

# 2023 PHILIPPINES LAND CONFLICT MONITORING REPORT

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

The roots of landlessness in the Philippines can be traced to its 400-year history of colonization. Much of its traditional land systems were destroyed when the Spaniards claimed all lands under *Jus Regalia*<sup>1</sup> and introduced feudal systems. Large tracts of land or haciendas were parceled out to colonialists (military and clergy), while systems of tribute (taxes) and forced labor were introduced. Later, American occupation facilitated the entry of foreign companies into mining, logging, and the establishment of modern capitalist plantations, especially in Mindanao. The American colonialists introduced the Torrens title system, where all unregistered land and land without title were declared as “public lands,” without regard for prior occupancy.

Today, many land conflicts are triggered by **increasing private investments in agriculture that impact on the tenure security of rural communities**. Due to the lack of government support, many farmer cooperatives have entered into various long-term contracts (long-term lease, joint venture, marketing contracts) with large agribusiness companies under problematic contractual arrangements that are unfavorable to smallholders.

Another driver of land conflict are **contradictory development policies** that impact on land tenure and land use. Moreover, the land administration system is complex, as multiple government agencies independently issue land titles, licenses and permits – which lead to overlapping claims and land conflicts. With growing populations and urbanization, prime agricultural lands have been converted to non-farming uses and forests, destroyed. And while land and social reforms have been instituted, an estimated 17 to 22 million people continue to live on public forestlands with no legal tenure rights (Fortenbacher and Alave, 2014).

## Past land and agrarian reform programs

Following the Philippines’ independence in 1945, a series of land reform programs were legislated in direct response to escalating agrarian and social unrest. However, implementation was stifled by landowning interests entrenched in power, and the lack of government funding and support. In 1972, the martial law regime instituted a land-to-the tiller law, but this was limited to tenanted farms planted to rice and

corn staples, which were hotbeds of agrarian unrest.

A new Constitution that laid the basis for land and social reforms was put in place following the 1986 People Power revolution that ousted the dictatorship of then-president Ferdinand Marcos. Primary among these reforms was the Comprehensive Agrarian Reform Program (CARP) of 1988, aimed at tenancy reforms and the redistribution of land covering 9.1 million hectares of private farms and public lands deemed suitable for agriculture. However, the implementation of CARP proved slow and cumbersome, due to the complexity of the program, corruption, weak implementation, the poor state of land records and land administration (Cruz and Manahan, 2014). Since 2009, there has been a many incidents of land conflicts, especially in the redistribution of private lands.

Another major social reform legislation was the Indigenous Peoples Rights Act (IPRA) of 1997 which recognizes the rights of IPs to their ancestral domain and lands, self-governance and cultural integrity. In the past decades, 221 Certificates of Ancestral Domain Titles (CADTs) have been issued that cover 5.4 million hectares. However, the integrity of native titles is continually challenged by conflicting claims, resulting from the entry of mining and investments, the continued influx of migrants and commercial interests, and the entry of State-sponsored projects, such as dams and power projects, infrastructure, and SEZs into IP domains (Quizon, et al., 2018).

## Land Conflict Monitoring Report on the Philippines

In 2014, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) collaborated with the Xavier Science Foundation, Inc. (XSF) and the University of the Philippines College of Social Work and Community Development (UP-CSWCD) in preparing a land conflict monitoring report. The paper identified the nature of resource conflicts occurring in the Philippines among agrarian lands, municipal waters, and ancestral domains through case reports, specifically focusing on: a) conflict actors, b) causes of resource conflicts, c) intensity of resource conflicts, d) impacts of resource conflicts, and e) conflict resolution strategies. Sources were secondary materials generated by CSOs and government agencies on cases of land conflicts in the country.

In 2018, ANGOC and the Land Watch Asia campaign produced country reports on land conflicts<sup>ii</sup> in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines, in order to contribute towards a better understanding of such conflicts. In particular, the studies discussed the nature and causes of land and resource conflicts; their impacts on local communities and land rights defenders; and, actions taken in response to them.

For the Philippines, the 2018 Land and Resource Conflict Monitoring (LRCM) Report initiated the documentation of land conflicts reported by media, civil society organizations (CSOs), and government agencies.

In 2020, ANGOC and LWA recognized that the use of different methodologies limited the scope for aggregation, comparison, and analysis of data at national and regional levels. Thus, a common and more systematic way to gather data and to report on land conflicts was employed in that year.<sup>iii</sup>

The 2020 Philippine LRCM Report involved Peoples Organizations and CSOs in gathering data, joint analysis, and formulating recommendations. It was presented to relevant government agencies in a workshop co-organized by ANGOC and the Commission on Human Rights (CHR). The initiative also led to the training of CHR Regional Offices on land conflict monitoring, held in August 2021.

In 2021, the Philippine LRCM Report was produced amidst the COVID-19 lockdown. The report updated the status and data on land and resource (including water) conflicts and human rights violation in the country. A case profile form was developed as a tool to document land and resource conflict cases.

This 2023 edition of the LRCM Report provides updated information on the stakeholders and areas affected by conflict, and the circumstances that allow land and resource conflict to fester. Specifically, this study seeks to:

- present the prevalence and types of land and natural resource conflicts;
- analyze the nature and causes of land and resource conflicts;
- explain how communities respond to conflict, and how conflicts are resolved; and,
- present recommendations to prevent and address such conflicts.

## Methodology and data sources

This study used primary and secondary data sources. Primary data were gathered mainly from partner-communities through the use of *case profile forms* developed by ANGOC and local partners.<sup>iv</sup>

Primary sources comprised less than four percent of the total data sources; the rest were secondary sources.

Secondary data were sourced from mainstream news media (print, online), written accounts, as well as online platforms and websites of peoples' organizations (POs) and civil society organizations (CSOs). As much as 33 percent of the data sources were mainstream media reports, including in newspapers, online platforms, and news broadcasts. Cases found online were included only if they were published by credible sources. To validate the reliability and accuracy of the reports, the names, dates, locations, sizes of contested land or resources, and parties involved were cross-referenced with other sources.

