

# **Land, Life and Justice: The Challenge of Agrarian Reform in the Philippines**

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**An NGO Report on Agrarian Reform and Human Rights Situation**

Presented By:

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## Overview

This report looks into the implementation of the Philippine government's Comprehensive Agrarian Reform Program (CARP) as a mechanism for social justice and land redistribution. It was prompted by its failure to submit regular reports to the United Nations (UN) on the measures taken and progress made, in observance of the rights recognized in the ICESCR as stipulated in *Articles 16 and 17*. Its last submission, for instance, was noted on 21 October 1996, as additional information on the initial reports submitted. Moreover, as this report is being written, three (3) periodic reports are still long overdue for submission.

Culling data covering the period of 1996-2006, this presentation concludes that human rights violations were perpetrated in the course of its implementation, victimizing landless tillers and farm-workers. These violations pertain to the aggregate of rights that are enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The report was able to determine that a systematic pattern of violence, harassment and intimidation has been carried out by landowners against peasant leaders and their members, hoping that by doing these acts, farmer organizations would cease asserting their land claims under the law. The data further reveals that there are a total of **2,342 persons** who are victims of killings, frustrated killings, harassment (either through grave threats, frustrated abduction, unlawful filing of criminal cases against peasants resulting to arrests and detention, disappearance) and violent dispersals.

Since 1996 for instance, **36** farmers and agrarian reform advocates have been killed, while **19** incidents of frustrated killings were reported. From experience, most of those killed went through all sorts of harassments before finally being killed. These cases directly violate Article 6, Section of the ICCPR which states that "every human being has the inherent right to life" and that "no one shall be arbitrarily deprived of his life."

The right to a competent, independent and impartial tribunal (Article 14, Section 1, ICCPR) has also been violated, with **253** criminal cases filed against **548** farmers by landowners; though most of them cannot afford to post bail.

There were also cases wherein **8** farmers' houses, victimizing **150** persons, were either burned or bulldozed by landlord goons and plantation guards, while another **10** households were divested of property despite the guarantees stipulated in Article 17 of the Universal Declaration of Human Rights.

Of the **387** incident documented, **8** incidents happened between the years 1998 to 2000. The remaining **379** incidents happened between the years 2001 to present indicating escalating violence as the government's land reform program grinds to its termination by the year 2008.

It was also found out that of the **410** total number of perpetrators of human rights violation, **344** were committed by non-state actors. Among them, landlord and farm company management topped the list with **263** incidents. It was followed by armed goons of the landlord with **35** incidents and the New Peoples' Army (NPA) with **24** incidents, all recorded in Bondoc Peninsula, Quezon province except for **2** incidents documented in Nueva Ecija.

Among State actors, there were **48** cases of HRVs, the Philippine National Police (PNP) topped the list with **32**, barangay officials with **5** cases and the Armed Forces of the Philippines (AFP) and the para-military groups such as the CAFGU were number three.

There were however, **18** cases of HRVs and killings whose perpetrators remain unidentified.

This does not, however, shield the Philippine government from its responsibility to protect the peasants and farm-workers, for it violates civil and political rights through acts of omission. It was also observed that the “hotspot” areas of agrarian reform are in Bondoc Peninsula, Iloilo, Oriental Negros, Negros Occidental and Davao Peninsula.

The violations of the ICESCR, on the other hand, is reflected in the slow pace of CARP implementation which could have been used by the Philippine government to realize the Filipino farmers’ right to the means of subsistence (Article 1, Section 2, ICESCR), their right to adequate food (Article 11, Section 1, ICESCR) and freedom from hunger (Article 11, Section 2 [a], ICESCR) which also entails the added obligation of “reforming agrarian systems.” To further exacerbate the situation, the government was also not able to meet its target in terms of actual land redistribution and has failed to install at least 20,000 CARP beneficiaries.

CARP was also weakened by successive cuts in the agrarian reform budget, reduction in the “working scope” of the Department of Agrarian Reform (DAR), the government’s increasing use of non-redistributive means of ‘advancing’ CARP, the appointment of inefficient DAR Secretaries, the questionable use of the recovered stolen wealth of Ferdinand Marcos which was originally meant for CARP implementation, and the current attempt to delete the agrarian reform provisions in the present Constitution.

The Philippines has also failed to provide ‘effective remedy’ to citizens whose rights recognized in the Covenant are violated, as stipulated in Article 5.1; Gen. Comment # 3, par. 5. This is evident in the increasing pattern of criminalizing agrarian reform cases, resulting in the imprisonment of landless farmers.

There is also a growing trend towards agrarian reform reversions through unfavorable judicial decisions, cancellation of Certificate of Land Ownership Award (CLOA), reclassification of previously covered agricultural lands into commercial, industrial, residential and eco-tourism areas, the Stock Distribution Option (SDO) scheme, and other policies inimical to agrarian reform.

To address this situation, this report proposes the following recommendations:

**The Philippine NGOs urge the Philippine State to adopt a truly redistributive agrarian reform platform, making it part and central to its development goals and a pre-requisite to rural development. An AR Agenda that is human rights based, aimed towards breaking the present AR ‘gridlock’ and wholly geared towards eradicating unjust tenancy relation:**

1. to take a pro-active AR stance by ensuring appointment of pro-poor, pro-peasant, and agrarian reformist Secretaries of CARP implementing agencies;
2. to scrap all anti-agrarian reform policies;
3. to hold accountable and prosecute government officials responsible for the misuse of the Marcos wealth, particularly the Php30 billion allocated for CARP;
4. to ensure that the remaining Php5 billion from the Marcos ill-gotten wealth, and those that will still be recov-

- ered, be earmarked for land acquisition and distribution (LAD) and to allocate more funds for LAD;
5. to anchor agrarian reform governance on international human rights standards by promoting transparency and allowing active participation of AR stakeholders;
  6. to review of all criminal cases involving peasants and farm-workers that are agrarian-related and the subsequent dismissal of all cases that have questions over jurisdiction;
  7. to enforce a moratorium on agricultural land use conversions, cancellations of Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAs), and other forms of agrarian reform reversals;
  8. to ensure availability of judicial remedies to all victims of agrarian-related human rights violations;
  9. to convene an Inter-agency Task Force to help implement and monitor CARP implementation in AR 'hotspot' areas;
  10. to immediately install the more than 20,000 CLOA holders that have not yet been installed in their awarded landholdings and provide immediate appropriate support services;
  11. to ensure a systematic review, with the active and meaningful participation of civil society organizations, CARP accomplishments and balance as basis for setting new genuine land redistribution targets and work program until the CARP termination in 2008;
  12. to enact enabling law that integrates agrarian reform and human rights education with emphasis on economic, social and cultural rights, compulsory at all levels; and
  13. to adopt and work towards ratification of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
  14. to invite the United Nations' Special Rapporteur on the Right to Food to conduct an investigation regarding all violations on the peasants right to food as manifested in their assertion of their guaranteed right to reforming agrarian systems and the right to be free from hunger;

**To address violations of the civil political rights of peasants, Philippine NGOs present the following recommendations:**

1. that the Philippine government should dismantle all armed groups that are being used by landowners to harass, intimidate and kill peasants and farm-workers;
2. that the police should thoroughly investigate all killings of peasant leaders and gather all the necessary pieces of evidence to pursue the killers;
3. that witnesses be given safe havens by the government so as to encourage them to testify;
4. that the surviving families of killed peasant-leaders be given immediate assistance by the Department of

Justice (DOJ) and the Department of Social Welfare and Development (DSWD);

5. that a dialogue with the Chief Justice of the Supreme Court and the Secretary of Justice be scheduled so as to discuss the reported partiality of provincial prosecutors and judges to landowners;
6. that DAR should ensure that a title has been issued to a farmer-beneficiary, assistance must also be provided to install him to his assigned parcel of land and that police and army personnel should also assist during the installation stage to prevent violence from erupting;
7. that the report on the violations of the Philippine government of both civil and political and economic, social and cultural rights be submitted to the appropriate United Nation bodies;
8. that human rights education be held among peasant and farm-workers organizations to empower and enable them to assert their human dignity and human rights;
9. to invite the Special Rapporteur on Extrajudicial or Arbitrary Executions, the Special Rapporteur on Torture, and the Special Rapporteur on Human Rights and War on Terror to conduct an investigation regarding all agrarian-related Human Rights Violations; and
10. We call upon the UN to instruct these Special Rapporteurs to investigate these human rights violations and open a UN monitoring office in the Philippines.

**THE PHILIPPINE STATE'S OBLIGATIONS  
TO ITS PEOPLES' ECONOMIC, SOCIAL AND CULTURAL RIGHTS  
IN RELATION TO THE IMPLEMENTATION OF THE COMPREHENSIVE  
AGRARIAN REFORM PROGRAM (CARP)**

**An NGO Report**

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## *Executive Summary*

This report looks into the implementation of the Philippine government's Comprehensive Agrarian Reform Program (CARP) within the context of its obligations as State Party, to respect, protect and fulfill all human rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The data in this report covers the period of 1995 to May 2006, and focuses on human rights violations concerning the right to means of subsistence (Article 1.2, ICESCR), right to adequate food (Article 11.1, ICESCR) and freedom from hunger (Article 11.2 [a], ICESCR), which underscores the State's obligation of "reforming agrarian systems."

