misamis Oriental docketed

as Department of Agrarian Reform Adjudication Board (DARAB) Case No. X (06) 2041.

The landholdings are covered under the CARP

“An investigation was conducted by the DAR Provincial Office of Misamis Oriental and it was found out that ongoing developments were introduced in the area without prior DAR clearance.”

On 21 January 2008, Provincial Agrarian Reform Officer (PARO) Zoraida Omar Macadindang, Al Hadja of Misamis Oriental, issued a Notice of Coverage (NOC) to the heirs of Amelia G. Navarro placing the entire landholding under the Comprehensive Agrarian Reform Program (CARP) coverage. Subsequently on 6 February 2008, Alejandro L. Responte et. al. filed before the DAR Region 10 Office a complaint for illegal, premature, and unauthorized conversion against Jukens Builders and Trade for having developed a housing project over the subject land even without the required conversion order from DAR.

At this time, the Jukens Builders and Trade have already constructed a fence around the landholding. A guard house and gate protrude the entrance of the landholding with a conspicuous sign which reads: FATIMA WEST PLAIN SUBDIVISION. Roads have been paved traversing where the farmlands of the PAMA used to be as laborers continue to cut down the remaining fruit bearing trees.

Initial gains

An investigation was conducted by the DAR Provincial Office of Misamis Oriental and it was found out that ongoing developments were introduced in the area without prior DAR clearance. As a result, on 7 July 2008, the Regional Director John M. Maruhom issued a Cease and Desist Order (CDO) against Jukens Builders and Trade to prevent further destruction of the land, lest it be rendered unsuitable for agricultural uses.

Without the compliance of Jukens Builders and Trade, the DAR Region 10 led by Regional Director John Maruhom along with its Provincial and City Field Offices enlisted the help of the Philippine National Police (PNP) Regional Command 10 to impose the CDO on 13 November 2008. Joselito Talaid and Jukens Builders and Trade were forced to stop their operations for seven days.

DAR: A sudden change in tune

Released on 31 October 2008, the decision of the PARAD Atty. Charlito A. Sabuga-a became a major challenge to the struggle of the PAMA for rights over the subject landholdings. DARAB Case No. X(06) 2041 declared the PAMA as not *de jure* tenants effectively ordering them to vacate and demolish their respective houses and farm lots on 31 October 2008. The PAMA appealed against this decision of the DARAB.

In addition, on 27 February 2009, a newly-appointed Acting DAR Regional Director, Felix B. Aguhob issued an order lifting the CDO which emboldened Jukens Builders and Trade to continue the destruction of the agricultural lands despite it being placed under CARP coverage. To this, Joselito Talaid wrote to DAR Region 10 that he intends to apply for Exemption for Land Conversion. The regional office of DAR then accommodated the request by extending the deadline for submission of Application for Land Use Conversion (ALUC) for seven months, expiring on 17 December 2009. In all this, the PAMA was left in the dark.

Upon learning of the lifting of the CDO after a month's time, the PAMA immediately filed a Motion for Reconsideration with the Acting DAR 10 Regional Director on 19 March 2009. After almost one year, the Acting DAR Regional Director issued a resolution dated 22 February 2010 denying the Motion for Reconsideration and affirming the lifting of the CDO.

A mediation process was also initiated by the DAR where the offer of 100-square meter lot, PhP 50,000, and 11 coconuts were offered by the Jukens Builders and Trade. The PAMA rejected the offer as it is not commensurate to the damage done against the PAMA, and citing as well that the process of mediation did not follow the process as prescribed in prevailing policy of the government.