ANGOC's existing database of previously documented land conflict cases<sup>v</sup> was also reviewed and revalidated; this provided the bulk of information for the 2023 Study. For the older cases that were sourced from CSOs and Government, the validation process involved direct consultations with the respective CSOs and Government offices to check on the status of the case, i.e., whether the land/resource conflicts had been resolved, or whether they were ongoing. The ongoing cases were included in this 2023 report, while the unverified cases (a

total of 110 cases) were archived for future reference and updates.

Government agencies accounted for only five percent of the secondary data sources.

Table 1 shows the distribution of main data sources used in the study.

The data gathered cover the period from 1 January 2023 to 31 December 2023. The information was rechecked, validated, and compiled from August to December of 2023, and then encoded, processed, and cleaned.<sup>vi</sup>

This validation process included weeding out information that skewed the data. This was particularly necessary in cases involving ancestral domains. The Indigenous Peoples Rights Act (IPRA) of 1997 – a Philippine law that recognizes and promotes the rights of indigenous cultural communities and indigenous peoples (IPs) in the country – enabled many indigenous communities to formally lay claim to their ancestral domains. The latter usually consist of vast areas of land that cut across several political jurisdictions. In past reports of land conflict, the *total* area of the ancestral domain would automatically be reported. This had resulted in the inaccurate reporting of areas involved in conflict.

In this 2023 study, if the specific area in conflict could not be determined, or informed estimates could not be made, it was reported as no data available. As a result, the number of cases reported does not correspond to the areas indicated in the data. Government figures were used in cases of conflicting data.

**Table 1. Sources of information for the cases**

Source	Number of cases	Percent of cases (%)
CSOs and/or community organizations	182	51
Mainstream media	120	33
Professional organizations, academe	21	6
Government	18	5
Community, community-based organizations	13	4
National Human Rights Institution	1	1
<b>Total</b>	<b>355</b>	<b>100</b>

The preliminary data of the 2023 LRCM Report was presented to stakeholders for validation workshop jointly organized by ANGOC and the Commission of Human Rights (CHR) last 14 November 2023. The completed report was then presented and discussed at a national workshop held on 6 May 2024 and attended by 54 representatives from farmers, indigenous peoples, fisherfolk, and CSOs.<sup>vii</sup>

It should be noted that this study does not purport to provide a complete picture of land and resource conflicts for 2023. Many land conflicts continue to be unreported. Thus, the validation process will continue to make future monitoring reports more reflective of the true situation on the ground.

### Scope and limitations

This study presents data on land conflict cases that were reported in the year 2023. These

include *ongoing* land and resource conflicts in 2023, and incidents of human rights violations (HRVs) related to specific cases of land and resource conflict that occurred in the same year.

A challenge encountered in the study was the difficulty in securing data from government agencies. In requests for information, the government agency either took time to respond or replied that the data requested was still being processed or encoded. There were many instances where government simply did not gather data for specific types of information.

During the initial presentation of the data in November 2023, POs and CSOs remarked that they were aware of many incidents of HRVs that were not reflected in the data. This underscores another limitation of the data; the study covers only what was reported in the various available sources of information.

## Main findings

### Prevalence of land and resource conflicts in the Philippines

A total of 211 cases of land and resource conflict in 2023 were covered by this study.

**Table 2. Total number of cases, area, and households affected by land and resource conflicts, 2023**

Ongoing cases	Number
Total number of cases	211
Total number of hectares affected	749,844
Total number of households affected	81,848

These cases involved 749,844 hectares and affected 81,848 households (Table 2).

It should be noted that, in order to avoid skewing the data, the study did not include the area involved in the maritime conflict between the Philippines and China at the Kalayaan Group of Islands and the Bajo de Masinloc.

In terms of the distribution of cases by region, Western Visayas or Region 6 accounted for almost half of the cases (47 percent), followed by CALABARZON or Region 4A (11 percent), and MIMAROPA or Region 4B (seven percent).

The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) was the site of only one reported land conflict but had the largest affected area (28 percent), followed by the Northern Mindanao Region (13 percent). The conflicts in both regions mostly involve indigenous peoples' lands (Table 2a).

Based on Table 3, the duration of 82 cases could not be determined. Majority of these cases pertain to landlord-tenant conflicts in sugar plantations in Negros, the fourth largest island in the Philippines, about which no information on when the conflict started could be found.

### Types of land and areas affected by conflict

Over half of the cases (57 percent) that were reported involved smallholder agriculture and farming areas. Conflicts that involved ancestral domains and indigenous peoples (IPs) comprise the second most numerous land conflict cases, at 22 percent (Table 4).

However, in terms of the size of the affected area, conflicts involving ancestral domains ranked first, comprising 86 percent of the total affected area, while smallholder agriculture and farming conflicts accounted for eight percent of the contested area.

Water/fisheries resources were the third major type of resource affected by conflict, by number of cases and size of affected area. Specifically, 36,699 hectares of water/fisheries resources, including coastal and inland waters, were affected. Some of these are found in the coastal

areas of Bulacan Province in Central Luzon, where an airport is planned to be built; tourism areas in Palawan (MIMAROPA Region) and Iloilo (Western Visayas Region); mining/quarrying activities in the rivers of Zambales and Marinduque; and land reclamation projects in Manila Bay.

Ancestral domains, as defined by the Indigenous Peoples Rights Act of 1997, encompass not only land but also inland waters, coastal areas, and natural resources therein. One particular case pertains to 51,855 hectares of ancestral waters

**Table 2a. Number of cases, area and total area affected (in hectares) by region**

Region	Number of cases	Percent of cases (%)	Total Area (ha)	Percent of total area affected (%)
Ilocos	2	1	85,021	11
CAR	3	1	7,967	1
Cagayan Valley	4	2	32,926	4
Central Luzon	12	6	24,355	3
CALABARZON	24	11	45,946	6
MIMAROPA	15	7	124,180	17
NCR	6	2	2,003	0
Bicol	1	1	4,538	1
Western Visayas	99	47	10,001	1
Central Visayas	2	1	24	0
Eastern Visayas	4	2	4,489	1
Northern Mindanao	11	5	96,398	13
Davao	14	7	37,604	5
SOCCSKSARGEN	3	1	20,400	3
Caraga	10	5	45,733	6
BARRM	1	1	208,259	28
<b>Total</b>	<b>211</b>	<b>100</b>	<b>749,844</b>	<b>100</b>

in Calauit Island in Coron, Palawan, the rights to which are being disputed by the Calauit Tagbanwa, an IP group, and municipal fishers.