Philippine NGOs are deeply concerned with the fact that the Philippines has failed to submit regular reports on the measures taken and progress made, in observance of the rights recognized in the ICESCR as stipulated in *Articles 16 and 17*. The Philippine State has also failed to undertake steps to progressively realize the rights of peasants, poor farmers, farm workers, and indigenous peoples, as expressed in the government's decision to exclude agrarian reform in its ten (10)-point agenda. Moreover, The government was not able to meet its target in terms of actual land redistribution and has failed to install a number of CARP beneficiaries.

Philippine agrarian reform NGOs were unanimous in declaring that CARP was in a 'standstill' in 2001, three years after, it was in near general paralysis. This was brought about by large cuts in the agrarian reform budget, reduction in the "working scope" of the Department of Agrarian Reform (DAR), the government's increasing use of non-redistributive means of 'advancing' CARP, the appointment of inefficient DAR Secretaries, the questionable use of the recovered stolen wealth of Ferdinand Marcos which was originally meant for CARP implementation, and the current attempt to delete the agrarian reform provisions in the present Constitution.

The Philippines has also failed to provide 'effective remedy' to citizens whose rights recognized in the Covenant are violated, as stipulated in Article 5.1; Gen. Comment # 3, par. 5. This is evident in the increasing pattern of criminalizing agrarian reform cases, resulting in unnecessary imprisonment of landless farmers.

There is also a growing trend towards agrarian reform reversions through unfavorable judicial decisions, cancellation of Certificate of Land Ownership Award (CLOA), reclassification of previously covered agricultural lands into commercial, industrial, residential and eco-tourism areas, the Stock Distribution Option (SDO) scheme, and other policies inimical to agrarian reform.

Philippine NGOs are also concerned over the use of banned chemicals in pesticides in banana plantations in the Philippines and the State's failure to recognize women's right to entitlement and recognition for their agrarian reform and rural development (ARRD) contributions.

**In summary, the NGO Report concludes that the Philippines as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) has violated its citizen's rights as recognized particularly in Articles 1, 2, 3, 5 and 11 of the Covenant.**

**Through acts of *Omission and Commission*, it failed to carry out its 'duty-bound' troika of obligations, to *respect, protect and fulfill* human rights thereby failing to reform its agrarian system and in turn risking the rights of its peoples to be free from hunger.**

**The Philippine State's failure could be gleaned from its weak implementation of the Comprehensive Agrarian Reform Program (CARP) plunging towards gridlock due to the following causative factors of : Dreary DAR governance manifested in the lack of truly agrarian reformist DAR bureaucracy; un-hampered criminalization of peasants' ESCR assertion; land rights reversals; and the derogation of rights brought about by anti- agrarian reform policies and decisions by courts and the DAR itself.**

**The Philippine NGOs urge the Philippine State to adopt a truly redistributive agrarian reform platform, making it part and central to its development goals and a pre-requisite to rural development. An AR Agenda that is human rights based, aimed towards breaking the present AR 'gridlock' and wholly geared towards eradicating unjust tenancy relations through the following recommendations:**

1. to take a pro-active AR stance by ensuring appointment of pro-poor, pro-peasant and agrarian reformist Secretaries of CARP implementing agencies;
2. to scrap all anti-agrarian reform policies;
3. to hold accountable and prosecute government officials responsible for the misuse of the Marcos wealth, particularly the Php30 billion allocated for CARP;
4. to ensure that the remaining Php5 billion from the Marcos ill-gotten wealth, and those that will still be recovered, be earmarked for land acquisition and distribution (LAD) and to allocate more funds for LAD;
5. to anchor agrarian reform governance on international human rights standards by promoting transparency and allowing active participation of AR stakeholders;
6. to review of all criminal cases involving peasants and farm-workers that are agrarian-related and the subsequent dismissal of all cases that have questions over jurisdiction;
7. to enforce a moratorium on agricultural land use conversions, cancellations of Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAs), and other forms of agrarian reform reversals;
8. to ensure availability of judicial remedies to all victims of agrarian-related human rights violations;
9. to convene an Inter-agency Task Force to help implement and monitor CARP implementation in AR 'hotspot' areas;
10. to immediately install the more than 20,000 CLOA holders that have not yet been installed in their awarded landholdings and provide immediate appropriate support services;
11. to ensure a systematic review, with the active and meaningful participation of civil society organizations, CARP accomplishments and balance as basis for setting new genuine land redistribution targets and work program until the CARP termination in 2008;
12. to enact enabling law that integrates agrarian reform and human rights education with emphasis on economic, social and cultural rights, compulsory at all levels; and

13. To adopt and work towards ratification of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
14. To invite the United Nations' Special Rapporteur on the Right to Food to conduct an investigation regarding all violations on the peasants' right to food as manifested in their assertion of their guaranteed right to reforming agrarian systems and the right to be free from hunger.

## INTRODUCTION

1. This report aims to shed light on the progress undertaken by the Philippine State to ensure the enjoyment of its peoples' human rights. This has also been a product of the collaborative effort among non-government organizations (NGOs) and peoples' organizations (POs), namely: the *Ugnayan ng mga Nagsasariling Organisasyon sa Kanayunan* or National Coordination of Autonomous Rural organizations (*UNORKA*), **Philippine Ecumenical Action for Community Empowerment (PEACE)**, *Kilusan para sa Pambansang Demokrasya* or Movement for National Democracy (*KPD*), **Task Force Mapalad (TFM)**, **Center for Agrarian Reform Empowerment and Transformation (CARET)**, **Project Development Institute (PDI)**, **Foodfirst Information and Action Network (FIAN)-Philippines**, *Kilos AR!*, or Agrarian Reform Movement (*KAR*) and **Partnership for Agrarian Reform and Rural Development Services (PARRDS)**.
2. Particularly, it would look into the implementation of the Philippine government's Comprehensive Agrarian Reform Program (CARP) within the context of its obligations as State Party, to respect, protect and fulfill all human rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR). All information that were covered were those between the years 1995 and 2006 of May this year, as collated by PARRDS, along with the Philippine NGOs involved in agrarian reform, human rights and rural development work.
3. Human rights violations concerning the right to means of subsistence (Article 1.2, ICESCR), right to adequate food (Article 11.1, ICESCR) and freedom from hunger (Article 11.2 [a], ICESCR) would be the main focus of this NGO report.

## REPORT FRAMEWORK

4. The encompassing context of this report is anchored on the principle that all human rights are universal, indivisible, interrelated and interdependent. Violations to certain human rights, either by *Omission* or *Commission* of the State, would lead to denial and non-enjoyment of the other rights, be it political, civil, or economic, social and cultural rights.
5. This report invokes the provisions set forth in the International Covenant on Economic, Social and Cultural Rights (ICESCR), in which the Philippine State is a Party. Particularly, it recognizes the right to means of subsistence (Article 1.2, ICESCR), right to adequate food (Article 11.1, ICESCR) and freedom from hunger (Article 11.2 [a], ICESCR) of Filipino peasants and farm workers. The latter Article underscores the State's obligation of "reforming agrarian systems" to ensure that the fundamental right of everyone to be free from hunger would be realized.
6. As such, it applies the accompanying obligations to *respect, protect* and *fulfill* human rights, as clearly expressed by the Committee on Economic, Social and Cultural Rights General Comment Number 3 whereby, fulfillment constitute, obligations of *conduct* and *result* without discrimination.<sup>1</sup> The Philippine State therefore, is duty-bound under international human rights law, to ensure that its citizens enjoy the economic, social and cultural guarantees provided for them through the treaty, that peasants, farm workers and the rural poor

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<sup>1</sup> Para 1 of General Comment No. 3; CESCR, The Nature of State Parties' Obligations, (1990)

have their own means of subsistence, by *providing* and *facilitating* access to adequate food.<sup>2</sup>

7. This report is based on the principle that, agrarian reform is central to eradicating rural poverty. It is the means to strengthen the revenues of the rural poor and should be used to secure their entitlements to food, education and health care.<sup>3</sup> CARP therefore, is essential in realizing the peoples' right to an adequate standard of living, as found in Article 11.1 of ICESCR, which states that:

*“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions...”*

## **HUMAN RIGHTS ISSUES AND VIOLATIONS**

8. **The Philippine NGOs are deeply concerned with the fact that the Philippines, as State Party to the Covenant, has been remiss of its obligation to regularly submit reports on the measures taken and progress made, in observance of the rights recognized in the ICESCR as stipulated in Articles 16 and 17.** Its last submission was noted on 21 October 1996, as additional information on the initial reports submitted. So far, three (3) periodic reports have been long overdue for submission. In particular these are: the 2<sup>nd</sup> Periodic Report, due on 30 June 1995, 3<sup>rd</sup> Periodic Report, due on 30 June 2000, and the 4<sup>th</sup>, which was due last 30 June 2005.<sup>4</sup>
9. **On its obligations found in Article 2 of the Covenant, the Philippine State failed to undertake steps, to the maximum of its available resources, to progressively realize the rights of peasants, poor farmers, farm workers, and indigenous peoples.**
10. With great concern, this report observes that in 2001, the newly installed government has not included agrarian reform in its priority concerns, as noted in its ten (10)-point agenda that resulted to dismal agrarian reform performance.<sup>5</sup> This is a compelling basis why no major policies can be cited in the areas of agrarian reform and rural/agricultural development made by the Philippine State.<sup>6</sup>
11. In the same year, of the 100,000-hectare target made by the Department of Agrarian Reform (DAR), only 20,000 hectares of private lands were distributed although, according to the government, as posted on its website, on the status report on SONA (State of the Nation Address) commitments, it has distributed a total of 47,676 hectares of private agricultural lands. Still, the figure is way below the target output and accomplishments of the previous governments in terms of land acquisition and distribution.<sup>7</sup>
12. Based on the overall land distribution accomplishment in 2004, DAR targeted 110,046 hectares of agricultural lands and actually distributed 104,046 hectares. Statistically, it surpassed the 100,000 hectares 2001

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<sup>2</sup> Par 15, General Comment No. 12; CESCR, The Right to Adequate Food, (1999)

<sup>3</sup> NAPC. *“In the 5<sup>th</sup> En Banc: Agrarian Reform is Issue of the Day”*; Basic Sectors *Balita*;, (Dec. 2002)

<sup>4</sup> CESCR. The Philippines Reporting History; [http://www.bayefsky.com/reports/philippines\\_cescr\\_e\\_1989](http://www.bayefsky.com/reports/philippines_cescr_e_1989)

<sup>5</sup> News release Friday, 21 January 2005. <http://www.gov.ph/news>

<sup>6</sup> Lim, Ernesto G. *‘Agrarian Reform and Rural Development under the Arroyo Administration: the first Year’*. PhilDHRA, AR Now, January 2002

<sup>7</sup> Ibid. p.1

SONA commitment. Such computation has been questioned by PEACE Foundation in one of its agrarian notes publications.<sup>8</sup> The fact that CARP ends in 2008, with more than 700,000 agricultural lands still to be redistributed belonging to ‘highly contentious’ land holdings, using the same target would still have left a remaining balance of more or less 300,000 agricultural lands undistributed by 2008.

