

I. P.  . N.

THIRD
HUMAN
RIGHTS
SITUATION
REPORT ON
BONDOC
PENINSULA



10th June 2007
Lucena City, Philippines

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

Article 1 of the Universal Declaration of Human Rights

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10 June, 2007

List of Acronyms

AFP	Armed Forces of the Philippines
CARP	Comprehensive Agrarian Reform Program
DAR	Department of Agrarian Reform
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPON	International Peace Observer Network
KMBP	Kilusang Magbubukid ng Bondoc Peninsula
MARO	Municipality Agrarian Reform Officer
NPA	New People' s Army
OPAPP	Office of the Presidential Adviser on the Peace Process
PARO	Provincial Agrarian Reform Officer
PEACE	Philippine Ecumenical Action for Community Empowerment
QUARDDS	Quezon Association for Rural Development and Democratization Services
UDHR	Universal Declaration of Human Rights

Table of Contents

1. Introduction.....	1
2. Methods.....	1
3. General Information on Bondoc Peninsula.....	2
4. Human Rights Analysis for Bondoc Peninsula.....	3
4.1 Physical harassment of farmers related to the Agrarian Reform.....	3
4.2 Systematic harassment through the legal system of the Philippines ..	4
4.3 Role of government authorities in the Human Rights situation on Bondoc Peninsula.....	6
5. Election.....	7
6. Conclusion.....	8

Appendix 1: Map of Bondoc Peninsula

Appendix 2: IPON Principles, Objectives and Methodology

1. Introduction

In this report the International Peace Observers Network (IPON) informs about the current Human Rights Situation of the KMBP¹ farmers on Bondoc Peninsula, especially in the municipalities San Narciso, San Andres and San Francisco.

Caused by the two destructive typhoons within the year 2006 the general situation of the farmers became even more complicated.

The present observers continue the work of previous IPON groups reporting about the Human Rights Situation of the KMBP farmers related to the agrarian reform.

The report mainly focuses on the physical harassments as well as on the judicial and administrative complications the farmers experience in the course of petitioning for the Comprehensive Agrarian Reform Program (CARP). The resulting effects on the farmers' life and the general Human Rights Situation should be clarified in this report.

Because of the Midterm Elections, which took place on 14 May, 2007, IPON moreover describes the state of affairs during election time and implicated problems.

2. Methods

The information for the present report was gathered by the third IPON observer team who was present on Bondoc Peninsula from end of March to end of June 2007. The observers accompanied KMBP members to meetings with various state and non-state actors, attended farmer' s organization meetings and conducted interviews. They documented the below-mentioned incidents and monitored the Human Rights situation in the area.

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

The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and other conventions in International Human Rights Law, that have also been signed by the Government of the Philippines.

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

¹ *Kilusang Magbubukid ng Bondoc Peninsula*, a local farmer' s organization with approx. 3000 members active in the municipalities San Andres, San Narciso, Buenavista, Mulanay and San Francisco, campaigning for the implementation of the governmental Comprehensive Agrarian Reform Program (CARP).

3. General Information on Bondoc Peninsula

Bondoc Peninsula is situated in the southern part of Quezon province. It is composed of twelve municipalities and has a population of approximately 400,000 (or approx. 70,000 households), most of whom belong to the 5th or 6th income class².

Eighty percent of the population on Bondoc Peninsula lives on subsistence farming and fishing. The total land area on Bondoc Peninsula adds up to 222,000 hectares and is mostly used for agricultural purposes (coconut mono-cropping, corn and rice). Large areas of land in Bondoc Peninsula are claimed by few landowners. The biggest landholdings are those of Victor Reyes (estimated 12,000 to 14,000 hectares in the municipalities of Buenavista, San Andres and San Narciso), the Uy family (3,500 hectares in San Andres and San Narciso) and the Matias family (2,800 hectares in San Francisco). Most of the farmers in these landholdings have to work under a 60%-40%, sometimes 75%-25% sharing system in favor of the landowners. In a 70%-30% sharing system (in favor of the landowner) a farmer receives 1,500 PHP³ per coconut harvest. The coconut trees can be harvested six times a year, while corn (mais) can only be harvested twice a year. The production income for corn (mais) averages at 2,000 PHP. The living expenses of an ordinary peasant family with six children (assuming half of the children attend school) amount to approximately 3,000 to 4,000 PHP for two months.⁴ Because these expenses are not covered by the income, the farmers have to search for other resources to cover their costs. Sometimes this can be done by an additional banana harvest, corn harvest or piggery if the landowner does not forbid *multi-cropping*⁵ on his claimed land. Some of the peasant families also receive financial support from their older children who mainly work in Manila. Sometimes even the wife of a farmer needs to go to Manila for a few months to earn an additional income. The farmers who boycott the sharing system earn 5,000 PHP plus per coconut harvest. In that way they can cover their expenses.