In order to more clearly show which resource was particularly affected by conflict, the study

disaggregated ancestral waters from ancestral domains where water resources were the primary use of the ancestral domain. Conversely, ancestral waters were counted as part of the ancestral land where water resources were not the dominant use threatened by the conflict.

**Table 3. Duration of conflicts, in number of years**

Duration	Number of cases	Percent of cases (%)
Less than 2 years	4	2
2 to less than 5 years	7	3
5 to less than 10 years	18	9
10 to less than 15 years	24	11
15 to less than 20 years	18	9
20 years or more	58	27
Unknown	82	39
<b>Total</b>	<b>211</b>	<b>100</b>

One of the largest affected areas involves a conflict between 780 smallholder farming households – from the Ibalois indigenous community – and the San Roque dam project in San Miguel, Pangasinan. The dam was built on the Agno River and construction work was completed in May 2003. This is the largest dam project in the country, covering about 85,000 hectares, a significant part of which sits on ancestral land that is covered by a CADT.

The dam was built by the San Roque Power Corporation in partnership with the National Power Corporation (NPC) and financed by the

**Table 4. Type of land and resource affected by conflicts**

Type of land/resource	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
Smallholder agriculture/farming	121	57	60,270	8
Indigenous people/customary land	47	22	644,077	86
Water/fisheries resources	18	9	36,699	5
Smallholder agroforestry and people's plantation	13	6	8,596	1
Housing and settlements	9	4	122	0
Common lands/Public lands managed by the community	2	1	80	0
Community forest/social forest	1	1	No data available	0
<b>Total</b>	<b>211</b>	<b>100</b>	<b>749,844</b>	<b>100</b>

**Table 4a. Conflicts involving land and waters, by number of cases and total area affected (in hectares)**

Resource	Number of cases	Total area affected (ha)
Land/land resources	193	713,145
Water/fisheries resources	18	36,699

*Note: The 504,886.72 hectares of land/land resources include one case involving 51,855 hectares of ancestral waters.*

Japan Bank for International Cooperation (JBIC). The project has been mired in controversy for causing increased flooding downstream, resulting in the displacement of numerous people. In addition, FPIC (free, prior and informed consent) was not observed and even policies of the JBIC were violated (Ej Atlas, 2022).

While ancestral domain was the dominant category of land affected by this conflict, other sectors were equally affected by the dam

### Overlapping rights: Buhid ancestral land awarded to farmers in Oriental Mindoro

The Buhids are an indigenous people from Bongabong, Oriental Mindoro Province, in the MIMAROPA Region. In 1992, the Buhids obtained from the Department of Environment and Natural Resources (DENR) a Certificate of Ancestral Domain Claim covering 78,000 hectares in Eastern Mindoro. Subsequently, in 2001, they were issued CADT (Certificate of Ancestral Domain Title) No. 127 by the National Commission on Indigenous Peoples (NCIP) for their ancestral domain.

However, in 2004, the Department of Agrarian Reform (DAR) attempted to award portions of the Buhids' ancestral domain to farmer beneficiaries. The DAR started conducting geodetic surveys over an area of 1,500 hectares in the Buhid's ancestral land without observing the FPIC (free, prior and informed consent) process. Worse, DAR personnel entered and violated the Buhids' sacred land and conservation areas in the process of completing the measurements.

The Buhids discovered that the portion of their lands measured by the DAR does not qualify for redistribution under the agrarian reform program as it is either part of the 18 percent slope exclusion template or is forest land. Upon further investigation, the Buhids also found that the supposed farmer beneficiaries were ineligible as they were non-locals.

These issues were raised to the DAR, but the department took no action. Instead, it continued with the process and eventually awarded portions of the ancestral domain to farmer beneficiaries.

Later, the Buhids arrived at a compromise agreement with the farmer beneficiaries. Through the assistance of *barangay* officials, the farmer beneficiaries agreed to return the land to the IP group in exchange for payment by the Buhids for their standing crop.

The Buhids have been working to register their CADT, but the Land Registration Authority (LRA) has yet to finalize the process.

**Source:**

Pasag, L. (2023). *Lupaing ninuno ng buhid, ipinamahagi ng DAR sa mga magsasaka*. Caselet written for ANGO's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].



**Table 5. Primary sector or community affected by conflict**

Primary sector/ community	Number of cases	Percent of cases (%)
Farmers	133	63
Indigenous people (IP)	47	22
Fisherfolk	16	8
Tenured residents	8	4
Informal settlers/slum dwellers	6	3
Non-IP forest users	1	0
<b>Total</b>	<b>211</b>	<b>100</b>

construction, including smallholder farmers and artisanal miners.

### Stakeholders and drivers of land and resource conflict

Peasant farmers were most frequently affected by conflict, at 63 percent of the cases. IPs were the second most affected sector, at 22 percent of the cases. Fisherfolk were the third most affected sector, at eight percent of the cases.

Table 6 shows the adversaries faced by land and resource rights holders.

A majority, or 35 percent of all cases, involved private companies as adversarial claimants. In 31 percent of the cases, politicians, businessmen, landlords, and former government officials or public officers – simply

categorized as powerful individuals – were pitted against smallholders. Government agencies and State enterprises comprised the third largest proportion of adversarial claimants, at 14 percent, along with settlers, migrants, refugees, and other community members, taking the same proportion of the total.

It should be noted that conflicts from *No Go Zones* arise from the delineation and designation by the State of special areas for conservation and protection.

### Drivers of conflict

The highest number of cases (37 percent) involved landlord-tenant or agrarian conflicts. Cases where private-led businesses were

**Table 6. Adversarial claimants in land conflict cases based on number and percent of cases**

Adversarial claimants	Number of cases	Percent of cases (%)
Private companies	73	35
Powerful individuals	65	31
Community vs. community	30	14
Government agencies and State enterprises	29	14
Local Government	5	2
Both National and Local Governments	5	2
Military, police, armed forces	2	1
Others	2	1
<b>Total</b>	<b>211</b>	<b>100</b>

embroiled in the conflict were second (36 percent), while cases of conflicting claims between communities and other sectors comprised 14 percent of the total.