13. Besides, more than 20,000 uninstalled farmer-beneficiaries, all possessing legal rights to take control of awarded lands have not been installed by the DAR in the awarded landholdings. These areas are mostly in the provinces of Oriental Negros, Negros Occidental, Masbate, Leyte and Camarines Sur.<sup>9</sup>
14. It must also be noted shortly after the passage of CARP in 1988, one of the very first acts of the Philippine government was to defer its implementation in commercial plantation for 10 years, giving plantation owners enough time to exempt their farms from CARP coverage. This has negatively affected land reform implementation in the country’s southernmost region of Mindanao, where most of the commercial plantations are located. In 2001 alone, 31,042 hectares of CARPable land in Mindanao were deferred, 6,107 hectares of which were later converted for non-agricultural purposes while another 2,259 hectares were exempted from CARP.
15. The worse cases were reported in the province of Davao del Norte with 12,862 hectares of deferred lands, which accounts for 41.4% of all approved deferments in Mindanao.
16. The Philippine government was also unable to extend adequate assistance to retrenched and terminated plantation workers, with the issuance of Administrative Order No. 6 (A.O. 6) by the Department of Agrarian Reform (DAR), which stipulated that retrenched and terminated farm-workers are disqualified from being CARP beneficiaries. This made plantation workers vulnerable, since thousands of farm-workers were laid off during the period of CARP deferment from 1988-1998, most of whom were from the banana plantations of Mindanao.
17. Equally important to be considered and examined is its accomplishment in the distribution of alienable and disposable public lands. Reported accomplishments indicate that these exceed the targets (by over 250,000 hectares in 2004). However, ground-level experiences indicate that there are real problems that must be addressed. One of these is the private claims on alienable and disposable public lands. There are cases where forest and non-alienable lands have been titled to oligarchs.<sup>10</sup>
18. Since the Indigenous Peoples’ Rights Act (IPRA) was promulgated, the indigenous peoples’ land claims have not been seriously addressed by past and present administrations. More than 5 million hectares of ancestral domain claims have not been processed, and many of these areas are believed to have been intruded by private interests.<sup>11</sup> Then, the State failed to progressively realize the disadvantaged farmers, peasants, farm workers and indigenous people’s human rights.

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<sup>8</sup> Calmada, Diosdado B. “*Mysterious Mathematics Under Pagdanganan DAR*”. PEACE, February 2004

<sup>9</sup> Caranza, Danilo T. *Why President Arroyo-Villa DAR and Agrarian Reform Do Not Mix*”. PEACE. (June 2005)

<sup>10</sup> PEACE. “*Burning Issues on Agrarian Reform in the Philippines, (2006)*”. <http://www.peace.net.ph>

<sup>11</sup> Ibid.

19. **Philippine agrarian reform NGOs were unanimous in declaring that CARP was in a ‘standstill’ in 2001, three years after, it was in near general paralysis.**<sup>12</sup> This report observed that DAR in relation to CARP implementation have underwent budget cuts; the biggest yet was in 2001 wherein it was slashed by 34% or Php1.63 billion, from the previous year’s Php4.82 billion to Php2.95 billion.<sup>13</sup>
20. Initially, CARP (or Republic Act 6657) began with 10.3 million hectares earmarked for distribution. But by 1995, it was reduced to merely 8 million hectares without even the benefit of a single public hearing to clarify the issue. This phenomenon was again repeated in 2001, when DAR’s “original scope” of 6.61 million hectares was reduced to a “working scope” of 3.96 million hectares.
21. Also, in the 1995 targets, the identified private lands were pegged at 3 million hectares. Yet, based on national land registration records, there were a total 5 million hectares of private lands. Again, no explanation was given for this low target.
22. DAR also had a penchant for using non-redistributive schemes such as the Voluntary Land Transfer (VLT) to allegedly “push” for agrarian reform. In essence, the VLT scheme is an agreement is made between the landowners on one hand and the tenants or leaseholders on the other (as the case maybe) with government occupying a marginal, if not insignificant role, in the entire affair. It is due to this set-up that anomalies have constantly hounded the said scheme. Either the land is overvalued or landowner’s relatives and associates become beneficiaries. There are also instances wherein no actual land-transfer to the farmers had been made.
23. It has also been reported that from 1988, 514,277 hectares have been “distributed” through VLT; while only 289,250 hectares have been redistributed through the more socially just method of Compulsory Acquisition (CA). Moreover, from 1988 until 2001, almost half or 50 percent of rice and corn lands were distributed through Voluntary Offer to Sell (VOS) and VLT, while the said schemes were also used to distribute 81 percent for non-rice and corn farms. Compare this to only 10 percent of rice and corn areas were distributed through Compulsory Acquisition (CA) and another 18 percent of non-rice and corn. To further confound the situation, most farmers in the VOS-VLT areas do not have their own independent organizations, thus allowing farm-owners to freely exert their influence in the drafting of the contracts.
24. The Philippine government has also been unable to address the proliferation of “sweetheart contracts” or “pre-nuptial agreements” in a number of banana plantations between the company owners and pliant farmer cooperatives, with the former dictating the terms of the post-distribution schemes.
25. The fact that, between 2001 to 2004 the government have had five different DAR Secretaries, the highest turn-over rate in the history of the Department if not, the entire government bureaucracy, adds credence to the NGOs claim. To the dismay of agrarian reform advocates and human rights defenders, the new appointees tended to be either more inefficient or more conservative than their predecessors causing CARP implementation to move very slowly.<sup>14</sup>

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<sup>12</sup> Caranza, Danilo T. “Why President Arroyo-Villa DAR and Agrarian Reform Do Not Mix”. PEACE (June 2005); page 1

<sup>13</sup> TFM (Task Force Mapalad). “13<sup>th</sup> CARP Anniversary: Farmers Face Hazy Days Ahead”. 22 June 2001

<sup>14</sup> Caranza, D. *Agrarian Notes*; PEACE, June 2005

26. Appointments to key AR-related agencies have been defined not by requirements of agrarian reformism but by possible rent-seeking behavior, electoral related considerations and pro-landed political calculations.<sup>15</sup>
27. In 2003, farmers groups were glad to note that an amount of Php27.04 billion, proceeds from the forfeited Marcos Swiss deposits, were allotted for CARP as result of a Supreme Court Decision.<sup>16</sup> This however, would be short-lived as all that was left of the money is now Php5 billion. The Philippine NGOs are deeply concerned of this situation wherein the amount intended was allegedly misused, thereby jeopardizing the outcome of CARP by 2008 given that, more than 700,000 hectares of agricultural lands are waiting to be redistributed and stalling the claim of thousands of CARP petitioners. This is tantamount to denying the disadvantaged groups access to land and their means of subsistence.
28. There is also an attempt to further dilute agrarian reform by changing the present Philippine Constitution. It must be kept in mind that the existing charter specifically provides that land ownership should be reserved for Filipinos or corporations which are at least 60% Filipino owned. This is stipulated in Article XII, Section 2, which states that:

*“All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries forests or timber, wildlife, flora or fauna, and other natural resources are owned by the State... The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens.”*

The proposed revision that is being advanced by the Presidential Consultative Commission is silent on the issue. This clearly seen in Article XIV-B, Section 1 of the Proposed Revision of the 1987 Constitution which says to wit:

*“All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries forests or timber, wildlife, flora or fauna, and other natural resources are owned by the State... The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements under such terms and conditions as may be provided by law.”*

29. **Failure of the State to take all appropriate means; in this case, provide ‘effective remedy’ to citizens whose rights recognized in the Covenant are violated (Article 5.1; Gen. Comment # 3, par. 5).**
30. **The Philippine NGOs express with great concern the increasing pattern of criminalizing agrarian reform cases resulting in unnecessary imprisonment of landless farmers.** From January 2003 to December 2005, more than 300 farmers have been jailed nationwide. Domestic law protects the farmers from malicious prosecution by distinguishing between agrarian and criminal cases. The government failed to enforce the law.
31. On 29 May 2006, it noted a disturbing incident when 123 coconut farmers and their families from the three Municipalities in Bondoc Peninsula voluntarily surrendered *en masse* at the Department of Justice (DOJ).

