

I. P.  . N.

FIFTH HUMAN
RIGHTS
SITUATION
REPORT ON
BONDOC
PENINSULA

1st October 2008
Mulanay City, Philippines



“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Article 1 of the Universal Declaration of Human Rights

Editor
IPON (Germany)

Writers
Manuel Narjes
Gisela Dürselen

**International Peace Observers Network
(I.P.O.N.)**
Hinrichsenstrasse 40
D-20535 Hamburg (Germany)
Tel.: +49 (0) 40-25 49 19 47
E-Mail: info@ipon-philippines.org

1st October 2008

List of Acronyms

AFP	Armed Forces of the Philippines
AJFI	Agrarian Justice Foundation Inc.
CARP	Comprehensive Agrarian Reform Program
CHR	Commission on Human Rights
DENR	Department of Natural and Environmental Resources
FIAN	FoodFirst Information and Action Network
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPON	International Peace Observers Network
KMBP	Kilusang Magbubukid ng Bondoc Peninsula
NPA	New People's Army
PEACE	Philippine Ecumenical Action for Community Empowerment
PNP	Philippine National Police
QUARDDS	Quezon Association for Rural Development and Democratization Services
UDHR	Universal Declaration of Human Rights

TABLE OF CONTENTS

1. Introduction	1
2. Methods.....	1
3. Human Rights Analysis for Bondoc Peninsula	2
3.1. General Human Rights analysis	2
3.2. Agrarian related violence	3
3.3. Legal harassments and irregularities in the implementation of the CARP.....	5
3.3. The role of government authorities in the Human Rights situation	7
4. Conclusion.....	8
Appendix 1: Map of Bondoc Peninsula	9
Appendix 2: General Information on Bondoc Peninsula	10
Appendix 3: IPON Principles, Objectives and Methodology	11

1. Introduction

Since fall 2006 the International Peace Observers Network (IPON) has accompanied the human rights defenders of the organisation Kilusan ng Magbubukid sa Bondoc Peninsula (KMBP). During these one and a half years, the German organisation IPON has documented and reported the Human Rights situation of the KMBP members of Bondoc Peninsula, that suffer Human Rights violations due to their commitment in defending their Human Right to food. Human Rights defenders in particular need protection from Human Rights violations which the community of states considers to be of utmost importance. IPON's commitment represents no political affiliations and is based on the Bill of Human Rights, which was signed by the Philippine state.

In its 4th report, IPON informs about the present situation of the KMBP- farmers in Bondoc Peninsula for the municipalities of San Francisco, San Narciso and San Andres.

2. Methods

The information for this report was gathered by the 7th IPON observers team which was present from April to July 2008 in the Bondoc Peninsula, with its base in the municipality of Mulanay.

The observers accompanied the KMBP members and monitored the Human Rights Situation in different areas from the above mentioned municipalities. Additionally, the farmers were accompanied to multiple hearings in courts and, if circumstances allowed, visited those in jail that had been arrested. IPON also attended farmer's organizational meetings. In the relevant areas, the IPON observers peered the disputed fields and conducted interviews with victims of oppression and violence. IPON also spoke with government representatives as well as with non-governmental Organizations

The present report is being distributed to various agencies of the Government of the Republic of the Philippines, to civil society organizations, European media, German lobby-groups and government representatives.. The information is also forwarded to the IPON's supporters network (including concerned European politicians).

The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

and other conventions in international Human Rights law, that have also been signed by the Government of the Philippines.

The state as signatory of these agreements is obligated to promote, respect, protect and fulfill these rights.