In terms of affected area, conflicting claims between communities and sectors accounted for the largest share (47 percent), followed by cases involving private-led business enterprises (34 percent), and government projects (17 percent).

Conspicuously, mining is listed under private-led business, and not under government-led

business or State enterprises as a driver of conflict. Under Philippine law, the government or the State owns all mineral resources; private companies enter into mineral agreements with it in order to extract the natural resource. In essence, mining activities in the Philippines are a joint venture between government and a private entity.

### **Response of communities to address land conflict**

Of the total 211 cases, community responses to conflict were reported as 301, as presented in

## **The San Miguel Aerocity Project**

San Miguel Corporation (SMC), through its infrastructure arm, is building the New Manila International Airport in the coastal areas of the Municipality of Bulakan, Bulacan Province, in Central Luzon. The airport and related developments, referred to as the SMAerocity, cover 12,000 hectares. The project is aimed to be completed by 2027.

There are 14 coastal *barangays* in Bulakan. Most of the residents in these *barangays* earn a living by catching fish, crabs, and shrimps; caring for fishponds; and, working in salt beds. Many of them have been living in Bulakan for at least 30 years.

In Barangay Taliptip alone, at least 700 families would be displaced and deprived of their livelihoods. Fisherfolk here deliver their catch to Metro Manila; thus, food supply would also be affected.

While the airport will be built on a 2,600-hectare coastal area, many residents inland would likewise be affected. In fact, there have been reports that SMC has been offering to purchase lands all over the town from residents with tenurial rights. There are concerns that Bulakan town folk would be eased out by businesses or commercial establishments and the gentrification of the town in the coming years.

Fisherfolk and residents of Bulakan are clamoring for the stoppage of the project and that the project be reviewed to assess the adverse effects on them. They also wish to be involved in the planning and implementation of the project; and, their rights to be respected.

Apart from displacement, long-term environmental effects beyond the town are predicted (Gozum, 2023a). Over 600 mangrove trees in Barangay Taliptip were cut to make way for the project (Gozum, 2023a). The removal of this buffer increases the threat of flooding in Bulacan Province.

#### **Source:**

Aparante, A. (2023). *Impending Displacement of Fisherfolk and Farmers in the Shadow of the San Miguel Aerocity Project*. Caselet shared for ANGOCC's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

**Table 7. Drivers of land and resource conflict based on number and percent of cases and contested area (in hectares)**

Drivers of conflict	Number of cases	Percent of cases (%)	Contested area (in hectares)	Percent of contested area (%)
<b>Private-led business enterprises</b>	<b>76</b>	<b>36</b>	<b>256,670</b>	<b>34</b>
Mining, quarrying	26		154,017	
Property/housing/real estate development	6		1,460	
Logging and tree plantation	4		No data available	
Agribusiness, plantations	25		58,705	
Industry/manufacturing/production	5		574	
Tourism, ecotourism	7		41,793	
Power generation and transmission	3		121	
<b>Government programs</b>	<b>25</b>	<b>12</b>	<b>127,813</b>	<b>17</b>
Public infrastructure (including roads, bridges, airports, ports)	6		14,350	
Public utilities (dams, power lines, power/energy, irrigation, etc.)	8		98,382	
Social housing, urban development	1		No data available	
Special economic zones	3		11,965	
Land reclamation	5		3,092	
Others ( <i>Flood mitigation</i> )	2		24	
<b>Landlord-tenant conflict/agrarian conflict</b>	<b>78</b>	<b>37</b>	<b>17,253</b>	<b>2</b>
<b>Conflicting claims between communities/sectors over land and resource</b>	<b>30</b>	<b>14</b>	<b>348,108</b>	<b>47</b>
Overlapping tenure and use	29		337,108	
Encroachment (e.g., migrants, settlers, refugees)	1		11,000	
<b>Others</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>211</b>	<b>100</b>	<b>749,844</b>	<b>100</b>

## Reclamation in Manila Bay

Reclamation has become a major resource rights issue as the government plans to embark on at least 180 reclamation projects (Gozum, 2023b; Pine, et al., 2024). Marine scientists have argued against the plan to reclaim 38,000 hectares from the waters, under the National Reclamation Plan (Mawis, 2017). The size of the reclaimed area would be equivalent to the amount of area that currently serves as breeding ground for aquatic life. The projects are projected to cause the annual loss of 4.7 billion invertebrates and 3.78 trillion fish. Reclamation permanently damages intertidal reefs and the associated dredging works can also damage nearby corals (Montenegro, 2005).

Some 21 Environmental Compliance Certificates have been issued for reclamation projects in Manila Bay (Subingsubing, 2022). Previous reclamation projects in Manila Bay dating back to the 1970s resulted in the demise of the salt industry in the Las Pinas and Paranaque areas. The present batch of reclamation projects now threatens the Green Mussel industry of Manila Bay. It is also believed that the Manila Bay reclamations would impede the flow of water from four rivers in Las Pinas and Cavite and bring about flooding (Malasig, 2023). The Philippine president has announced the suspension of reclamation projects, but without an official document to the effect, this could be mere lip service.

### Source:

Calvan, D. (2023). *Fishing for hope in Manila Bay*. Caselet shared for ANGOC's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

Table 8. It should be noted that communities may take one or more approaches in response to conflict.

Conflict resolution, through local or direct negotiations, a government administrative mechanism, or judicial courts, human rights bodies, or legal adjudication, made up 68 percent of the different forms of community response to conflicts. Peaceful demonstrations and non-violent acts were the second most favored recourse for communities, at 30 percent.

The data indicates that communities hardly resorted to retaliation, suggesting that Filipinos are inclined towards peaceful methods of resolving conflicts.