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<sup>15</sup> Franco, Jenny. “*On Just Grounds*”; page 285

<sup>16</sup> PARRDS briefing paper on the Marcos ill-gotten wealth (2006)

They frustratingly seek the attention of the government to address the systematic criminalization of agrarian reform-related cases. These farmers are tenants and longtime occupants in big landholdings owned or claimed by the influential Reyes, Matias, Uy and Zoleta-Queblar families. Majority of the cases filed against them were qualified theft of coconuts (with 176 cases), estafa (3 cases) and libel (3 cases). The cases were filed in the course of an escalating tension between the farmers who were seeking ways to avail of the benefits of the agrarian reform and the landowners and their agents who seek to preserve the status quo.<sup>17</sup>

32. The Bondoc Peninsula coconut farmers, who are all CARP petitioners, are left with no choice but to voluntarily surrender for fear of their lives, also because, they could not afford to pay the bail bond and raise a staggering amount for their temporary release. For the 37 farmers with standing warrants of arrests alone, the total bail fixed by the courts amounted to Php1.9million.<sup>18</sup> The indigent farmers not only were denied of access to land as stipulated in the Comprehensive Agrarian Reform Law (CARL) but also, their rights to be free from hunger were violated and their children denied of their right to education.
33. **The Philippine NGOs is alarmed and deeply concerned with the rise of agrarian reform reversions through judicial decisions and the trend is continuing.** Reversion means the cancellation of Certificate of Land Ownership Award (CLOA), a land title awarded to farmer-beneficiaries under CARP. Around 60,000 CLOAs and CLTs (Certificate of Land Transfer) have been cancelled overtime. Reclassification of previously covered agricultural lands into commercial, industrial, residential and eco-tourism areas has made farmers vulnerable to reversion of land rights.
34. **The ‘Christmas decisions’ of 2003:** WADECOR (Worldwide Agricultural Development Corporation; Carmen, Davao del Norte), owned by Antonio Floirendo, Jr. The owner had applied for exclusion of 129.9179 hectares from CARP coverage. The DAR regional office denied the application and motions several times arguing that the said lands are still under CARP coverage. The DAR Central Office apparently has the same disposition. In fact, the office already committed to conduct Ocular Inspection of the site, which could not be immediately conducted because of the absence of travel order. Until January 2004, it was found out that the Secretary released an order on December 16, 2003 reversing the orders made by the Regional Office in favor of the exclusion application of WADECOR.<sup>19</sup>
35. PAHECO (Panabo Hemp Corporation; Panabo, Davao del Norte), owned by Antonio Floirendo, Jr. The owner originally applied for VOS (Voluntary Offer to Sell) of 522.0352, but later changed the option to 10-year deferment. However, during the deferment period, the owner applied for exclusion of 476.6568 hectares allegedly devoted to livestock raising and fishpond. The regional Director and former Secretary Braganza had decided against the application and ensuing motions. Until on December 16, 2003, the present Secretary released an order reversing the erstwhile decision, in favor of the land owner.<sup>20</sup>
36. NESTFARMS (Nenita Stock Farms; Panabo, Davao del Norte), owned by Antonio Floirendo, Jr. The owner applied for exemption/exclusion of 562.5465 hectares, alleging that these have been utilized as grazing and pastures lands. Supported by an investigation at the field level, the Regional Director denied the appli-

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<sup>17</sup> Caranza, Danilo T. “Mass Surrender to DOJ of Bondoc Peninsula Farmers”. PEACE briefing paper. (2006)

<sup>18</sup> Ibid. page 2

<sup>19</sup> UNORKA and PEACE. “Reversal of Hopes: A Documentation of Engagement with the Department of Agrarian Reform under Pagdanganan. (March 2004)

<sup>20</sup> Ibid. page 5

cation. But on December 16, 2003, the Secretary reversed the order and granted the application. But on the December 16, 2003, the Secretary reversed the order and granted the application of the landowner.<sup>21</sup>

37. TADECO (Tagum Agricultural Development Corporation; Tagum City, Davao del Norte), owned by Antonio Floirendo, Jr. The owner assailed the Regional Director's order that 50.8600 hectares of the land be acquired and distributed under CARP, claiming that some of the said portion was planted to bamboo, not banana, and the rest of the portion was used for fishpond purposes. Former Secretary Braganza ruled in favor of the Regional Director's orders. But the present Secretary reversed the order on December 16, 2003, granting the appeal of the land owner.<sup>22</sup>
38. Moldex Realty, Inc. (Silang, Cavite). The organized farmers filed a petition with the DAR to cancel the five land use conversion orders that previous DAR administration had issued to Moldex. This was denied. However, DAR ruled that the undeveloped portion of the land be covered under CARP. This meant that the developer should immediately stop developing this portion and maintain the farmer-occupants in the area. But, Secretary Pagdanganan on December 22, 2003, reversed the previous DARCO (Department of Agrarian Reform Central Office) order by allowing Moldex to secure development permits for the undeveloped portions of the landholding, leaving the farmers no hope that they would be given lands for farming and livelihood.<sup>23</sup>
39. **The DAPECOL issue:** Davao Penal Colony (DAPECOL) is a 5,000-hectare land owned by the government that has been leased to a banana plantation called the Tagum Agricultural Development Corporation (TADECO) in 1975, for a nominal amount of Php250 per hectare per year for 30 years. As a consequence, prisoners were later conscripted by TADECO into the plantation labor force for next-to-nothing slave wages to produce bananas which were then exported to Japan. The said contract was supposed to expire in September 2005. But instead of heeding the call of the farm-workers to distribute the land under CARP, the Philippine government renewed the contract for another 25 years with a rate of Php5,000 per hectare per year. This arrangement, however, remains questionable since the surrounding plantations have a lease rate of Php30,000 to Php60,000 per hectare per year.
40. **Other cases of CARP reversals thru land conversion:** 115 Farmer beneficiaries and members of *Luzvimin Samahang Nayon Agrarian Reform* were awarded CLOAs covering 60 hectares of land in Barangay F.de Castro, in General Mariano Alvarez, a town in Cavite province, south of Luzon. The farmers also petitioned an additional 55 hectares, part of the 115 hectares of agricultural lands subjected under CARP in 1994. Four years after, the court dismissed their plea. Worse, the CLOAs for the 60 hectares awarded to them 4 years before was cancelled, supposedly because of "erroneous coverage". The decision was handed down by PARAD (Provincial Agrarian Reform Adjudicatory Board), a quasi-judicial body that has jurisdiction over agrarian reform cases, in favor of the Lake View Golf and Country Club who was contesting the area.<sup>24</sup>
41. Hacienda Looc, in Nasugbu, Batangas province was subjected to CARP in 1991. DAR awarded some 24 collective CLOAs and 1 individual CLOA to 1,301 farmer beneficiaries covering 3, 981 hectares. On March

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid. page 6

<sup>23</sup> Ibid.

<sup>24</sup> Fabros, A. "Yet Another Golf Course Tries to Bulldoze its Way Through CARP", (30 October 2000).

7, 1995, MSDC (Manila Southcoast Development Corporation) filed a petition with DARAB seeking the cancellation of 25 CLOAs in 3, 294.26 hectares and the conversion of the agricultural lands these CLOAs covered. As a result, 10,000 peasant families were displaced from their land, their rights as land reform beneficiaries forfeited as corporate giants MSDC and Fil-Estate transform their nature-endowed coastal villages into an exclusive playground for the rich now called Harbortown.<sup>25</sup>

42. **More land use conversions and CLOA cancellations**, like those in Intsikan, Silang Cavite. This estate is 250 hectares, owned by a friend of a former President of the country. The DAR approved its land use conversion order in 1998 despite the fact that the farmers have CLOAs already; and, the 150 hectare Ponciano Almeda estate in Tagaytay City wherein the conversion was approved by the Undersecretary of DAR; the 100-hectare ABCO Property Developer in Silang, Cavite wherein CLOAs of beneficiaries were cancelled in 1998.<sup>26</sup>
43. **The Philippine NGOs is gravely concerned over the Philippine Supreme Court ruling,<sup>27</sup> as regard the 1990 case of Luz Farms versus the Department of Agrarian Reform Secretary, declaring DAR Administrative Order (AO) No. 9<sup>28</sup> series of 1993 as unconstitutional and exempted from CARP coverage lands “exclusively” devoted to cattle-raising.**
44. The decision eventually watered down whatever gains CARP has achieved for the past 18 years. It will open the floodgates of more reversions virtually exempting around 200,000 hectares of privately owned agriculturally productive lands as well as more than 300,000 hectares of public lands leased for grazing many of which have been transformed into agricultural areas. It will ensure that land monopoly in cattle areas will continue and tens of thousands of hectares of agriculturally productive lands will remain in the hands of a very few landlord-ranchers.<sup>29</sup>
45. Approximately, commercial livestock occupy 572,235 hectares of grazing area in the Philippines that include private lands and pasture leases. The Supreme Court decision therefore, threatens to exempt more than half a million hectares of land from CARP coverage. These areas are mostly found in Masbate, Bondoc Peninsula, Isabela, Bukidnon and other parts of the archipelago.<sup>30</sup>
46. A closer look at commercial livestock areas in the Philippines would reveal that they are in *hacienda*-type plantations that are simultaneously being utilized for farming activities with landless rural poor as tenants. It is posited here that the word “exclusive” use is only possible in grazing areas with no farm activity by tenants or farmers. In the Sutton case, it is apparent that use for livestock, as interpreted by the Supreme Court, need not be exclusive to be excluded from CARP.<sup>31</sup>

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<sup>25</sup> Discussion paper. “*Hacienda Looc*”. <http://www.bekkoame.ne.jp/~sukke/peasant3.htm>

<sup>26</sup> UNORKA press statement. 22 November 2000

<sup>27</sup> Copy of the Supreme Court ruling

<sup>28</sup> AO No. 9 (1993) regulates exemptions of lands devoted to livestock-raising. It provided a land-animal ratio as basis for exemption. For large animals like horse, cattle, carabao, etc., the ration is 1 head to 1 hectare and for medium-sized animals such as goat; the ratio is 3 heads to 1 hectare. The basis is to avoid a sweeping application of the decision on livestock areas so that lands that are not actually utilized for livestock-raising purposes are transferred to CARP potential farmer-beneficiaries.