3. Human Rights Analysis for Bondoc Peninsula

3.1. General Human Rights Analysis

Within the three months of monitoring by the 7th IPON team, physical as well legal harassments persisted against KMBP members, who are petitioners of land through the Comprehensive Agrarian Reform Program (CARP). According to the QUARDDS (Quezon Association for Rural Development and Democratisation Services) organisation, the total number of filed cases against KMBP farmers was 303 by June the 24th, 2008: 15 cases in the community of San Francisco, 180 in San Andres, and 6 cases in San Narciso and 102 in Mulanay. IPON worries that these cases are poticially motivated charges filed to exacerbate and prevent thework of the Human Rights defenders of IPON. These cases are regarded as in causal relationship to the KMBP members' activities as human rights defenders which is claiming their right to food through land reform. They mostly affect land petitioners, especially farmer leaders, who didn't have a criminal record prior to their petition for land. This suggests that the farmer's commitment to fight for their right to food is being deliberately criminalized. Arbitrary detentions due to these politically motivated charges force KMBP members to give up their work as Human rights defenders in some cases. The legal system hasn't been able to ensure their civil rights as estipulated by the Philippine law. As a result, there is an ever-growing distrust from the farmers towards the Philippine legal system and official organs, like police and courts.

IPON also documented physical harassements, besides the ones of a legal kind: In the communities of San Franciso, San Narciso and San Andres, IPON observed a persisiting atmosphere of fear and intimidation accompanied by an athmosphere of impunity (see cases 1-4 in Chapter 3.2). KMBP human rights defenders continued receiving life threats and find it challenging to file cases against the aggressors due to mistrust towards the legal and executive system (see Case 4). Some of the threatened persons temporarily changed their domiciles, in order to find protection elsewhere. IPON witnessed a continuous exodus of KMBP farmers from their homes. This behaviour is caused by the dangerous environment to which tenant farmers are exposed and by the socio economic consequences of the land tenure conflict.

Socio-economic consequences

Systematic violence and politically motivated charges against land petitioning KMBP members do not only have physical and psychological effects but distort their socio-economic situation. Such consequences seem to be a desired effect from the land owners. The costs of charges for the KMBP members have made them an effective mechanism to weaken the ability of the Human Rights defenders farmers to use legal means of claiming land.

Some of the socio economic consequences that were witnessed by IPON are:

- Family structure disruption, as some family members are imprisoned or have to leave their homes for personal security reasons. Most of the times these are key income providers of the families. The worsening income situation encourages the remaining family members to look for income opportunities in the cities or abroad, causing a further family desintegration.
- In the cases of an imprisoned family member, not only an income source is being removed from the household, but the remaining family resources are used to pay for the high bail prices.
- Lack of economic resources leaves education and health behind, reducing future development perspectives of families and communities.
- Landowners have found a possibility to harass petitioners by destroying the crops destined to own consumption.

The described socio-economic consequences emphasise the dimension of Human Rights violations towards the Human Rights defenders of KMBP. Not only their physical and social rights are endangered due to their commitment to Human Rights but also their socio-economic rights. The government of the Philippines as signatory of the Bill of Human Rights is accountable for securing adidance to Human Rights law.

3.2. Violations of the Right to life, liberty and security of person

Article 6, ICCPR;
Article 3, UDHR:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Case 1 - Municipality of San Narciso, Village of San Vicente, Settlement Libas

On February the 19th, 2008 the KMBP-farmerleader and town councilor (*Kagawad*) Deolito “Julie” Empas - Settlement Centro, Village San Vicente, municipality of San

.....

Narciso - was kidnapped and murdered by three armed men. Now, Deolito's son Genard, as well as Julies wife Rosemenia, received diverse anonym death threats due to their intention to continue the political work of Deolito. Mr. Emaps' family, with its 8 children, changed there upon their domicile fearing for their lifes. As to IPON's knowledge, to date no further investigation has been taken place.

Case 2 –Municipality of San Narciso, Village of San Vicente, Settlement Libas:

The only man who dares to give declarations as an eye witness for the case of Mr. Empas, has received death threats as well. He wants, therefore, to remain in anonymity. The police promised him personal protection, which until the moment of the interview hadn't taken place. The eye witness fears he will be murdered as well, if he gives his statement in court. The fear for his life is based on the presumption that a lack of willing to declare witnesses would dismiss the case (*Source: interview conducted by IPON with the eyewitness*).