Two incidents of retaliation against the adversarial claimant were reported. In one such

**Table 8. Responses to land conflicts by communities**

Responses of Communities to Land Conflicts	Number	Percent of Response
Seek conflict resolution	206	68
• Through government administrative mechanism	84	
• Through local or direct negotiations	67	
• Through judicial courts, NHRI, legal adjudication	55	
Peaceful demonstrations/ non-violent acts	91	30
Withdrawal/escape	2	1
Retaliation	2	1
<b>Total</b>	<b>301</b>	<b>100</b>

incident, the retaliation did not involve physical violence, but consisted of the rights-holders uprooting crops that the adversary had planted on their land.

Table 9 shows that the government was the only party that undertook any corrective action, and it did so in 18 percent of the cases. However, no corrective action was taken in 57 percent of cases.

**Table 9. Corrective actions to address the land conflict**

Were there any corrective actions taken to address the conflict?	Number	Percent of cases (%)
No/Not yet	121	57
No information	53	25
Yes, by the Government	37	18
<b>Total</b>	<b>211</b>	<b>100</b>

It needs to be emphasized that “corrective action” refers to an adversarial claimant’s *efforts* to explore possible resolutions to the conflict. It does not reflect the full resolution of conflicts.

Meanwhile, there is no information on as many as 25 percent of the cases, and it is likely that no action was also taken in these cases.

### Human rights violations

Table 10 shows the tally of human rights violations (HRVs) related to land and resource conflicts that were reported in 2023.

The types of HRVs recorded in the study are based on the number of *incidents*, and each incident may have one or several victims. Moreover, an individual victim might have suffered multiple types of HRVs. For instance, a

**Table 10. HRVs based on number of incidents and victims**

Incidents of HRVs	Number of incidents	Number of victims
Against individuals	10	28
Against communities	11	1,213 HHs
<b>Total</b>	<b>21</b>	

victim could have been subjected to detainment/legal arrest, as well as physical threats and forms of intimidation.

Labelling or red-tagging was experienced by nine victims, of which three were killed, five disappeared, and one was detained. Labelling or red-tagging was associated with one agrarian conflict case in Negros Occidental and one mining/quarrying case involving indigenous peoples land in Benguet province.

The agrarian conflict in Himamaylan, Negros Occidental dates back to 1972 and involves landless sugar workers belonging to the Baclayan-Bito-Cabagal Farmers and Farmworkers Association. The conflict has festered, due to continued landlord resistance to agrarian reform in the province, exacerbated by the heightened counter-insurgency measures of government. In 2023, this long-running conflict

resulted in three separate incidents of HRVs. On 3 May 2023, a peasant leader was red-tagged and subsequently killed. The violence intensified on 14 June 2023 when four persons were killed, of whom two had previously been red-tagged, including another peasant leader. On 26 June 2023, a leader of a people's organization was murdered. All these HRVs were reportedly perpetrated by the military (PhilStar, 2023; Cabalza, 2023; ICHRP Secretariat, 2023; Titong, 2023).

Table 12 shows the distribution of the HRVs committed based on the reported perpetrator. They were either State agents (military or

police); powerful individuals, or unidentified assailants.

Six incidents of HRVs were perpetrated by armed agents of the State (Table 12). Ironically, these perpetrators are the same persons that rights-holders usually look to for protection. It is also worrisome that there were four incidents that involved unidentified assailants. This means that the victims would not be able to find relief until their assailants are identified.

Table 13 shows the number of incidents of HRVs against communities and the number of affected households. Three incidents of HRVs

## Hacienda Vicenta

Hacienda Vicenta is a sugarcane plantation covering 44 hectares in Barangay Cabacungan, La Castellana, Negros Occidental. The plantation is owned by L.N. Agustin Farms, but 26.505 hectares were earmarked for distribution when the land was placed under the Comprehensive Agrarian Reform Program (CARP) in 2012. There are 32 agrarian reform beneficiaries (ARBs) in this property.

L.N. Agustin has been resisting the transfer of land to the farmers. In 2015, it tried to have the land reclassified for agro-industrial or agro-tourism use to exclude it from CARP coverage, even though the Land Acquisition and Distribution stage was already in progress. It has prevented most of its farmworkers, who are also ARBs, from working on the land that should belong to them.

In 2018, the Secretary of Agrarian Reform denied L.N. Agustin's application for conversion. However, the farmers' victory was short-lived. In 2019, the Department of Agrarian Reform (DAR) shifted the authority to decide land conversion cases to the Land Use Cases Committee (LUCC), removing the power from the DAR Secretary. Thus, L.N. Agustin's Motion for Reconsideration was decided by the LUCC, which in 2020 overturned the DAR Secretary's denial of the conversion application.

In 2021, while the LUCC's decision was on appeal before the Office of the President, the Bureau of Agrarian Legal Assistance declared the LUCC's decision as final. Despite this, the ARBs continued their appeal with the Office of the President.

Meanwhile, the ARBs have faced violence and harassment. Their source of livelihood was taken away, and their homes in the plantation demolished without due process. One of their leaders has also received death threats.

They are hoping that the Office of the President will issue a favorable resolution of their case.

### Source:

Demaisip, C. (2023). *Hacienda Vicenta*. Caselet shared for ANGOC's 2023 Philippine Land and Resource Conflict Monitoring initiative. [Unpublished].

against informal settlers or slum dwellers affected the highest number of households. In interpreting Table 13, it should be kept in mind that there is no one-to-one correspondence between the type of HRV committed and the type of affected community. HRVs may be committed against any community from different sectors.

There were no documented red-tagging incidents committed against communities in 2023. This might have been due to the change in government administration and policies on national security, following national elections in 2022.

Local governments were implicated in four out of the eleven incidents of HRVs committed against communities. Meanwhile, armed State agents (police and military) and private companies and private armed groups, were each blamed for two incidents (Table 15).

**Table 12. Reported perpetrators of HRVs against individuals, by number of incidents**

Perpetrators of HRVs against communities	Number of incidents
Armed agents of the State	6
Powerful individuals, authorities	1
Unidentified assailants	3
<b>Total</b>	<b>10</b>

**Table 11. Types of HRVs committed against individuals, by number of incidents, number of victims, and gender**

Type of HRVs	Number of incidents	Number of victims	Gender	
			Male	Female
Killing/Murder	3	9	7	2
Labelling, branding, "red-tagging"	3	9	5	4
Disappearance, abduction	3	7	3	4
Eviction, displacement	1	1	1	0
Detainment/legal arrest or illegal detention	0	1	0	1
Physical threat and other forms of intimidation	0	1	1	0
<b>Total</b>	<b>10</b>	<b>28</b>	<b>17</b>	<b>11</b>

## Recommendations

### For Government:

In practically all situations of land and resource conflict, government would invariably be found to have a direct or indirect hand. Even in instances where private investment was the main cause of the conflict or was implicated in an HRV, their actions could be traced to government action and policy. For instance, government is a joint venture partner in all mining projects; thus, conflicts and HRVs related to mining could be resolved or prevented by political institutions.