<sup>29</sup> Caranza D. & Mato, P. “*Subverting Peasants’ Land Rights: The Supreme Court Decision Exempting Livestock Areas from the Coverage of Agrarian Reform*”. Agrarian Notes. PEACE, (May 2006)

<sup>30</sup> Ibid.

<sup>31</sup> “*Campaign against Exemption of Livestock Areas: Opposing Subversion of Peasant Land Rights*”. MACARADE (2006)

47. This report expresses apprehension over the derogation of rights recognized in the Covenant by the State on its citizens, brought about by a provision found in Section 31 of Republic Act 6657 that states:

*“Corporations owning agricultural lands may give their qualified beneficiaries the right to purchase such proportion of the capital stock of the corporation that the agricultural land actually devoted to agricultural land actually devoted to agricultural activities, bears in relation to the company’s total asset.”*

**Such clause runs counter to the spirit of ICESCR’s Article 5.2 and even Section 4, Art. XIII of the Philippine Constitution that says:**

*“The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers who are landless to own directly or collective the lands they till, or in the case of other farmworkers, to receive a just share of the fruits thereof.”*

48. Section 31 of the Republic Act 6657 brought forth the Stock Distribution Option (SDO) scheme. It provides corporate farms the right to sell to qualified agrarian reform beneficiaries such proportion of the capital stocks of the corporation that the agricultural lands actually devoted to agricultural activities bear in relation to the company’s total assets. There are 13 corporations nationwide that availed of the SDO scheme covering an aggregate are of 7,703 with 8,435 farmworker-beneficiaries.<sup>32</sup>
49. The table below shows 10 corporations from Negros Occidental, in Western Visayas implementing SDO scheme:<sup>33</sup>

Corporation	Location	Coverage (has.)	Beneficiaries
Archie Fishponds, Inc.	Cadiz City	102	155
Arseno Al Alcuna Agricultural Corp.	Cadiz City	108	93
Elenita Agricultural Development Corp.	Cadiz City	113	82
Maria Clara Marine Ventures	Bago City	58	58
Palma Kabankalan Agricultural Corp.	Ilog	219	113
Tabigue Marine Ventures Inc.	E.B. Magallona	50	64
Ledesma Hermanos Agricultural Corp. (Owned by Julio and Carlos Ledesma)	Brgy. Buluangan, San Carlos City	1,024	747
Negros Industrial By-products & Processing, Inc. (owned by Don Pedro Roxas)	Nagasi, La Carlota	438	273
Wuhtrich Hermanos, Inc. (Hda. Sto. Tomas)	Brgy. Buenavista, Calatrava	174	177
SVJ Farms, Inc.	Concepcion, Talisay	170	143

50. SDO presupposes that lands would be more economically feasible if these remain in one piece rather than scattered and divided individually. It paints hope of emancipation from the bondage of poverty and a promise of great benefits among beneficiaries.

<sup>32</sup> Caranza, Danilo T. “No Option but to Scrap SDO: Selected Experiences in Stock Distribution Option Implementation in Negros Occidental”. Agrarian Notes. PEACE, (December 2005)

<sup>33</sup> Ibid.

51. On the contrary, based on the studies made, SDOs failed to provide security over the land that beneficiaries till in terms of control over the right to use and benefit from the produce of the land. It reinforced labor insecurity due to low wages and poor working conditions. Instead, the benefits from the lands remain with the already rich, which is opposite to what is envisioned under the agrarian reform program.<sup>34</sup> Just like the Hacienda Luisita experience, the SDO scheme only perpetuated mass poverty of its intended beneficiaries, leaving the false hope of better incomes and greater benefits including justice and equity considerations that agrarian reform could possibly attain.<sup>35</sup>
- 52. Philippine NGOs expresses concern over the use of banned chemicals as pesticides in banana plantations in the Philippines.** In 1997, around 7,961 farm-workers who are members of the Davao Banana Plantation Workers Association of Tiburcia, Inc. (DBPWATI) filed a case against Shell Chemical Corporation, DOW Chemical Company and Occidental Chemical Corporation for using a banned chemical known as DIBROMOCHLOROPROPANE (DBCP) in their pesticides. On October 10, 1998, a similar case was filed by 42,000 farm-workers before the Regional Trial Court Branch 14 of Davao City. According to the plantation workers, the chemicals that they used were carcinogenic, turning 60% of the male workers sterile while 20% of the women workers developed health problems in their uterus. The Philippine government, however, failed to detect this practice in time neither was it able to impose sanctions on its manufacturers and the plantation owners that continue to use such chemicals.
- 53. The Philippine NGOs noted with concern the failure of the Philippine State to recognize women's right to entitlement and recognition for their agrarian reform and rural development (ARRD) contributions which is contradictory to the essence of Article 3 of the Covenant, as State Party obligation.**
54. Up to now, the issue of women farmers' right to own lands has not been addressed by government. For instance, DAR's Administrative Order No. 1. Series of 2001 is biased against women farmers into legal-marriage setup. This order provides that legally-married spouses shall own a CLOA with the phrase "married to" inserted in between their names, instead of "and". The PKKK (National Federation of Rural Women) firmly believes that conjugal relationship between male and female farmers must not be used to prejudice the interests of the female spouses. A married woman peasant has exclusive right to land despite her being married to her former husband.<sup>36</sup>

## CONCLUSION

- 55. In summary, this report concludes that the Philippines as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) has violated its citizen's rights as recognized particularly in Articles 1, 2, 3, 5 and 11 of the Covenant.**
- 56. Through acts of *Omission* and *Commission*, it failed to carry out its 'duty-bound' troika of obligations, to *respect, protect and fulfill* human rights thereby failing to reform its agrarian system and in turn risking the rights of its peoples to be free from hunger.**

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<sup>34</sup>Ibid.

<sup>35</sup>Caranza, Danilo T. "Hacienda Luisita Massacre: A Tragedy Waiting to Happen". Agrarian Notes, PEACE, (November 2004)

<sup>36</sup>"Burning Issues on Agrarian Reform in the Philippines". PEACE, (2006)

- 57. The Philippine State’s failure could be gleaned from its weak implementation of the Comprehensive Agrarian Reform Program (CARP) plunging towards gridlock due to the following causative factors:**
- 58. AR Governance** – the Philippine State failed to ensure a government that truly cares and sensitive to the welfare of the disadvantaged sector—the peasantry, farm-workers and the indigenous peoples by appointing pro-land reform and pro-farmer department heads in key AR related agencies. Such situation leads to anti AR policies and inadequate CARP budget allocation since those appointed to such posts are themselves landed elites and have established political symbiotic relationship with the rest of the landed oligarchs. Lack of transparency and democratic participation of AR stakeholders, therefore, is the main facet of this kind of setup. It marked the alleged irregularities and misuse of the ill-gotten Marcos monies, Php30 billion of which should have been spent for CARP implementation within a 70% for LAD (land acquisition and distribution) and 30% for support services budget allocation.
- 59. Criminalization of Peasants’ ESCR Assertion** – the Philippine State failed to take appropriate actions by providing judicial remedies and ensuring ‘justiciability’ of economic, social and cultural rights specifically within the purview of CARP implementation. This led to landlords filing criminal charges to peasants and farm-workers trying to assert their rights as CARP farmer-beneficiaries, out rightly denying access to land and means of subsistence. The encroachment of third parties continue despite a Supreme Court ruling stating that civil and criminal courts have no jurisdiction over agrarian reform related cases.
- 60. Land Rights Reversals** – with the absence of a pro-poor, pro-peasant land reform state policy that is consistent with the ICESCR principles and provisions, the Philippine State failed to protect and defend the peoples’ human rights through the onslaught of massive land conversions, exemptions, EP (Emancipation Patent)/CLOA cancellations resulting to problems in installing farmer-beneficiaries to their awarded land-holdings. The role of the Department of Agrarian Reform (DAR) is crucial to the issue why these series of reversals remain unabated. It is because, the Department Secretary has the power to approve or disapprove applications for land use conversion and exemptions without proper public scrutiny.
- 61. Anti-Agrarian Reform Policies** – a gross failure as State Party to the Covenant, through acts of Commission of the Philippine State derogated the rights of its peoples as guaranteed in the ICESCR. The State violation, as expressed in Article 5, specifically, Section 2, is in the form of Supreme Court rulings, AR quasi-judicial body arbitrations, and DAR Secretary Decisions, all contradictory to specific Constitutional provisions and that resulted to the continuing land conversions, exemptions, EP/CLOA cancellations of farmer-beneficiaries and indigenous peoples.<sup>37</sup>