Co-conspirators

Regional Director Aguhob wrote to Joselito Talaid stating that “DAR 10 strongly dissuade Ex-mayor Talaid from undertaking further development activity in the landholding, until and unless his application shall have been finally decided by the DAR Secretary.” In addition, the letter also indicated that Regional Director Aguhob wrote to the PAGIBIG Fund¹ that Mr. Talaid developed only the five hectares of land with no existing tenants and as such, there would be no need for Conversion Clearance from the DAR. This is contrary to the fact that Jukens Builders and Trade developed the whole 14 hectares seized from PAMA. This was coupled by another letter to Fermine Sta. Teresa, Branch Head of the PAGIBIG Fund in Cagayan de Oro issuing his support to Ex-Mayor Talaid’s Loan Application worth PhP 40,000,000 for socialized housing projects in the subject landholdings.

When the PAMA approached Regional Director Aguhob regarding their application to become ARBs of the subject landholdings, Aguhob told the PAMA members that they cannot be considered as such.

The struggle continues

The farmers, through counsel, wrote a letter dated 9 February 2010 asking the DAR Region 10 to effect a Notice of Coverage and to distribute the subject lands to farmer beneficiaries. Immediately after hearing the bid of the

¹ PAGIBIG is a home development mutual fund of the Government of the Philippines.

PAMA, Joselito Talaid applied for Land Use Conversion of the subject lands from agricultural to residential with the Center for Land Use Policy, Planning and Implementation (CLUPPI) under the DAR on 10 February 2010. This is after unlawfully entering and destroying the subject lands for more than three years. Joselito Talaid's application of conversion was opposed by the PAMA through the filing of an Opposition/Objection dated on 8 March 2010 with the CLUPPI.

PAMA with the assistance of Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw) in the person of Atty. Roy Lago Salcedo on 19 July 2010, filed an Urgent Motion to Enforce the Cease and Desist Order before the Office of then DAR Secretary Virgillo De Los Reyes enjoining Jukens Builders and Trade to stop developing the subject landholdings. The order also required Jukens Builders and Trade to prove why they should not be liable for undertaking illegal and premature conversion.

The PAMA also pressured the DAR to file a criminal case against Joselito Talaid and Jukens Builders and Trade for engaging in illegal land use conversion and as well, issue the Notice of Coverage over the subject landholdings. As such, on 15 December 2012 the DAR issued a Notice of Coverage for subject landholdings and on the next day, the list of potential ARBs were posted in the *Barangay* Hall and the Information Center in the City Hall of Cagayan de Oro. The members of the PAMA were the ARBs declared in the list to which no opposition was met.

Jukens Builders and Trade resorts to violence

Joselito J. Talaid hired security guards from Tagbagani Security and Investigation Agency on 23 June 2011 to defend the development of Jukens Builder and Trade. These guards were instructed to harass the PAMA and their families. These incidents prompted the farmers through DAR PARO



Office to request for assistance from the PNP-Cagayan de Oro City.

In one instance on 26 April 2012, Alejandro Responde, the leader of the PAMA received an anonymous letter containing the message “Rest in Peace.” Responde said that he was not afraid.

The day after, on 27 April 2012, the Responde residence was showered with bullets by unidentified men. Fortunately, no one was hurt.

To the courts!

In view of having disregarded the requirement in law in filing a conversion application prior to its development in the subject landholding (a complaint for premature conversion against Jukens Builders), a case was filed before

the Municipal Trial Court in Cagayan de Oro City. However, the said case is still on pending resolution.

On 13 September 2012, the DARAB promulgated a decision in DARAB CASE NO. 16067 (Reg. Case No. X (06) 2041) which affirmed the decision of Atty. Charlito A. Sabuga-a. A Motion for Reconsideration (MR) was then filed but was subsequently denied. Thereafter, the decision was raised to the Court of Appeals through a Petition for Review on the Decision of the DARAB in its decision dated 15 December 2014. A Petition for Review on the decision of the Court of Appeals was likewise filed before the Supreme Court (SC) but was again denied by the SC in its resolution dated 25 March 2015.

Thus, the issue on tenancy was finally resolved – the PAMA shall not be considered as *de jure* tenants in the subject landholdings. Despite this, the PAMA persisted to claim their rights over their land under the CARP as they applied as ARBs for the land with the assistance of Mr. Boy Mercado, the City Field Officer of the DAR in Cagayan de Oro City.