**Table 13. Communities affected by HRVs based on number of incidents and affected households**

Communities affected by HRVs	Number of incidents	Number of affected households
Fisherfolk	4	500
Informal settlers/ slum dwellers	3	540
Indigenous people	2	15
Farmers	1	158
Tenured residents	1	No data available
<b>Total</b>	<b>11</b>	<b>1,213</b>

The following are the main recommendations:

***Complete land and resource reform programs.***

The foremost land reform program in the Philippines is the redistribution of land pursuant to the Comprehensive Agrarian Reform Law (CARL) and its iterations and extensions. Government records show that land distribution under the Duterte administration has been the lowest since 2005 (Dela Pena, 2022). Data from the Philippine Statistics Authority (PSA) show that the Duterte government (2016 to 2022) awarded only a little over 28,700 hectares of land until the end of its term (Dela Pena, 2022). Thus, the current administration needs to complete the awarding of the remaining lands covered by agrarian reform to make up for the stagnant distribution during the previous government. The same should be done for the registration of ancestral lands. The National Commission on Indigenous People (NCIP) should be given the proper budget and resources to complete what is mandated by the IPRA law.

**Table 14. Types of HRVs committed against communities, by number of incidents and affected households**

Type of HRVs committed against communities	Number of incidents	Number of affected households
Destruction of crops, homes, property	4	240
Eviction, displacement, work termination	3	473
Physical threat and other forms of intimidation	3	500
Destruction of habitats, pollution	1	No data available
<b>Total</b>	<b>11</b>	<b>1,213</b>

***Government must comply with the Constitution and its human rights commitments.*** This calls for a massive shift in policy that protects the vulnerable. Government cannot ignore the Constitution, laws, and the treaties it has ratified that advance the protection of human rights. Economic development should not come at the cost of human rights. Government should be guided by the CHR's statement that it:

“... recognize that land and property rights are fundamental not only to enhance economic development and growth, but also to stimulate social inclusion and the enjoyment of rights of all its citizens, particularly of the disadvantaged, marginalized, and vulnerable sectors.” (CHR, 2023).

The government must comply with its obligations under international human rights



**Table 15. Perpetrators of HRVs against communities**

Perpetrators of HRVs against communities	Number of incidents
Local government	4
Armed agents of the State	2
Private companies, private armed groups	2
National Government agency	1
Others	2
<b>Total</b>	<b>11</b>

instruments. The Universal Declaration on Human Rights (UDHR) is the basis of treaty law dealing with human rights, namely the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR). The UN General Assembly had also issued the Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). Since human rights are interrelated, these instruments also establish rights related to land and should serve as guideposts for governmental policy.

Thus, in the recently issued General Comment No. 26, the UN Committee on Economic, Social and Cultural Rights connected the use of land to the rights to a clean, healthy, and sustainable environment and likewise, to the right to development (CESCR, 2023). The document also characterized land as essential to everyone's right to participate in cultural life since land is the usual setting for social, cultural, and religious activities (CESCR, 2023).

The government must also support, rather than undermine, institutions like the Commission on Human Rights (CHR) that are constitutionally tasked to promote and advance human rights. The Philippine Congress should allot to the CHR the budget it needs and deserves.

Human Rights Defenders (HRDs) must be protected. Rights-holders are not the only ones whose rights are violated in many of the land conflict cases cited. The CHR found that the law has been weaponized against HRDs, who find themselves subjects of court cases that are usually based on trumped up charges (CHR, 2020).

***Remove policies that contradict the intent of laws and institute more efficient and effective mechanisms to resolve overlapping claims to land.*** One prime example of government's shortcomings in resolving overlapping claims is its Joint Administrative Order No. 1 (JAO-1), series of 2012. Instead of resolving overlapping claims in ancestral domains, this directive has hindered the issuance and registration of CADTs and CALTs (Salcedo, 2021).

It is recommended that a technical working group (TWG) be constituted to come up with an effective mechanism to replace JAO-1. Such a mechanism should recognize the NCIP's authority in resolving overlaps involving ancestral lands. The proposed multi-stakeholder mechanism should gather and disseminate good practices on conflict resolution. The TWG should also include an alternative dispute resolution (ADR) process that would allow parties to confront and resolve the claims without going through formal and lengthy judicial or administrative proceedings.

In 2021, then President Duterte lifted the moratorium on open pit mining. This turnaround in policy contradicts the goals and rights established in IPRA. Mining operations are the largest industrial intrusion into ancestral lands (Quizon and Pagsanghan, 2014) and thus, vastly undermine IP rights and IPRA.

Such policies should be reviewed and made to align with relevant land legislation.

***Incorporate United Nations Guiding Principles on Business and Human Rights in government systems and formulate its National Action Plan (NAP).*** Government must adopt the United Nations Guiding Principles on Business and Human Rights (UNGPs) in its systems especially in instances where investments are subjects to its decision-making. Government must not prioritize economic gains over human rights. In line with this, the government must institute a National Action Plan (NAP) of the UNGPs, with a component on land rights.

The pervasive conflicts and issues surrounding land and resource conflicts, particularly those arising from business activities, should compel the national government to include land rights as a priority area in its NAP for UNGPs. This would allow government to establish coherent and inclusive policies and programs on land rights and business (CHR, 2023).

The first crucial aspect of assessing the action plan is collecting data. The metrics have been identified, but having readily available and relevant and accurate data is another matter. For instance, it has been found that the DAR has no comprehensive data on land under its jurisdiction (Quizon et al, 2018). The DAR is

unable to track illegally converted agrarian land (Quizon et al, 2018). The actual population of IPs is also undetermined with many unreported births (Almeda, et al., 2023). Thus, government should be properly equipped to monitoring and report on the outcome of its efforts under the NAP.