## **RECOMMENDATIONS**

- 62. The Philippine NGOs urge the Philippine State to adopt a truly redistributive agrarian reform platform, making it part and central to its development goals and a pre-requisite to rural development. An AR Agenda that is human rights based, aimed towards breaking the present AR ‘gridlock’ and wholly geared towards eradicating unjust tenancy relations.**

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<sup>37</sup>Page 6-8 of this report

The Philippine NGO recommends the following measures:

63. Take a pro-active AR stance by ensuring appointment of pro-poor, pro-peasant, and agrarian reformist Secretaries of CARP implementing agencies.
64. Scrap all anti-AR policies, such as the SDO and the Supreme Court ruling on the exemption of livestock from CARP among others, that are negating the principles of social justice and human rights found in Article 13, specifically Section 4 of the Philippine Constitution and the economic, social and cultural entitlements recognized in the ICESCR.
65. Hold accountable and prosecute government officials responsible for the misuse of the Marcos wealth, particularly the Php30 billion allocated for CARP.
66. Ensure the remaining PHP5 billion from the Marcos ill-gotten wealth, and those others that would be recovered, judiciously earmarked for LAD (land acquisition and distribution).
67. Allocate more funds for LAD, that would not be unfavorable to budget allocations of other important sectors like, education and health that would require radical change on its fiscal management.
68. Guarantee AR governance that is anchored on international human rights standards by promoting transparency and allowing active participation of AR stakeholders specifically on aspects such as; review of scope of land redistribution, planning, monitoring and evaluation of CARP implementations.
69. Immediate review of all criminal cases involving peasants and farm-workers that are AR related and the subsequent dismissal of all cases that have questions over jurisdiction.
70. Enforce immediate moratorium on agricultural land use conversions, cancellations of Emancipation Patents (EPs), Certificates of Land Ownership Awards (CLOAs), and other forms of agrarian reform reversals.
71. Review and take appropriate measures on all approved SDO, leaseback, VLT (Voluntary Land Transfer) agreements and contracts for possible violations in relation to the objectives of poverty eradication, increased incomes and greater benefits among beneficiaries.
72. Ensure availability of judicial remedies to peoples who have been denied of their right to means of subsistence, to be free from hunger, to adequate standard of living and access to land as implied in Article 11, Section 2 [a] and strictly implement judicial remedies available to CARP farmer-beneficiaries.
73. Establish and convene an Inter-agency Task Force to help implement and monitor CARP implementation in AR 'hotspot' areas particularly in the provinces of Oriental Negros, Negros Occidental, Iloilo, Davao del Norte, Sarrangani, Masbate, and Bondoc Peninsula.

- 74. Immediately install the more than 20,000 CLOA holders that have not yet been installed in their awarded landholdings and provide immediate appropriate support services.**
- 75. Ensure a systematic review, with the active and meaningful participation of civil society organizations, CARP accomplishments and balance as basis for setting new genuine land redistribution targets and work program until the CARP termination in 2008.**
- 76. Repeal and scrap all policies and programs such as DAR Administrative Order No. 1 Series of 2001 that discriminate against women farmer petitioners and beneficiaries in the agrarian reform process.**
- 77. Enact enabling law that integrates agrarian reform and human rights education with emphasis on economic, social and cultural rights, compulsory at all levels.**
- 78. Adopt and work towards ratification of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**
- 79. to invite the United Nations' Special Rapporteur on the Right to Food to conduct an investigation regarding violations on the peasants' right to food as manifested in violations on the guaranteed rights to reforming agrarian systems and the right to be free from hunger.**

###

**THE PHILIPPINE STATE'S OBLIGATIONS TO ITS PEOPLE'S CIVIL  
AND POLITICAL RIGHTS IN RELATION TO THE IMPLEMENTATION OF  
THE COMPREHENSIVE AGRARIAN REFORM PROGRAM (CARP)**

**An NGO Report**

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## *Executive Summary*

This report presents the violations of civil and political rights of Filipino peasants and farm-workers using data that were culled from 1998 to 2006, that are nonetheless guaranteed in the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a State Party. By acceding to the ICCPR, State Parties assume the trinity of obligations to respect, protect and fulfill human rights, as stipulated in Article 2, Section 1 of the said Covenant.

One of the most important rights enshrined in the ICCPR is the right to life. However, this right was repeatedly violated, resulting in the death of **36 peasant leaders**, who were killed due to their vigorous campaign for CARP implementation in the agrarian reform “hotspots” of the Philippines.

The NGO report was able to determine that a systematic pattern of violence, harassments and intimidation has been carried out by landowners against peasant leaders and their members. Hoping that by doing these acts, farmers’ organizations would cease asserting their land claims under the law. The data further reveals that there are a total of **2,342** persons who are victims of killings, frustrated killings and harassments (through grave threats; unlawful filing of criminal cases resulting to arrests and detention; frustrated abduction, disappearances; near death attacks) and violent dispersals.

Of the **387 incidents** documented, **8** incidents happened between the years 1998 to 2000. The remaining **379** incidents happened between the years 2001 to present. This indicates escalating violence as the land reform program grinds to its termination by the year 2008.

The right to a competent, independent and impartial tribunal is also not fully enforced since landowners are now utilizing prosecutors and even judges to prevent peasant leaders from attaining their rights provided for in CARP. As a result, a total of **253 criminal cases filed against 548 peasants**.

Moreover, while the ICCPR guarantees the people’s right to form and/or join organizations as stipulated in Article 22, Section 1, peasants or farm-workers living in agrarian reform “hotspots” are forced to exercise this right in secret. This is so because if they organize in the open, tenants are harassed, threatened or deprived of the land by the landowners.

The ICCPR also stipulates that, “The right of peaceful assembly shall be recognized” (Article 21). However, the right of Filipino peasants and farm-workers to peacefully assemble have either been restricted or violated, particularly when they hold peaceful assemblies in front of the Department of Agrarian Reform (DAR). There were at least three (**3**) incidents of violent dispersal of peaceful assemblies that have been recorded that affected **518** people trampling the duly recognized article cited above.

The freedom of movement and the right to a permanent abode is also enshrined in the Article 1, Section 1 of the ICCPR. But like all other rights in the said Covenant, this specific right also been violated with impunity. In fact, there were eight (**8**) recorded cases of forced evacuation during the period of 1998-2006 unsettling **15,592** individuals.

Based on records, of the **410** total numbers of perpetrators of human rights violation, **344** were allegedly committed by non-state actors. Landlord and farm company management topped the list with **263**. It was followed by armed goons of the landlord with **35** incidents. Third, the New Peoples' Army (NPA) with **24** cases, all recorded in Bondoc Peninsula, Quezon province except for **2** incidents documented in Nueva Ecija..

Moreover, of the **48** cases of HRVs perpetrated by the State , the Philippine National Police (PNP) topped the list with **32** cases, barangay officials with 5 cases and the Armed Forces of the Philippines (AFP) and the paramilitary groups such as the CAFGU were number three.

There were **18** cases of HRVs and killings whose perpetrators are unidentified.

The cases also show that most of the victims came from agrarian reform “hotspots”—areas which are characterized by an increasing degree of violence against peasants, strong landowner resistance and a pervading culture of impunity.

The report further concludes that the Philippine government has not only failed in its obligation to distribute private landholdings and install agrarian reform beneficiaries but has likewise failed to protect the civil and political rights of landless peasants and farm-workers.

To address this situation, Philippine NGOs present the following recommendations:

1. that the Philippine government should dismantle all armed groups that are being used by landowners to harass, intimidate and kill peasants and farm-workers;
2. that the police should thoroughly investigate all killings of peasant leaders and gather all the necessary pieces of evidence to pursue the killers;
3. that witnesses be given safe havens by the government so as to encourage them to testify;
4. that the surviving families of killed peasant-leaders be given immediate assistance by the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD);
5. that a dialogue with the Chief Justice of the Supreme Court and the Secretary of Justice be scheduled so as to discuss the reported partiality of provincial prosecutors and judges to landowners;
6. that DAR should ensure that a title has been issued to a farmer-beneficiary, assistance must also be provided to install him to his assigned parcel of land and that police and army personnel should also assist during the installation stage to prevent violence from erupting;
7. that the report on the violations of the Philippine government of both civil and political and economic, social and cultural rights be submitted to the appropriate United Nation bodies;
8. that human rights education be held among peasant and farm-workers organizations to empower and enable them to assert their human dignity and human rights;

9. to invite the Special Rapporteur on Extrajudicial or Arbitrary Executions, the Special Rapporteur on Torture, and the Special Rapporteur on Human Rights and War on Terror to conduct an investigation regarding all agrarian-related Human Rights Violations;
10. We call upon the UN to instruct these Special Rapporteurs to investigate these Human Rights Violations and open a UN monitoring office in the Philippines.

We call upon Civil Society Organizations to secure the life of its leaders and members, particularly those involved in land reform and agrarian justice.

## INTRODUCTION

1. As human beings, Filipino peasants and farm-workers possess human dignity—the basic foundation of human rights—which are provided in various international human rights instruments. However, in the course of asserting their economic, social and cultural rights, particularly the right to own land which is guaranteed by the Philippine government’s Comprehensive Agrarian Reform Program (CARP), the Filipino farmers’ civil and political rights were wantonly violated by both State agents and non-State actors such as landlords, goons, security guards and armed rebels of the New People’s Army (NPA).
2. These violations are presented in this report using data that were culled from 1998 to 2006, through the collective initiative of the **Partnership for Agrarian Reform and Rural Development Services (PARRDS)**, *Pambansang Ugnayan ng Nagsasariling Lokal na Organisasyon sa Kanayunan (UNORKA/ National Coordination of Autonomous Rural Organizations)*, *Kilusan para sa Pambansang Demokrasya (KPD/ Movement for National Democracy)*, *Task Force Mapalad (TFM)*, and **Philippine Ecumenical Action for Community Empowerment (PEACE)**.