Swimming against the tide

On 29 November 2013, the DAR Central Office (DARCO) issued a decision approving the Application for Land Use Conversion of Celestino G. Navarro represented by Joselito Talaid from agricultural to residential use (socialized housing), but subject to certain conditions. On 24 December 2013, PAMA filed a Motion for Reconsideration with the DARCO. No formal response has been earned from the DAR on this matter.

PARO Zoraida O. Macadindang, Al Hadja, on 10 February 2014 endorsed the urgent issuance of a CDO to DAR Regional Director in favor of the PAMA to stop Joselito Talaid or Jukens Builders and Trade from conducting further

developments in the subject lands. This likewise, is yet to be decided upon by the DAR.

Regarding the continuing harassment perpetuated by Jukens Builders and Trade, the Climate Change Congress of the Philippines (CCCP) and the Social Action Center (SAC) of the Archdiocese of Cagayan de Oro City, upon request of the affected farmers, organized a dialogue with the members of the Cagayan de Oro City Peace and Development Council including the DAR Region 10 and Joselito Talaid which resulted to an agreement on peaceful co-existence among parties with pending resolution of the case filed before the proper court.

More violence

Despite the commitment made by Joselito Talaid to the CCCP and SAC, Jukens Builders and Trade allegedly committed acts of violence against the PAMA. On 25 May 2014, in the twilight of the night, the banana trees of the PAMA were hacked. On 4 June 2014, a farmer was shot inside the Responde Residence. The day after, 5 June 2014, a bottle with gasoline was thrown, still at the Responde Residence. The bottle was noticed immediately and the spread of the fire was prevented. Another shooting happened on 10 July 2014.

Further acts of violence were committed by Jukens Builders and Trade. A security guard cocked a shotgun to the farmers who were tending their farmlands on 4 August 2014. Three days after, a group of armed men verbally threatened the wife of a member of the PAMA.

Oases of recourse

The struggle was brought to the Malacanang Palace. On 13 November 2015, the CCCP and the SAC of the Archdiocese of Cagayan de Oro City, under the leadership

of the Most Reverend Bishop Antonio J. Ledesma S.J. D.D. organized a dialogue with the presence of PESANTE Philippines, Inc., PAMA, and different farmers organization from Luzon, Visayas, and Mindanao with the DAR-Central Office, Cabinet Member Deputy Executive Secretary (DES) Ronald Geron, DILG Undersecretary Austere Panadero, and representatives from the following departments: Department of Environment and Natural Resources (DENR), Department of Justice (DOJ), Department of Social Work and Development (DSWD), and National Commission on Indigenous Peoples (NCIP). The main purpose of the said dialogue is the presentation of the recent land disputes and conflicts between tenants and landowners, harassment against farmers, pending cases, killings of leaders, as well as issues and concerns of indigenous peoples. Furthermore, after thorough deliberation, the representatives from the offices of DAR Undersecretary Bistoyong and Undersecretary Pangulayan came up with the recommendation for the PAMA to expedite the resolution of the Motion for Reconsideration.

The PAMA also received assistance from the **Joint Action for Land Rights (JALR)** project. Under the JALR, the PAMA was provided with capacity development interventions as paralegals focusing on land rights advocacy and monitoring, organizational strengthening, as well as legal counsel with BALAOD Mindanaw, financial support for their land rights advocacy and monitoring activities, and the provision of equipment for securing their landholdings.

Pursuant of the recommendation of Undersecretary Bistoyong and Undersecretary Pangulayan, PARO Zoraida Oram Macadingdang, Al Hadja on 27 July 2016 wrote an endorsement letter to then Secretary Rafael “Ka Paeng” V. Mariano to expedite Resolution of the Motion for Reconsideration on the order granting the Application for Conversion filed by Jukens Builders and Trade over landholdings under CARP Coverage.