The family size of the farmers on Bondoc Peninsula is between three and twelve children, while the majority of families consists of six to eight children. In most cases, though, not all of them are living in their home municipalities anymore. The living condition of the farmers is very basic. The majority of them are living in small instable cabins or nipa huts. Furthermore, it is marked by poor sanitation facilities and bad access to services, materials and infrastructure.

In contrary to other areas in the Philippines, the land redistribution on Bondoc Peninsula proceeds slowly.

Moreover there is an ongoing armed conflict between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA)⁶ in the remote mountain areas of Bondoc Peninsula.

² The scale ranges from 1st income class (highest income) to the 6th (lowest income).

³ Exchange rate 10 June, 2007: 1 Euro = 62.63 Philippine Peso

⁴ Information gathered in interviews with farmers of KMBP conducted during the paralegal training in Lucena City on 18 April, 2007.

⁵ Cultivating the same land with different kinds of crops

⁶ Armed Maoist rebel group

4. Human Rights Analysis for Bondoc Peninsula

The Human Rights situation on Bondoc Peninsula remains critical up to date. Regarding the Human Rights analysis we will in the following distinguish between physical and non-physical Human Rights violations. Concerning the non-physical actions the role of the governmental authorities should be addressed in this report.

4.1 Physical harassment of farmers related to the Agrarian Reform

Compared to the last years, especially from those from 2002 until 2006, the current situation between landowners and farmers in the observed region of Bondoc Peninsula is comparatively calm.

During the last three months IPON did not observe any direct physical harassment against persons involved in the agrarian reform process.

In many interviews the farmers reported to IPON, that the loss of harvest as a result of the typhoon in December 2006 is the most important reason for the relatively calm situation. Most of the coconut trees on Bondoc Peninsula have been severely damaged by the typhoon. Due to this, the next possible harvest will only be in August 2007 – the saying “No harvest, no harassment” is very common in this region. That means if there is no coconut harvest, there is no sharing of the harvest, which often leads to conflict.

Another reason for the calm situation could be the nationwide election in the Philippines that took place on 14 May, 2007. Many members of landowning families ran for different offices. Because of that they acted amicable in public as well as towards the peasants and their families.

But even if no direct physical harassments happened between March and June 2007 IPON nevertheless observed sometimes a special tension. Especially at the evening before the actual election on 14 May the people of Sitio Aromahan, San Andres, felt nervous expecting some armed employees of the landowner, Victor Reyes, who ran for Congressman. For this reason they kept on watching their surrounding all the time.

“Everyone has the right to life, liberty and security of person.” (Art.3 UDHR)

The threat of violence against petitioners from employees of the landowners is still a problem. Because many farmers have been menaced to stop petitioning, some decided to move to other Sitios in order to live free from fear of physical attacks. One farmer also reported about the NPA’s collaboration with the landlords in some parts on Bondoc Peninsula. Because of a menace of the NPA he had to move his place of domicile.

The threat of violence against petitioners from employees of the landowners is still a problem. Because many farmers have been menaced to stop petitioning, some decided

“Everyone has the right to freedom of movement and residence within the borders of each state” (Art. 13, 1 UDHR)

4.2 Systematic harassment through the legal system of the Philippines

Even though the physical harassments against the farmers paused during the last three months, the harassments through the legal system are continuing. Up to date there are 259 criminal cases⁷ filed for alleged coconut theft (192), estafa (67)⁸, libel (3), other form of trespass (2), grave threat (1), malicious mischief (1), attempted murder (1) and attempted homicide (1) against around 380 farmers from the municipalities San Francisco, San Andres, San Narciso and Mulanay. At the same time there are 68 pending warrants of arrests against farmers of the four mentioned municipalities.⁹ All cases are filed by the landowners Michael G. Matias, members of the Uy family, the heirs of Domingo Reyes or by the administrators of their landholdings.