***Initiate investigations and provide remedies.*** The data show that while there has been some government response geared towards resolving conflicts in land and resources, the numbers are low. It should also be emphasized that the response should be relevant and effective.

Government should also curb corruption in all its forms within land agencies. Violators should be prosecuted along with the government officials engaged in bribery and extortion, preparation of fake documents, forgery, and crimes that facilitate land and property grabbing.

It is also alarming that there has been almost no response from the private sector. Thus, government should initiate investigations into incidents of HRVs to compel private actors to respond and provide relief.

***Pass laws that protect rights.*** It is important to pass laws that underscore the principles and advocacies of international agreements and documents to institutionalize them in the country.

Therefore, the passage of the following proposed legislation needs to be pursued:

- Agri-business Ventures Arrangements in Agrarian Reform Lands Act

- National Land Use and Management Act
- Human Rights Defenders Protection Act
- Anti-Red Tagging Act
- Department of Fisheries and Aquatic Resources Act
- The Bantay Dagat Welfare and Incentives Act
- Forest Resources Act
- Indigenous Communities Conserved Areas and Territories Act

The Philippines Commission on Human Rights (CHR) has also advocated for the inclusion of a Human Rights Impact assessment as a prerequisite to allowing certain businesses to be set up in the country (ESCRC, 2023). It would be worthwhile for legislators to look into such a recommendation.

It is the whole of government, including Congress, that needs to take action to make protection of land rights comprehensive and effective.

**Stop red-tagging and criminalization.** Red-tagging and criminalization are downright illegal. Both, by definition, are acts of falsehood in which the government should not get involved.

Civilian authority remains supreme and government cannot be misled by false and inaccurate military intelligence and abusive State agents. Government must therefore investigate red-tagging and criminalization committed by its agents and prosecute them for such criminal acts. It must also provide redress and relief for those who have been victimized.

The campaign against insurgency can only be successful through meaningful participation of

communities together with respect for human rights and the rule of law (UNHRC, 2020). In the same breath, the government must acknowledge the role of human rights defenders in advocating on behalf of rights-holders. They should not be branded as enemies of the State.

**Provide immediate and efficient administrative and judicial reliefs.** It has been reported that available administrative and judicial remedies do not provide the necessary and relevant relief to rights holders. For instance, cases pertaining to agrarian lands are within the exclusive jurisdiction of the DAR Adjudication Board (DARAB), but still often find their way to judicial bodies or courts. The judiciary should make it mandatory for judges to dismiss such cases immediately.

It is also recommended that the judiciary monitors cases relating to land rights and also those that reach the courts when they are within the exclusive jurisdiction of DARAB (ESCRC, 2023). The judiciary should also know how many investment-related disputes involving land, especially those where the court is asked to determine whether land is irrigable or irrigated, a part of an ancestral domain, or if it is a protected area (ESCRC, 2023). This is crucial in order to provide the relevant relief to rights-holders.

#### **For the Commission on Human Rights:**

**Strengthen the education of rights-holders concerning their rights and available remedies and reliefs.** Based on feedback during the presentation of the initial data on 14 November 2023 and from previous studies and reports, rights-holders continue to be confused, as they also express helplessness regarding the

enforcement of their rights. They lack knowledge on the rights they have and more importantly, on how to seek redress for the violations they suffer.

For instance, with ARBs, it has been documented that the DAR itself tended to act against their interests. In such situations, ARBs are often at a loss as to how to proceed to get their land. IPs also feel ignored by the NCIP when certain government agencies are the first to violate their right to FPIC.

Thus, the CHR should increase the knowledge and capabilities of rights-holders. This would enable the rights-holders to respond appropriately, particularly through the legal system, and not be frustrated in their peaceful protest actions.

***Continue monitoring and investigating land and resource conflicts, especially red-tagging incidents.*** The CHR, as the primary agency in the government that advances human rights, should heighten its activities in monitoring and investigating HRVs. It should first institutionalize a monitoring mechanism for land rights. Relationships between duty-bearers and rights-holders in land and resource conflicts are tense. Having a monitoring system established for land rights is important since monitoring improves the protection of human rights (OHCHR, 2011).

Pursuant to its mandate under EO No. 163, series of 1987, the CHR has the power on its own to conduct investigations of violations of civil and political rights. Thus, it does not need to wait for a complaint to initiate investigations.

While land rights pertain to economic and social rights, this study shows that land and resource conflicts provide the setting for violations of civil and political rights. Red-tagging, criminalization, and even the murder of rights-holders that are involved in land conflicts clearly place these cases within the ambit of violations of civil and political rights.

***Continue advocating and asserting to the national government the duty to protect human rights.*** The CHR's advocacy should include the immediate formulation and adoption of a NAP for UNGPs that includes comprehensive provisions on land rights. It should also actively campaign for compliance by government with human rights instruments.

The CHR should likewise encourage legislators to pass crucial bills that protect human rights and reduce land and resource conflicts. These crucial bills are enumerated above and the CHR should make its position known on these important pieces of legislation. In 2021, the CHR released a position paper on the proposed Code of Conduct for the Eviction of Underprivileged and Homeless Citizens, Demolition of their Dwellings, and their Resettlement Amending for the Purpose R.A. No. 7279, otherwise known as the Urban Development and Housing Act of 1992. It also made its position known on the Anti Hate Speech Act. In 2018, the CHR also made its position known on the Human Rights Defenders Bill. Given these, the CHR still needs to continue and even reiterate and amplify its position on urgent human rights issues that pervade land and resource conflicts.

In 2023, the CHR released its first Monitoring Report on the Situation of Land Rights. It should continue to periodically release such reports to place in proper perspective the land rights landscape in the Philippines.

**For Business:**

**Comply with government regulations and ensure honest observance of FPIC.** Businesses should comply with laws and government regulations.