The legal battle intensifies

A Motion for Issuance of Writ of Execution and Demolition of the tenants (the PAMA farmers) was filed by Joselito Talaid on 27 October 2016 in connection with the decision dated 31 October 2008 declaring the PAMA not *de jure* tenants of the subject landholding, ordering the PAMA to voluntarily vacate and demolish their respective houses, if there be any, and surrender peacefully the subject landholding to Jukens Builders and Trade. In connection with the Motion of Joselito Talaid, PARO Zoraida Omar Macadindang, Al Hadja on 7 November 2017 wrote an endorsement letter addressed to Secretary Rafael “Ka Paeng” Mariano to investigate the ongoing activity of Jukens Builders and Trade over the subject property despite the fact that a timely motion for reconsideration was filed by the PAMA.

On 23 January 2017, DAR Provincial Office received a Memorandum from the Undersecretary signed by Atty. Marcos D. Risonar, Jr. of DAR. The memo is addressed to PARO Zoraida O. Macadindang ordering her that the CARP coverage of the subject landholdings be continued until it be realized in the issuance of CLOAs to qualified farmer-beneficiaries.

Resistance from Jukens Builders and Trade

The Department of Agrarian Reform Provincial Office (DARPO) and Municipal Agrarian Reform Office (MARO) called a dialogue as requested by PAMA on 13 March 2017. In the dialogue, the MARO agreed to conduct a survey including Segregation, Land-Use, and Subdivision on 22 March 2017 to determine the extent of the development of the housing project, the remaining portions not yet developed, the crops grown, and the actual tillers.

During the scheduled survey, the DARPO survey team was met by a certain Mr. Virgilio G. Arcadio, alleged foreman of

the Jukens Builders and Trade, and security guards of the subdivision. Despite repeated plea from the MARO and the survey team, they were denied entry because they already have an approved conversion order from then DAR Secretary Virgilio delos Reyes. In the sketch map submitted by the survey team it shows that 18.6949 hectares were already consolidated with approved Subdivision plan Pcs-10-004090 dated 6 June 2008 in the name of Fatima West Plain Subdivision.

PAMA received a notice from DARAB on 6 April 2017 informing them of a Resolution for a Motion for Issuance of Writ of Execution and Demolition on the tenancy case. On 12 April 2017, 15 members of PAMA participated in a dialogue with the DAR Provincial and City Offices in the presence of BALAOD Mindanaw. The PAMA was informed of the results of the survey and on the forthcoming recourse of the DAR to render the survey problematic due to the resistance from the Fatima Housing Project, owned by the Jukens Builders and Trade to allow the conduct of a survey on the subject landholdings. The issue at hand shall therefore be referred to the Land Bank of the Philippines for their intervention.

Recent developments

The PAMA sought engagements with the DARCO with the assistance of BALAOD Mindanaw, Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), and the People's Campaign for Agrarian Reform Network (AR Now!). The DARCO through Undersecretary David Erro obliged their request for a dialogue on 10 September 2017. The request was temporary put on hold due to the rejection of Rafael "Ka Paeng" Mariano as DAR Secretary by the Committee on Appointments in Congress.

The DAR then referred the concerns of the PAMA to Assistant Secretary Lucuis Malsy and Assistant Secretary Elmer Distor who obliged their request for a dialogue



conducted on 9 November 2017. In the dialogue, DARCO committed to facilitate the resolution of the cases of the PAMA lodged with the DAR. As such, on 17 November 2017, the DAR certified the particular case of the PAMA ADM case no. A01'02-X0222-1039 or “Protest for CARP Coverage and Application for Land Use Conversion Order, entitled Celestino G. Navarro et al./Jukens Builders and Trade represented by Joselito Talaid vs. PAMA represented by Mr. Alejandro Responde et. al.” as a flashpoint case deserving urgent resolution due to the threat to life and limb against of the PAMA.