Article 3, UDHR;

Article 9 §1, ICCPR:

Everyone has the right to life, liberty and security of person.

Case 3 – Municipality of San Narciso, Village of San Vicente, Settlement Libas

The farmerleader Emilio Saraga has been assumably threatened several times by some armed personell (goons) of landowner Samuel Uy. Mr. Saraga is one of the few farmers who filed a case against his aggressors. This led to the apprehension of the offenders. During the presence of the 7th IPON observers team Mr. Saraga received a new threat. The hearing against Mr. Saraga's aggressors on the municipal court of San Narciso was adjourned. (*Source: interview conducted with the Emilio Saraga and presence of the IPON observers during the hearing of June 18th*).

Case 4 – Municipality of San Andres, Village of Mangero, Settlement Bungog

In December 2008 the inhabitants of the sitio Bungog were threatened assumably by some goons of the landowner Sopio Aberia. Not complying with the dictation of leaving their houses before July the 1st , 2008 would lead to their destruction. The people of Bungog were frightened and asked IPON for their accompaniment. Nonetheless, the case wasn't announced to the competent police station, because they assumed that doing so wouldn't yield results. (*Source: interview conducted by IPON with the dwellers of Sitio Bungog*).

Case 5 – Municipality of San Andres, Village of Villa Reyes

A meeting, was scheduled on June the 25th 2008 to take place in the office of the DAR in Gumaca. The meeting was organized by the Philippine Environmental Ministry (DENR) and the DAR in order to give a space to both, landowner Victor Reyes and land petitioners, to present their evidences regarding the surveys that were carried out on Villa Reyes' domains. Such surveys assigned the land in question to landowner Reyes, a decision that the petitioners disapproved. On the same afternoon a contingent meeting took place between the farmers and the present DAR officials, which couldn't replace the intended objectives of the originally scheduled meeting, but gave comfort to the frustrated farmers. Amidst the waiting of the farmers for the new meeting, a van with goons of Victor Reyes stoped in front of them. The goons paramilitary steped out of the vehicle with no reason other than to stare at the farmers leaving after 15 minutes (*source: Observation by IPON*).

3.3. Politically motivated charges and deliberate procrastinations of legal proceedings

The 7th IPON observer team assisted four hearings in the Regional Court of San Francisco, Aurora and on the Provinial Court of Gumaca. Three of the hearings were adjourned for several reasons; only one of them took place. IPON suspects a deliberate procrastination of such hearings in order to exhaust the financial resources of the accused petitioners. Favoritism in the local legal system for the landowners' side seems to be the reason.

Case 6 – Municipality of San Francisco/Aurora, Village of Don Juan Vercelos, Settlement Nilantangan

IPON's observers attended a hearing where several petitioners and other dwellers of Nilantangan were accused of different criminal cases. The hearing had already been postponed several times. IPON was present in two occasions when the same multiple hearing was cancelled the day it was agreed upon: Both times, on May the 13th and June the 3rd the hearing was set down to a new date in the last moment. The legal dispute between the farmers of Nilantangan and the landowner Sony Matias, concerning cases of trespassing, had already lasted over two years. Around 20 hearings have

Article 14, 3c ICCPR :

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: [...] to be tried without undue delay [...]

been scheduled, from which the majority has been postponed. In such cases the same procedure as in the above described dates took place. The date was appointed without a previous consultation on the attorneys from both sides. The attorneys would fail to attend to the hearings as a consequence of logistical misunderstandings. Nevertheless, no notice was given to the accused farmers to warn them of the expected hearing's postponement, letting them spend their valuable time and economic resources in attending an event predetermined not to take place. Additionally, for the hearing scheduled on June the 3rd, the accuser's witnesses didn't appear. No explanation was presented. (*source: assistance of IPON observers on the defined hearings, and interview with attorney. Jae de la Cruz*).