What may be emphasized in this light is businesses' true and honest compliance with laws and regulations. For instance, in the conduct of the FPIC, it has been reported that some businesses have dealt with people who do not represent the community. Mining companies have often recognized false tribal leaders in order to appear to comply with the FPIC requirement (Almeda, et al., 2023). IPs have also complained that the conduct of the FPIC usually ignores their customary decision-making and governance processes, in particular, with regard to the deadlines imposed upon them (Almeda, et al., 2023). Thus, while the business may have conducted the FPIC, it is not the kind of FPIC that was envisioned under the IPRA law. The standard for FPIC of being timely, legitimate, credible, and substantial should be observed (CHR, 2023). Thus, businesses should not only comply with the law, but also abide by the intent and spirit of the law.

In addition, the CHR has also made the recommendation that in the conduct of FPIC, all women – and not just those who have become head of their household – should be allowed to participate (ESCRC, 2023). Furthermore, the CHR

advises that impartial observers should be present at the first and second community assemblies (CHR, 2023). Businesses should be open to this.

**Practice Corporate Social Responsibility and incorporate UNGPs.** While there are laws in place to regulate business activities, many of these are minimum standards. Businesses are free to impose upon themselves other duties and responsibilities that promote human rights. This can be seen in the UNGPs that promote Business and Human Rights ideals. For instance, businesses may implement human rights due diligence to see if their operations are aligned with the UNGPs.

Investors should take an active role in the business rather than be passive investors. If the company's management has no social responsibility, investors should be prepared to take their investment elsewhere. Similarly, businesses should be mindful of whom they partner with and require compliance with basic human rights before entering into any transaction.

**Enter into fair and arm's length agreements with farmers, IPs, fisherfolk, and other rights-holders.** Further to the above recommendations, businesses must adhere to the spirit of the protection of rights-holders. Businesses should not enter into contracts without including provisions that protect the rights-holders.

**For Civil Society Organizations (CSOs):**

**Organize and empower vulnerable communities and individuals.** Many rights-holders do not

know their rights to begin with. Thus, CSOs need to provide the proper knowledge and assistance to vulnerable communities, especially when government is slow to respond to their needs, or worse, if government itself infringes on the rights of individuals and communities.

**Improve monitoring and reporting on land conflict and HRVs.** The government is unreliable in monitoring and reporting on land conflict and HRVs for reasons ranging from reluctance to release data, red tape, or simply because it does not collect the data needed.

CSOs have their ears on the ground. They are also trusted where community members hesitant to report incidents to State agents. CSOs also have the ability to accurately relay information that may be lost through transference.

In any event, the data gathering method should continuously be improved to reflect the complete situation on land and resource conflict.

**Continue multi-stakeholder dialogues and share data for evidenced-based actions.** The aim of gathering data is not merely to report on cases and incidents of HRVs. The ultimate end of this study is to aid the protection of human rights and address the land and resource conflicts that cause HRVs. The data help to identify the problems that persist and to provide relevant solutions. Incomplete data inhibit the formulation of solutions and waste resources in ineffectual efforts. As discussed above, one cannot take at face value the numbers that are reported.

When CSOs are armed with incontrovertible data, they are also more effective in engaging in dialogues with stakeholders.

**Oppose proposed changes to the Constitution that would adversely affect land rights.** Recently, moves to amend the Constitution were initiated by certain groups and some members of the House of Representatives. Advocates of charter change argue that ownership restrictions on land and resources hinder economic growth. Those opposed have shown evidence that economic growth had been achieved by the Philippines without such changes.

The present social and economic system already poses deep problems for rights-holders. Ownership of agrarian land by foreigners would only bring wealthier and more powerful adversaries against ARBs. The same can be said of IPs when foreign business owners move into their land, especially since the NCIP already finds it difficult to assist them given its measly budget.

## Conclusion

That there are land and resource conflicts and incidents of HRVs is undeniable. The data gathered consist of actual experiences of rights-holders. The numbers show that political and social structures need to be changed to resolve persistent issues in land and resources. The study shows that duty bearers and adversarial claimants need to do a lot more to give rights-holders what is due them.

There may be marginal improvements in the data when compared with the previous reports. However, to any ARB, IP, or right-holder to land or

any resource, to be a statistic in this study, is never acceptable.

Land and resource conflict monitoring is not only a continuous task, it is also a work-in-progress. The data gathering method is far from perfect and needs to be improved constantly. In addition, there are many inherent limitations in land and resource conflict monitoring to arrive at a complete picture of land rights situation in the Philippines. ■

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- National Anti-Poverty Commission - Indigenous Peoples Sector
- National Land Coalition - Philippines
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- NAPC – NGO Sector
- NAPC – IP Sectoral Representative
- National Commission on Indigenous Peoples (NCIP)
- National Economic Development Authority (NEDA)
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#### Disclaimer:

The views contained in this document do not necessarily reflect those of the We Effect, GLTN, and UN-Habitat.

#### End notes:

<sup>1</sup> *Jus Regalia* mean refers to the authority of the monarch or king. In Philippine law, this is the source of the Regalian Doctrine where land and resources not owned by anyone is owned by the State.

<sup>2</sup> In 2018, monitoring reports were prepared in six Asian countries to understand the nature, causes and impacts of land and resource conflicts and to highlight the human rights issues intertwined with them. See <https://angoc.org/portal/land-conflicts-in-six-asian-countries-portal-asian-ngo-coalition/>

<sup>3</sup> The report can be accessed at <https://angoc.org/portal/in-defense-of-land-rights-a-monitoring-report-on-land-conflicts-in-six-asian-countries-vol-2/>

<sup>4</sup> The case profile form is a questionnaire for collecting community-level data, and information on land and resource conflict.

<sup>5</sup> Database used for the earlier 2021 Land Conflict Monitoring Report.

<sup>6</sup> Data cleaning “is the process of improving the quality of data by correcting inaccurate records from a record set. The term specifically refers to detecting and modifying, replacing, or deleting incomplete, incorrect, improperly formatted, duplicated, or irrelevant records, otherwise referred to as “dirty data,” within a database. Data cleaning also includes removing duplicated data within a database” (Allen (Ed.), 2017 – in *The SAGE Encyclopedia of Communication Research Methods*).

<sup>7</sup> Preparatory Meeting for Inter-agency Dialogue, 6 May 2024, NAPC Office, LWUA Complex, Balara, Quezon City.