Call to action

The PAMA currently occupies only four of the 18 hectares of land they have claims on. Despite this, they are able to sustain their alliances with BALAOD Mindanaw, the Archdiocese of Cagayan de Oro, the City Peace and Order Council, and the DAR Provincial and City Offices in the local

level. They are being supported by the ANGOC and the AR Now! in the national level.

The PAMA is monitoring and advocating for favorable and speedy resolution of their cases. They are praying that the DAR: (1) issues and imposes the Cease and Desist Order to Jukens Builders and Trade; and, (2) fast-tracks CARP Coverage on the subject landholdings with PAMA members as the ARBs. ■



When Fear is Replaced by Courage

The Case of the Tinamay Farmers of Misamis Oriental

For years, eight farmers and their families from the village of Mimburahan in Sucbongcogon town, Misamis Oriental province, in the Philippines' southernmost island of Mindanao, lived in fear for their lives and livelihoods

These families are agrarian reform beneficiaries (ARBs) of a 13-hectare land owned by the Anacleto Ranises Trading and Realty Corporation. They were awarded a Certificate of Land Ownership Award (CLOA) under the Philippine Comprehensive Agrarian Reform Program (CARP) in 1998.

No matter how small

To the farmers, ownership even of a small parcel of coconut land is a means to a better life since they were all seasonal farmworkers on Ranises' and nearby coconut plantations, earning around PhP 50 a day.

“We were farmworkers. We owned no land. We were hired to harvest the coconuts and were paid PhP 120 per 1,000 nuts. But most of the time we only harvested 500 nuts in a day so we just earn PhP 60,” Mario Sapa, president of the association and its only paralegal, explains.

Life was hard for the farmers. Aside from their low wages as farmworkers, they only worked one week every three months. To make ends meet, they plant root crops and vegetables and raise pigs and chicken in their backyard.

They also make arrangements with neighboring landowners to plant crops on idle land, mostly rice. However, this is a precarious proposition since the owners can just take back the land anytime they need it.

“There was a time when I have finished land preparation and was ready to plant, then the landowner came and said that he needed the land. I was devastated because I already put much effort and borrowed money for the seeds. It just seemed so unfair,” Rufo Cagas, one of the members, recalled.

Life was so hopeless for these farmers, who existed mostly on dried fish and salted baby shrimps (*ginamos*). So when a 13.2826-hectare parcel of the Anacleto Ranises Trading and Realty Co., with Transfer Certificate of Title (TCT) No. 8099 located in Mimbuaon was placed under CARP coverage on 21 May 1991, and they were named possible beneficiaries, it was as if the heavens were starting to favor them.

A ray of hope

On 21 May 1993, a Notice of Acquisition was then issued to Anacleto Ranises, the President of the Corporation. On 29 August 1994, a Notice of Land Valuation was issued to the Corporation, prompting Ranises to file a case with the DAR contesting the valuation.

Just compensation was determined and later on deposited to a trust account in Land Bank of the Philippines (LBP) in the name of Ranises. No appeal was interposed for this resolution.

On 21 December 1998, the Department of Agrarian Reform (DAR) issued CLOA No. 00238840, and later TCT No. C-8403 covering such land, in favor of Emedio Pila and seven other farmer-beneficiaries.

Owner resistance poses a stumbling block

On 9 May 2005, Anacleto Ranises Trading and Realty Co. filed an action for the “Declaration of Nullity of Titles and CLOAs with Damages” with the Provincial Adjudicator of the DAR Adjudication Board (DARAB), alleging that the true owner of the subject land was not properly notified of the CARP coverage and no just compensation was made. Thus, the corporation claims, the entire proceedings, including the issuance of the CLOA, was null and void.

The farmer-beneficiaries were to be installed on the subject land by DAR on 10 May 2005, but the installation did not push through due to the strong resistance of the landowner who even employed men, presumably armed, to block the installation.

On 25 July 2005, the DARAB Provincial Adjudicator rendered a decision in favor of the corporation and ordered the cancellation of the CLOA. The farmer-beneficiaries filed a motion for reconsideration, but was denied by the DARAB Provincial Adjudicator for being filed out of time.