## BASIS OF CIVIL AND POLITICAL RIGHTS

3. The Filipino people’s civil and political rights are guaranteed in an international human rights treaty that was signed by the Philippine government as a State Party, called the **International Covenant on Civil and Political Rights (ICCPR)**. A binding international human rights document, this human rights mechanism enunciates the civil and political rights that all people should enjoy, such as the right to life, the right against unreasonable search and seizure, the right against arbitrary detention, the right to due process, the right to expression of one’s opinion, the right to peacefully assembly, and the right to form or join associations among others.
4. The ICCPR was adopted by the United Nations in 1966 and came into force in 1976. The Philippines ratified it ten years later in 1986. As of May 8, 2006, a total of 156 States have ratified this important human rights instrument.

## OBLIGATIONS OF THE PHILIPPINE STATE

5. By acceding to the ICCPR, State Parties, including the Philippines, assume the trinity of obligations, to respect, protect and fulfill human rights. This is stipulated in Article 2, Section 1 of the said Covenant which states that, “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
6. Section 3 of the same article added that each State Party are obliged:
  - (a) To ensure that any person whose rights or freedoms . . . are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
  - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent

judicial, administrative or legislative authorities or by any other competent authority provided for by the legal system of the State, and to develop possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

## **CIVIL AND POLITICAL RIGHTS VIOLATIONS AND ISSUES**

7. Based on the cases that were documented by Philippines NGOs, the rights following civil and political rights of peasants and farm-workers have been transgressed from 1998-2006:

### **The Right to Life**

8. The ICCPR states that, “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” (Article 6, Section 1). This right is basic and important that the Covenant itself provides that even in times of public emergency, the right to life cannot be derogated. However, this right was repeatedly violated, resulting in the death of **36 peasant leaders**, who were killed due to their vigorous campaign for CARP implementation in the agrarian reform “hotspots” of the Philippines.
9. One of the earliest victims was Edwin Vender of San Narciso, Quezon who was shot in the head by the alleged goons of the Uy family. After being killed, his assailants chopped off his arms and genital, while pigs ate his brain as his cadaver was left lying on the road.
10. Recently, the secretary general of the *Pambansang Ugnayan ng Nagsasariling Lokal na Organisasyon sa Kanayunan* (UNORKA), **Enrico “Eric” Cabanit**, was gunned down in Panabo City in the province of Davao del Norte province on April 24, 2006. His colleagues suspect that his murder was brought about by his consistently efforts to fight for the rights of tenants and agricultural workers and to redistribute the plantations owned by the wealthy and highly influential Floirendo family.
11. He was killed right after a meeting with an Undersecretary of the Department of Agrarian Reform (DAR) who pledged to cover about 400 hectares of Floirendo lands of under CARP. The immediate effect of Cabanit’s death was the indefinite cancellation of the ocular inspection that was supposed to be undertaken by the said Department.
12. Another case that can be cited is the killing of peasant leader-organizer **Rico Adeva** of the Task Force Mapalad (TFM) by three unidentified armed men at Talisay City, Negros Occidental on April 15, 2006, through a supplementary affidavit, the victim’s wife alleged, 2 were members of the RPA (Revolutionary Proletarian Army). **Porferio Maglasang**, a leader of the Pambansang Katipunan ng Makabayang Magsasaka (PKMM/ National Union of Patriotic Peasants), is another peasant-victim of extra-judicial execution who was shot by three unidentified men shot him near his house in Kabankalan City in the province of Negros Occidental on April 22, 2006. Maglasang’s death has left his nine (9) children fatherless.
13. A massacre also occurred in Hacienda Luisita in Tarlac City which is owned by the family of the former Philippine President Corazon Aquino. The killings took place on November 16, 2004 when members of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) shot striking sugarcane

workers leaving nine (9) plantation workers dead several others wounded.

14. Apart from these killings, there were also **19 incidents of frustrated killings that victimized 122 farmers**. Last June 4, 2005, for instance, Huelito Abrenica from the town of San Francisco in Quezon province, was shot by the goons of the Matias family after attending a meeting of their organization. The next day, 14 goons of the Matias family fired several gunshots aimed at the house where 12 of of Abrenica’s colleagues were having a meeting.
15. There were also a number of threats against the life of agrarian reform advocates which were carried out by armed goons of landlords, plantation security guards and NPA rebels, totaling **285 incidents and 1,622 victims**. An example of which is the case of Bartolome Ramos Bongabon, Nueva Ecija whose association has been demanding for the coverage of the Yu property under CARP. A letter dated July 18, 2005 was sent to him by alleged NPAs, warning him to desist from continuing his fight for land. Another incident was reported on March 16, 2006 in San Dionisio in the province of Iloilo when landowner Viola Lopez and her three (3) sons armed with armalite rifles threatened five (5) members of the PAGLAOM peasant organization who self-installed themselves in the land claimed by the former.
16. Based on case records, most perpetrators were unidentified armed men. Armed goons of the landowners, on the other hand, were second in the list; and there were also instances when suspected rebels belonging to the New People’s Army were the ones who were the gunmen. This is especially true in Bondoc Peninsula, Quezon province where landowners, goons and identified NPAs have collaborated to neutralize the land reform struggles.

Perpetrators of Killings	Number of Incidents	Number of Victims
Unidentified armed men	11	11
Goons of landowner	8	8
NPAs	3	3
PNP/AFP	2	10
Security guards	1	1
Para-military unit	1	1
RPA	2	2
<b>Total</b>	<b>28</b>	<b>36</b>

17. The cases also show that most of the victims came from agrarian reform “hotspots”—areas which are characterized by an increasing degree of violence against peasants, strong landowner resistance and a pervading culture of impunity.

Place of Incident of Killings	Number of Victims of Killings
Tarlac	10
Negros Occidental	11
Bondoc Peninsula, Quezon	4
Davao Peninsula	3
Nueva Ecija	2
Bulacan	1
Bataan	1
Negros Oriental	1
Iloilo	1
Albay	1
Sarangani	1
<b>Total</b>	<b>36</b>

## **Right to a Competent, Independent and Impartial Tribunal**

18. The ICCPR states that, “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” (Article 14, Section 1,)
19. However, this provision is not fully enforced since landowners are now utilizing prosecutors and even judges to prevent peasant leaders from attaining their rights provided for in CARP. In fact, countless criminal cases have been filed against peasants and farmworkers such as Estafa, Qualified Theft, Forcible Entry or Grave Threats. As a result, a total of **253 criminal cases filed against 548 peasants**.
20. Members of the **Kilusang Magbubukid ng Bondoc Peninsula (KMBP)** have the most number of cases filed against them, with about **200 cases**. The organization believes that many provincial prosecutors have ingrained biases against them. They further claim that while they are given the chance to file their counter-affidavits, this becomes a mere formality since the prosecutors would still file the criminal charges. As a consequence, a number of their leaders have been forced to go into hiding to avoid being arrested since they do not have the means to post bail. This prompted the members of the KMBP to voluntarily surrender themselves to the officials of the Department of Justice (DOJ) and the Philippine National Police to underscore the unfair treatment they have been receiving from local prosecutors and judges. At present, 23 farmers are detained at the Gumaca District Jail.
21. Courts have also been used by landowners to stop the implementation of land reform. Many judges secretly supportive of the landowners have issued Temporary Restraining Orders (TROs) to prevent DAR officials from covering the landholdings. This occurs despite a Supreme Court ruling ordering lower courts to desist from interfering with CARP’s implementation through the issuance of TROs since criminal cases that are agrarian-related should be referred to special agrarian courts like the agrarian adjudication boards.
22. The Court of Appeals (CA) is another judicial body that has gained notoriety as a pro-landowner court. It has reversed, under very mysterious circumstances, several decisions of the Department of Agrarian Reform that were favorable to the tenants and farm-workers. Two cases can be cited. One of these is the Valisno Hacienda in the town of Sta. Rosa, Nueva Ecija wherein DAR ordered the coverage of 19 hectares of this 54-hectare land under agrarian reform. The owner, however, appealed to the CA which then issued a decision on March 2002 overturning the order of DAR after the landowners mortgaged 1.5 hectares of their land for more than a million pesos.
23. Another good example is the Espina Hacienda at Tanjay City, Negros Oriental where 393 hectares out of the 500-hectare landholding were ordered by the DAR to be distributed to 200 farmer-beneficiaries. The owner, who was a former Senator, appealed the decision to the CA. The appellate court again overturned the DAR decision by declaring that the land can no longer be subjected to CARP since it was a pastureland and is not suitable for agricultural purposes.

## ***Right to Form and/or Join Organizations***

24. The ICCPR also guarantees the people's right to form and/or join organizations as stipulated in Article 22, Section 1 which states that, "Everyone shall have the right to freedom of association with others, including the right to form or join trade unions for the protection of his interests."
25. However, in areas where UNORKA, PEACE, KPD and TFM operate, peasants or farm-workers are forced to exercise this right in secret. If they organize in the open, tenants are harassed, threatened or deprived of the land by the landowners. In the town of San Francisco, Quezon province for instance, more than 20 tenants who are members of the peasant association in Hacienda Matias which is about 3,000 hectares, have been kicked out from the coconut land they have been tilling for years and were later replaced by more submissive tenants.
26. In the case of farm-workers, they are fired from their jobs in the plantations once they have identified as members of trade unions or associations. The owners of commercial farms also blacklist the leaders-organizers to prevent them from working in other plantations. In North Cotobato, for example, 30 farm-workers were dismissed in July 2005 for joining an organization pushing for land reform of the plantation owned by the Ledesma Agricultural Development Corporation. A similar incident was also reported in the province of Sarangani, when the Sarangani Agricultural Company, Inc. laid off 17 farmer-beneficiaries from the plantation on May 22, 2004.