Case 7 – Municipality of San Francisco/Aurora, Village of Don Juan Vercelos, Settlement Nilantangan

On May 27, a hearing took place for 68 farmers of Nilantangan, most of them land petitioners, concerning cases of qualified theft. This hearing also involved the respective municipal (MARO) and provincial (PARO) representatives of the Philippine Agrarian Reform Ministry (DAR). They were accused, together with the 68 farmers, of having stolen 2.500 coconuts on April 5th 2008. Most parts of the hearing were spoken in English and only the questions to the accuser's witness were translated to Tagalog. These cases are in a close relationship with the KMBP members' activities as human rights defenders. According to attorney *Jae de la Cruz* any case of theft automatically becomes the status of "qualified" provided the involvement of coconuts. This is a legal measure that has protected

Article 7, UDHR:

All are equal before the law and are entitled without any discrimination to equal protection of the law. [...]

the interests of coconut producing landlords for many generations. (*Source: presence of IPON and interview with attorney Sherwin R. Gatdula and interview with attorney. Jae de la Cruz*).

Case 8 – Municipality of San Andres, Village of Tala, Settlement Aromahan

On June 6, 2008 the farmerleader and Kagawad Bienvenido "Benido" Mahilom was apprehended on his way back home from a rally in Manila and put in custody in the police station of San Andres. The bail for a case of qualified theft amounts to PhP 30,000 (445 EUR). Mr. Mahilom, who has already been accused in nine cases of qualified theft was charged with a total of PhP 270,000 for his release. Mr. Mahilom's attorney negotiated with the Court for a reduction on the amount of the bail. He also applied for a grant from the Agrarian Justice Foundation, which in collaboration with the DAR, was willing to assume a part of the bail.

Approximately after a month, and through the negotiations of attorney Sherwin R. Gatdula, a reduction of the bail was agreed upon, which with the contribution of the Agrarian Justice Foundation left a total of PhP 75,000 to be paid by Mr. Mahilom. A total of 20 cases of qualified theft are adjudicated to Mr. Mahilom, for which only the nine mentioned brought him to jail. The remaining 11 are still being disputed.

Mr. Mahilom confessed having harvested coconuts without asking for the landowner's approval. However, the land where the coconuts were harvested already belongs to him, according to the notification from the DAR's office in

Article 7, UDHR:

All are equal before the law and are entitled without any discrimination to equal protection of the law. [...]

2007. Nonetheless, he hasn't yet received the official title for his land (*Source: Interview conducted by IPON observers with QUARDDS organisation and with Bienvenido Mahilom in the municipality jail of San Andres*).