The farmer-beneficiaries (except for one, a certain Proculo who was the corporation’s caretaker) appealed the decision with the DARAB Central Office which, on 4 October 2006, affirmed the ruling of its provincial adjudicator. The farmer-beneficiaries filed a motion for reconsideration but the same was denied by the DARAB Central.

The farmer-beneficiaries then appealed the decision of the DARAB Central with the Court of Appeals (CA). On 31 August 2012, the CA ruled in favor of the farmer-beneficiaries. The

CA reversed and set aside the previous rulings of the DARAB Central and DARAB Provincial Adjudicator. It upheld and reinstated the CLOA and TCT issued in favor of the farmer-beneficiaries.

The corporation filed a motion for reconsideration but was denied by the CA for being filed out of time, its earlier ruling having become final and executory, and entry of judgment having already recorded in the CA registry.

On 22 June 2016, the former landowner appealed the case with the Supreme Court through a Petition for Review. The case is now pending with the Supreme Court.

Another legal issue the farmers are facing is another case recently filed by other alleged farmworkers of the previous owner. A petition for inclusion and exclusion was filed claiming that some beneficiaries own land in another municipality, thus questioning their qualification as ARBs.

Landowner employs scare tactics

Aside from the legal maneuverings by the previous landowner, they have also been harassed and threatened. Armed men used to be seen roaming in and around the property, presumably to coerce them to abandon their rightful claim to the land.

In another instance of harassment, the coconuts they were transporting to the town were held up by men of the Ranises Corporation, who said that they had no right to harvest the crop since they do not own the land and are therefore stealing.

Good thing that the *barangay* (village) leaders and even the municipal government are on their side, which enabled the transport of the crops to push through.

Finally, installation, and a chance of a better life

Despite the legal impediments and other maneuverings by the previous landowner, the DAR went ahead with the formal installation of the ARBs on 26 November 2015. Thus, for all intents and purposes, the Tinamay farmers are now landowners.

At present, an uneasy peace prevails in the area. The farmers are no longer harassed. They have been driven away other farmers whom the former landowner made to live on their land.

Although not yet prosperous by any means, the Tinamay farmers are now enjoying the fruits of their land. They now eat three square meals a day and can even afford to celebrate special occasions. They can send their children to school.

“We can now even buy *lechon manok* (roasted whole chicken) during birthdays, *fiestas* (feast days of patron saints), Christmas, and New Year’s Day. We can even afford to hire a videoke machine during special occasions,” Sapa declares.

The farmers decided to keep the coconut crop communal. They tend to it and work the harvest, paying themselves the daily rate of PhP 120 a day. They even help out neighboring landless farmers by hiring them during the harvest season.

According to the farmers, they now have peace of mind. They can now dream and plan. Aside from coconut, whose production has dwindled due to non-replanting by the Ranises Corporation, the farmers plan to plant bananas, cacao, ginger, fruit trees particularly *lanzones*, and corn on fallow parts of their land.



As for the most recent legal case against them, the farmers have already filed an answer and are still waiting for the Supreme Court decision, which they hope to be in their favor.

The Tinamay farmers are also in the process of strengthening their organization. They have just completed their vision-mission setting workshop and have applied for registration with the Department of Labor and Employment (DOLE), to be able to access support services and financial assistance from the government.

The Tinamay case is not an isolated one. Many farmer-beneficiaries still have to set foot on their awarded lands due to the intricacies of the agrarian reform process and landowners' refusal to embrace this social justice measure. The Tinamay farmers thus should serve as an inspiration to other groups to persevere, learn their rights under the law, and stand up to the landlords, no matter how afraid they are.