In the past trials all farmers regarded themselves not guilty and regard the filed cases, especially those for coconut theft, as harassment by the landlords. On 7 May 2007, IPON accompanied 65 farmers from the municipality of San Francisco to a hearing for alleged coconut theft filed by the landowner Matias at the Regional Court in Gumaca. Because of their lack of money around 55 farmers had to ride in one single Jeepney, which is designed to seat 20 passengers. Therefore most of the farmers had to stand during the six hours drive to the hearing. The hearing itself lasted no more than 40 Minutes: the presence was proved and the accused had to declare themselves guilty or not guilty. According to the judge and the attorney this is the normal procedure for the first hearing. The amount of allegedly stolen coconuts in the case filed was very small. Besides, nobody was present on behalf of the claimant, which is – according to the attorney – often the case. This may underline the assumption that the filed case seems to be more a systematic harassment of the landowner than a real concern. Not seldom, several hearings will be conducted every two to three months over a period of a year or even longer. Formally, there should be a hearing every month but in practice, due to the lack of availability of the plaintiff or the defendant, hearings are regularly canceled. Cancellations often occurred without further information of the accused, who thus traveled to the Court for nothing.

“ In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (..) to be tried without undue delay (...)” (Art. 14, 3 c ICCPR)

⁷ One criminal case can include several reasons of accusation.

⁸ Misappropriation of harvest

⁹ Information by QUARRDs from 22 February, 2007.

“ Everyone has the right to a standard of living adequate for health and well-being of his family, including food, clothing, houses (..)” (Art. 25.1 UDHR)

Due to the imposed obligation to attend court hearings the bad economic situation of the farmers worsened: costs of transportation to the respective courts, meals and an eventual overnight accommodation, amounting to a minimum of 300 Pesos, must be covered. This is a great expense for the peasants, who normally spend around 100 Pesos a day. Because of this financial curtailment some families are not able to send their

“ Everyone has the right to education (..)” (Art. 26.1 UDHR)

children to school anymore or have to suffer malnutrition.

In addition to the relatively high costs caused by the hearings, bails often cannot be paid for by the farmers considering that the average bail amounts to 30,000 Pesos per person per case.

In some cases the Agrarian Justice Foundation Incorporated¹⁰ provides the bail, however, due to their limited funds not all can be paid for. Thus, the farmers mostly have to come up for the bail by themselves. Because most of the farmers do not have any savings, other farmers and friends are asked for financial support. If a farmer gets arrested until the bail can be paid, according to the farmers special circumstances arouse for the reason that the prison is not providing enough food. Relatives and friends are expected to cater for the prisoner.

An attorney for the accused farmers is mainly provided by the Department of Agrarian Reform (DAR) or by the PEACE Foundation.¹¹

The fact that there are many pending warrants of arrest causes the farmers live in constant uncertainty of not knowing whether or when they will be arrested. Therefore, some of them live in hiding. If the arrest occurs during harvest time the work for the family is becoming more complicated, because then the wife has to manage the household and the harvest.

“ In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

a) To be informed promptly and in detail (..)

(Art. 14, 3 a ICCPR)

In summary, using the legal system of the Philippines through filing criminal cases against farmers can be seen as an effective instrument of harassment by the landowners.

¹⁰ Nongovernment organization which provides legal assistance to farmers involved in agrarian-reform cases.

¹¹ International NGO ‘Philippine Ecumenical Action for Community Empowerment’

4.3 Role of government authorities in the Human Rights Situation on Bondoc Peninsula

The access to land, often coherent with an increased income, is a precondition for the observance of certain Human Rights like “ (..)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. (...)” (Art. 11 ICESCR) or “ (..) the right of everyone to education (..)” (Art. 13 ICESCR).