3.4. The role of government authorities and nonstate actors in the human rights situation

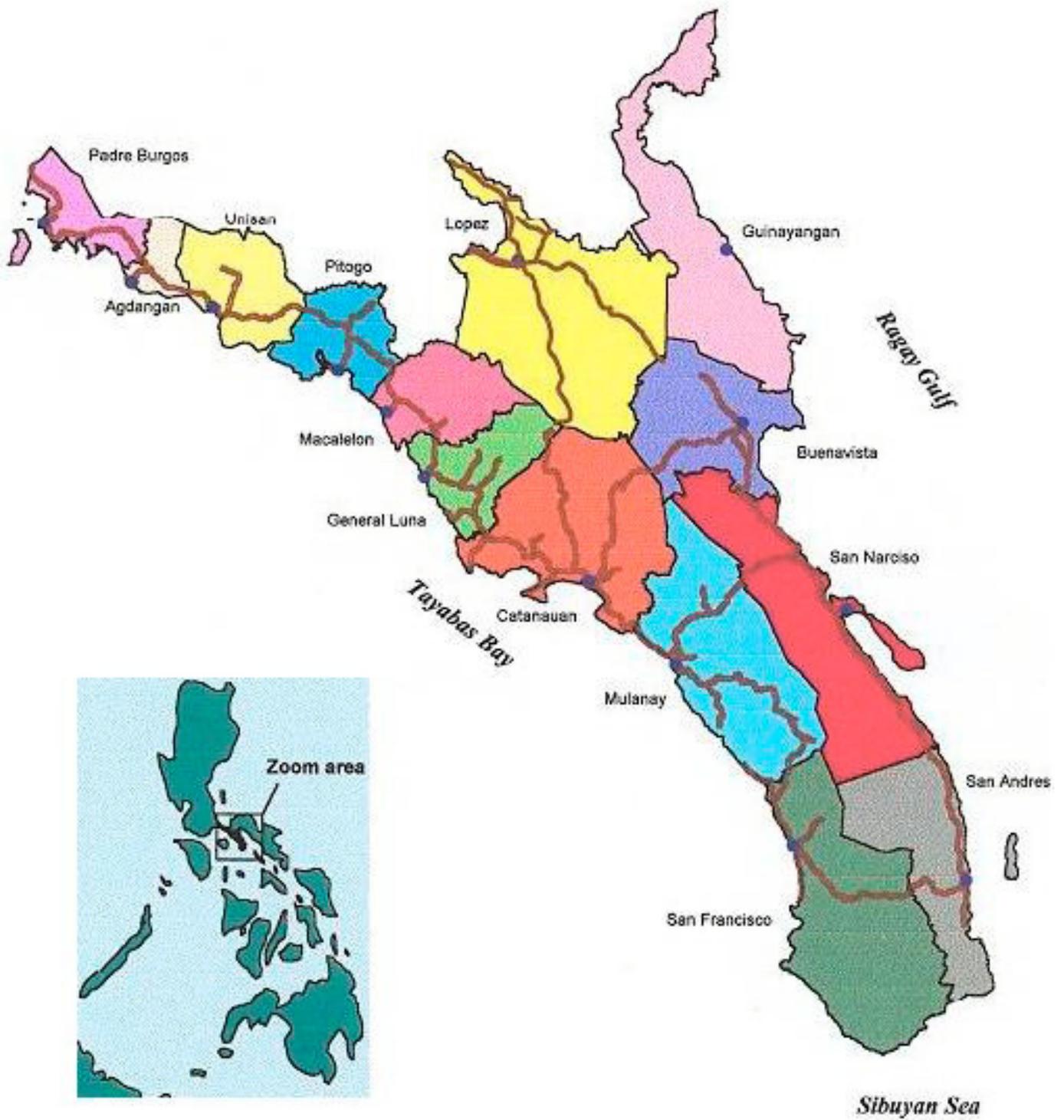
The Philippine government signed the Resolution 51/2003 of the United Nations Commission on Human Rights which states that it is “the primary responsibility of national authorities to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of their displacement in appropriate cooperation with the international community”. It also commits the signing party to find “durable solutions for all internally displaced persons and to strengthen international cooperation in order to help them return voluntarily to their homes in safety and with dignity or, based on their free choice, to resettle in another part of their country, and to be smoothly reintegrated into their societies.” Therefore, the government of the Philippines takes full responsibility for the upon mentioned Human Rights situation in Bondoc Peninsula.

During the above described three months state actors like judges, prosecutors and police failed to provide effective relief to the KMBP farmers of Bondoc Peninsula regarding the violations to the Human Rights committed against them. Neither the witnesses of criminal cases nor the families of the victims received sufficient protection or assistance. In some of the settlements visited by IPON the atmosphere was characterized by intimidation and distrust towards the official authorities. IPON is severely worried about the arising atmosphere of impunity. Therefore, IPON calls on the Philippine State to fulfill its responsibility to protect and promote the Human Rights of its citizens.

5. Conclusion

The 7th IPON observers team constates persisting physical and legal harassments that the human rights defenders from KMBP have to endure. The fact that the aggressions on behalf of the landowners are lately being embodied in politically motivated charges rather than physical violence can mislead to the interpretation of a “calm situation” and neglect the latent danger of further violent confrontations: land petitioners are facing constant death threats. Furthermore, IPON observed an increasing number of crimes accomplished by nonstate actors like the NPA.