As one of the farmers (Felizarta) succinctly put: "We were once afraid. We were up against powerful people, rich people. But we know our rights. We persevered. We sought help of the local government, who supported us. Now, the fear that we once felt has been replaced by courage". ■

JALR PROJECT PARTNERS



Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC)

Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance, and rural development. ANGOC network members and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs). ANGOC is the convener of the Land Watch Asia (LWA) campaign. ANGOC is also a member of the International Land Coalition (ILC), the Global Forum on Agricultural Research (GFAR) and the Global Land Tool Network (GLTN).

33 Mapagsanguni St., Sikatuna Village
Diliman, Quezon City, 1101 Philippines
Phone: (632) 351 0581
Fax: (632) 351 0011
Email: angoc@angoc.org
Website: www.angoc.org



Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD Mindanaw)

BALAOD Mindanaw is a non-stock, non-profit legal resource institution providing capacity-building and legal services to its partner communities on resource tenure and other justice issues primarily in Mindanao. It was formally established and registered with the Securities and Exchange Commission (SEC) on 11 August 2000 through the efforts of a small group of individuals, lawyers, paralegals and community organizers.

32E Kalambaguan-Burgos Streets, Barangay 15
Cagayan de Oro City, 9000 Philippines
Phone: (638) 888 03216
Email: balaodmindanaw@gmail.com
Website: balaodmindanaw.org



Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan [Solidarity Towards Agrarian Reform and Rural Development, Inc.] (Kaisahan)

Kaisahan is a social development organization promoting a sustainable and humane society through the empowerment of marginalized groups in rural areas, especially among farmers and farmworkers, to undertake their own development, participate fully in democratic processes and demand their rightful share in the stewardship of the land and the fruits of their labor.

38-B Mapagsanguni St., Sikatuna Village
Diliman, Quezon City, 1101 Philippines
Phone: (632) 433 0760
Fax: (632) 921 5436
Email: kaisahan@kaisahan.com.ph
Website: kaisahan.com.ph



People In Need (PIN)

The People in Need (PIN) organization was established in 1992 by a group of Czech war correspondents who were no longer satisfied with merely relaying information about ongoing conflicts and began sending out aid. It gradually became established as a professional humanitarian organization striving to provide aid in troubled regions and support adherence to human rights around the world. Throughout the 25 years of its existence, PIN has become one of the biggest non-profit organizations in Central Europe. In addition to humanitarian aid and human rights, it now also targets education and helps people living in social exclusion. PIN is part of the Alliance2015, a strategic network of seven European non-governmental organizations engaged in humanitarian aid and development projects. This collaboration increases effectivity both in working in the target countries and in campaigns aimed at influencing the attitudes of politicians and the general public in Europe.

Šafaříkova 635/24
120 00, Praha 2
Phone: +420 226 200 400
Fax: +420 226 200 401
Email: mail@peopleinneed.cz
Website: clovekvtsisni.cz



Delegation of the European Union to the Philippines

The EU Delegation to the Philippines is one of 140 diplomatic missions that represent the EU across the globe. It aims to strengthen EU-Philippines relations in particular through promoting strong economic and trade ties, developing EU-Philippines dialogue through the recently-signed Partnership and Cooperation Agreement, supporting the Government in its peace efforts in Mindanao, and working with the Philippines' Administration to reach the UN Millennium Development Goals.

30/F Tower 2, RCBC Plaza, 6819 Ayala Avenue
Makati City, 1200 Philippines
Phone: (632) 859 5100
Fax: (632) 859 5109
Email: Delegation-Philippines@eeas.europa.eu
Website: eeas.europa.eu/delegations/Philippines

This publication, *Farmers and Indigenous Peoples Defend their Right to Land: Stories from the Field*, compiles narratives of struggles and victories of farmers and indigenous peoples from the provinces of Negros Occidental, Leyte, Bukidon, and Misamis Oriental, in securing their rights to land. These stories touch upon subject matters such as agrarian reform, land conflicts, responsible resource use, ancestral rights to land, and policy reform, and give human faces to them. Cases presented in this book serve to illustrate that while past achievements have been remarkable, there is much left to be done in pursuit of rural development.

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and can in no way be taken to reflect the views of the European Union.