### ***Right to Liberty***

27. Even the right to liberty which is guaranteed in Article 9 of the ICCPR has been violated.
28. Last August 24, 2005 for example, 31 farmers who are members of JARBEMBUCO of Amlan, Negros Oriental were arrested without any warrant by a composite team from National Bureau of Investigation (NBI), the PNP, hacienda security guards as they were harvesting their crops.
29. At Balasan, Iloilo on the other hand, the landowner and his goons, along with the *barangay* captain (village chief) attacked the farmers who self-installed themselves on July 23, 2003. They caught Romeo Catalan, a member of the local farmers' organization, and brought him to the police station where he was detained for four (4) days without charges being filed against him.
30. Another incident of arrest without warrant occurred on November 17, 2005 in San Andres, Quezon when two coconut tenants of the Reyes family accused of qualified theft were arbitrarily arrested by policemen and armed goons of the landowner.

### ***Right against Unlawful Interference with His Privacy, Family and Home***

31. Furthermore, in Article 17, Section 1 of the ICCPR, it states that, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor unlawful attacks on his honour and reputation." This, however, has not been fully realized by Filipino farmers and farm-workers.
32. For instance, the houses of coconut tenants in Bondoc Peninsula, Quezon province were unlawfully entered by the landowners' armed goons. One of the victims was Jonathan Jumao-as of the municipality of San Francisco. On June 5, 2005, 14 armed men believed to be armed goons of the Matias family forcibly entered

his house and threatened him, his wife and even his two-year old child.

33. Eight (8) tenants in the landholding of the Reyes family located in the town of San Andres, Quezon province also experienced this violation. This occurred on November 17, 2005, when 15 police officers along with several armed goons entered their homes and told them to leave the houses and the lands that they were tilling.
34. Francisco Mahinay, a leader of PKMM in Barangay (village) Tampalon in the town of Kabankalan, Negros Occidental province, also experienced a similar incident on April 26 and May 1, 2006 when unidentified armed men entered his house without permission. This caused fear among the community since it happened just a few days after another PKMM leader was killed.

### ***Right to Peaceful Assembly and Freedom of Expression***

35. The ICCPR also stipulates that, “The right of peaceful assembly shall be recognized” (Article 21). This is so for the Covenant realizes that the right to peaceful assembly and freedom of expression are the citizens’ vital weapon to peacefully seek their economic, social and cultural rights.
36. However, the right of Filipino peasants and farm-workers to peacefully assemble have either been restricted or violated, particularly when they hold peaceful assemblies in front of the Department of Agrarian Reform (DAR). In fact, there were at least three (3) incidents of violent dispersal of peaceful assemblies that have been recorded that affected 518 people.
37. A specific incident occurred on June 8, 2005 when 155 farmers from different provinces were dispersed and arrested by 100 policemen from the PNP-NCR (National Capital Region) Command. Prior to the incident, the farmers have demanded a dialogue with DAR officials to resolve their issues, but the latter refused to meet them. In response to this dismissive attitude from DAR, the farmers then went to the Office of the Secretary to demand a dialogue. It was here that they were dispersed by the police and detained at Camp Karingal.
38. Then, on July 26, 2004, security guards of the Marsman Estate Plantation in Davao del Norte attacked the peaceful protest action being held by the Tibal-og Agrarian Reform Beneficiaries Association that injured six (6) farm-workers, despite the fact that the assembly was given a permit by the local government. The rally was brought about by the demand of the farm-workers to have a dialogue with the plantation owners regarding the 799 hectares of land that was awarded to them by DAR.

### ***Freedom of Movement and Right to Abode***

39. The freedom of movement and the right to a permanent abode is also enshrined in the Article 1, Section 1 of the ICCPR which states that, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” But like all other rights in the said Covenant, this specific right also been violated with impunity.
40. In Bondoc Peninsula, for example, scores of farmers have been forced to leave their homes due to the continuous harassments and threats by the goons of the landowners and by the NPA rebels. The families of Edwin Vender, Dioscoro Tejino Jr., Alberto Bitong and Joseph Cariño are just some of the people who involuntarily left their homes as a consequence of their involvement in the campaign for agrarian reform.

41. Another incident involving thousands of peasant families occurred on November 21-29, 2005 in Central Quezon, after heavy fighting between government troops and NPA guerillas forcibly displaced **15,487 peasant families**. Aside from disrupting their livelihoods, displacements have also affected the health and education of the children. In all, the number of cases of forced evacuation during the period of 1998-2006 was eight (8) incidents involving **15,592** victims.

## **FINDINGS AND ANALYSIS**

### **Based on these cases, the report makes the following conclusions:**

42. The Philippine government has not only failed in its obligation to distribute private landholdings and install agrarian reform beneficiaries but has likewise failed to protect the civil and political rights of landless peasants and farm-workers. As a result, landowners and their goons have been emboldened to commit various criminal acts against peasants and farm-workers, knowing fully well that they will not be prosecuted and jailed for transgressing the law. A culture of impunity pervades in the countryside, making peasants and farm-workers easy targets for landlord violence.
43. In most of the cases that have been documented, non-State actors such as landowners, goons, security guards and NPA rebels were the most often perpetrators of these violations. This does not, however, shield the Philippine government from its responsibility to protect the peasants and farm-workers for it also violates the civil and political rights of the peasants and farm-workers through **acts of omission**. By not filing criminal cases against the offenders, by not apprehending the landowners and their goons, by not disarming the armed goons and the NPA rebels collaborating with the landlords, the Philippine government has also violated the civil and political rights of its own farmers and farm-workers who are pushing for CARP implementation.
44. A systematic pattern of violence, harassment and intimidation is being carried out by landowners against peasant leaders and their members, hoping that by doing so, peasant organizations would cease asserting their land claims under the law. The data reveals that a total of **2,885 persons** were victims of killings, frustrated killings, harassment (either through grave threats or filing of criminal cases resulting to arrests and detention, disappearances, etc.) and violent dispersal. This reveals landowners' use of various legal and extra-legal means to prevent the peasants and farm-workers from pursuing their agrarian rights.
45. Landowners are now maximizing the prosecutors and court system to file criminal cases against peasants and farm-workers through which the landowners hope to use as bargaining chip to make the peasants withdraw their land claims, thwart their struggles for land and eliminate peasant opposition. They are assisted in these deeds by corrupt prosecutors and judges who are willing to file all kinds of criminal cases against peasants and farm-workers.
46. Based on the information, the agrarian reform "hotspots" are the Bondoc Peninsula (particularly, the towns of San Narciso, San Andres and San Francisco) where there are **254** incidents of violations; Negros Occidental, Negros Oriental and Iloilo provinces where there were **71** incidents of violations that have affected **695** persons; and Davao Peninsula where there were **15** incidents of violations, most of which were killings and frustrated killings.

## **RECOMMENDATIONS**

47. To address this situation, Philippine NGOs present the following recommendations:
48. That the Philippine government should dismantle all armed groups that are being used by landowners to harass, intimidate and kill peasants and farm-workers. Moreover, the complaints filed by peasants and farm-workers against the landowners, their goons and security guards on one hand, and against military and police officers on the other should be forwarded to the courts.
49. That the police should thoroughly investigate all killings of peasant leaders and gather all the necessary pieces of evidence to pursue the killers.
50. That, witnesses be given safe havens by the government so as to encourage them to testify.
51. That the surviving families of killed peasant-leaders be given immediate assistance by the Department of Justice (DOJ) when applying for the Victims' Compensation Program. They should also be assisted by the Department of Social Welfare and Development (DSWD) when they apply for benefits under the "Solo Parents Welfare Act of 2000."
52. That a dialogue with the Chief Justice of the Supreme Court and the Secretary of Justice be scheduled so as to discuss the reported partiality of provincial prosecutors and judges to landowners. Questionable decisions of the Court of Appeals reversing DAR orders for coverage should also be brought to the attention of the Supreme Court.
53. That DAR should ensure that once a Certificate of Land Ownership Award (CLOA) or title has been issued to a farmer-beneficiary, assistance must also be provided to install him to his assigned parcel of land. Police and army personnel should assist during the installation stage to prevent violence from erupting. The areas of Bondoc Peninsula, Quezon, Negros Occidental, Oriental Negros, Iloilo and Davao Peninsula must also be given full attention given the strong resistance from landowners.
54. That the report on the violations of the Philippine government of civil and political and economic, social and cultural rights be submitted to the appropriate United Nation bodies.
55. That human rights education be held among peasant and farm-workers organizations to empower and enable them to assert their human dignity and human rights.
56. To invite the Special Rapporteur on Extrajudicial or Arbitrary Executions, the Special Rapporteur on Torture, and the Special Rapporteur on Human Rights and War on Terror to conduct an investigation regarding all agrarian-related Human Rights Violations.
57. We call upon the UN to instruct these Special Rapporteurs to investigate these Human Rights Violations and open a UN monitoring office in the Philippines.

We call upon Civil Society Organizations to secure the life of its leaders and members, particularly those involved in land reform and agrarian justice.

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