Appendix 1: Map of Bondoc Peninsula



Appendix 2: General information about Bondoc Peninsula

The Bondoc Peninsula is situated in the southern part of Quezon province in Luzon, the largest island in the Philippines. It is composed of twelve municipalities and has a population of approximately 400,000 (or approx. 70,000 households), most of whom belong to the 5th or 6th income class. Eighty percent of the population on Bondoc Peninsula lives on subsistence farming and fishing. The total land area on Bondoc Peninsula adds up to 222,000 hectares and is mostly used for agricultural purposes (coconut mono-cropping, corn and rice). Large areas of land in Bondoc Peninsula are claimed by a few landowners. The biggest landholdings are those of Victor Reyes (estimated 12,000 to 14,000 hectares in the municipalities of Buenavista, San Andres and San Narciso), the Uy family (3,500 hectares in San Andres and San Narciso) and the Matias family (2,800 hectares in San Francisco). Most of the farmers in these landholdings have to work under a 60%-40%, sometimes even 80%-20% sharing system in favor of the landowners. In a 70%-30% sharing system (in favor of the landowner) a farmer receives 1,500 PHP per coconut harvest. The coconut trees can be harvested six times a year, whereas corn can only be harvested twice a year. The production income for corn averages at 2,000 PHP. The living expenses of an ordinary peasant family with six children (assuming half of the children attend school) amount to approximately 3,000 to 4,000 PHP for two months. Because these expenses are not covered by their income, the farmers have to look for extra resources to cover their costs. Sometimes this can be done by an additional banana harvest, corn harvest or piggery if the landowner does not forbid multi-cropping on his land. Some of the peasant families also receive financial support from family members who work in Manila or other cities. Sometimes the farmers' wives are obliged to go to Manila themselves for a few months to earn an additional income.

In the mid 1990s, when a German funded development project started to inform tenant farmers and farm workers of Bondoc Peninsula about their right to claim land through the Philippines Comprehensive Agrarian Reform Programme (CARP). Since then farmers of Bondoc Peninsula have started to petition for land. Many of them became organised in the Kilusan ng Magbubukid sa Bondoc Peninsula (KMBP) to jointly work for their land claims and the implementation of the CARP in Bondoc Peninsula a means to guarantee their Human Right to food. Due to their work as Human Rights defenders the members of KMBP are exposed to aggressions by landowners and other opposers of the agrarian reform such as the New Peoples Army. To date the Philippines state as signatory of the Bil of Human Rights is accountable to secure the Human Rights of the KMBP Human Rights defenders. In order to guarantee this, KMBP has requested IPON observers to document and prevent Human Rights violations to KMBP members.

Appendix 3: IPON Principles, Objectives and Methodology

The International Peace Observers Network is a German NGO that sends European volunteers to the Philippines to observe and document the Human Rights situation. IPON is independent from any government, political or religious groups and parties. The observers are non-intervening in their work. Moreover IPON strictly sticks to the principle of nonviolence and wants to provide the opportunity to the KMBP farmers to campaign for a non-violent solution of their conflict. The local farmers' organization KMBP regards its fundamental Human Rights as violated and feels abandoned by the government of the Republic of the Philippines. As Human Rights defenders they need special protection from Human Rights violations which the community of states considers to be of utmost importance. Therefore they asked IPON to send observers that monitor the Human Rights situation of the farmers and publish the results. Since 2006 IPON observers accompany KMBP members in their daily work and in meetings with various state and non-state actors. Additionally the observers collect information about the Human Rights situation by conducting interviews with KMBP farmers. The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and other conventions in International Human Rights Law, that have also been signed by the Government of the Philippines. The state as signatory of these agreements is obligated to promote, respect, protect and fulfill these rights.

The objective of the International Peace Observers Network is to contribute to a lessening of human rights violations against human rights defenders on Bondoc Peninsula. IPON will therefore document all human rights violations against KMBP members, who ever the perpetrator may be.