During the three months of Human Rights Observation a land survey was canceled in San Andres. According to the farmers as well as to previous teams of IPON this is not unusual, as scheduled land surveys were postponed many times before. Finally a land survey was conducted in the municipalities San Andres and San Narciso. It is the Municipal Agrarian Reform Officers (MARO) and Provincial Agrarian Reform Officers (PARO) who account for the implementation or enforcement of a land survey. No progress can be achieved when surveys are regularly postponed.

Regarding a survey in Sitio Aromahan, San Andres, which was attended by IPON a land title of the Reyes family over 133 hectares, was considered. But their total claim of land amounts to around 12,000 to 16,000 hectares in San Andres and San Narciso municipalities. It is the duty of the concerned government agencies to research and clarify the actual ownership of parcels by land titles. Otherwise the landowners may take advantage of the misconduct of government employees and hide land titles in order to escape CARP coverage.

The behavior of government authorities within the agrarian reform shows that there is a lack of political will to implement CARP on local as well as on national level Even the Inter-Agency meeting, intended to provide petitioners a platform to discuss problems with the concerned agencies, was postponed by the Office of the Presidential Adviser on the Peace Process (OPAPP) many times since April and is still not taking place.

At this point the direct relation between the access of land and the improvement of the Human Rights Situation on Bondoc Peninsula needs to be stressed again. The government authorities as representatives of the Philippine state, a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, is obligated to provide its maximum available resources for the realization of Human Rights on the Philippines as mentioned in Art. 2 ICCPR, Art. 2 ICESCR and in the Preamble of the UNHR.

5. Excursus: Elections

During the presence of the third IPON observers' team on Bondoc Peninsula the Midterm Election took place on 14 May, 2007. All eligible voters were called to go to the polls and vote for different representatives (Congressman, Governor, Mayor, Councilor and Board Member).

As in the whole Philippines also in Barangay Tala, San Andres, the residents voted as usual at the local school ground. After finding the own name on the registration list, the electorate is allowed to enter the election building to fill out the ballot with the favored candidates. For the confirmation the voter had to stamp a thumb print at the bottom of the ballot. In the run-up to the elections the candidates tried to win votes while having a lot of election campaigns. Usually the participants got some food, goodies and a lot of alcoholic drinks. The different candidates tried to present themselves among other things by singing and showing what they had achieved in the past. Same as the political rallies also the promotion bills were financed by the candidates and their supporters. Running for Congressman for example implicated expenses of about one million Philippine pesos.

A common behavior that IPON observed was direct and allusive buying of votes. Many farmers reported about candidates or campaign staff that offered them money and aliments for voting for the candidate. The addressed persons should receive an even higher financial sponsorship if they convinced other voters to elect the specific candidate.

Since it is illegal to buy votes, a high percentage of the candidates used illegal methods to shape the election results. If vote-buying can be proven the contravener has to serve a sentence, in form of forfeit or imprisonment up to 6 years.

Sometimes the aspirants offered many aliments in form of food to specific farmer leaders, requesting them to use their influence on the members of their organization. Regarding the low standard of living this kind of buying votes can be very successful.

The IPON observers were also told about the manipulation of the final election result in San Andres. Right now the assumed loser in the mayoral race of San Andres is filing a case against his opponent for manipulating the master data list. Moreover a voter complained in an interview with IPON that the name of the dead father was on the registration list. When asked about this mistake, the canvasser replied that "this just happens sometimes". The problem is, though, that anyone pretending to be this person on the list could easily cast his ballot.

During election time there was a permanent high presence of military. Especially public busses were checked very often. This can be seen as another evidence of the potential for conflicts especially in the area, where IPON is working.

6. Conclusion

During the three months presence of the third IPON observers' team the Human Rights situation on Bondoc Peninsula remained critical. IPON observed that the Human Rights situation mostly changed from physical harassments to harassments through the legal system, which, however, does not imply that the situation will not change again. The absence of physical harassments can be referred to the loss of the harvest (due to the typhoon) and to the efforts of electoral candidates, among them members of the landowning elite, to sanitize their public image in the run-up to the elections. The slight improvement of the Human Rights situation may also ascribe to the farmers, who are getting more organized within KMBP and advocate their own rights.

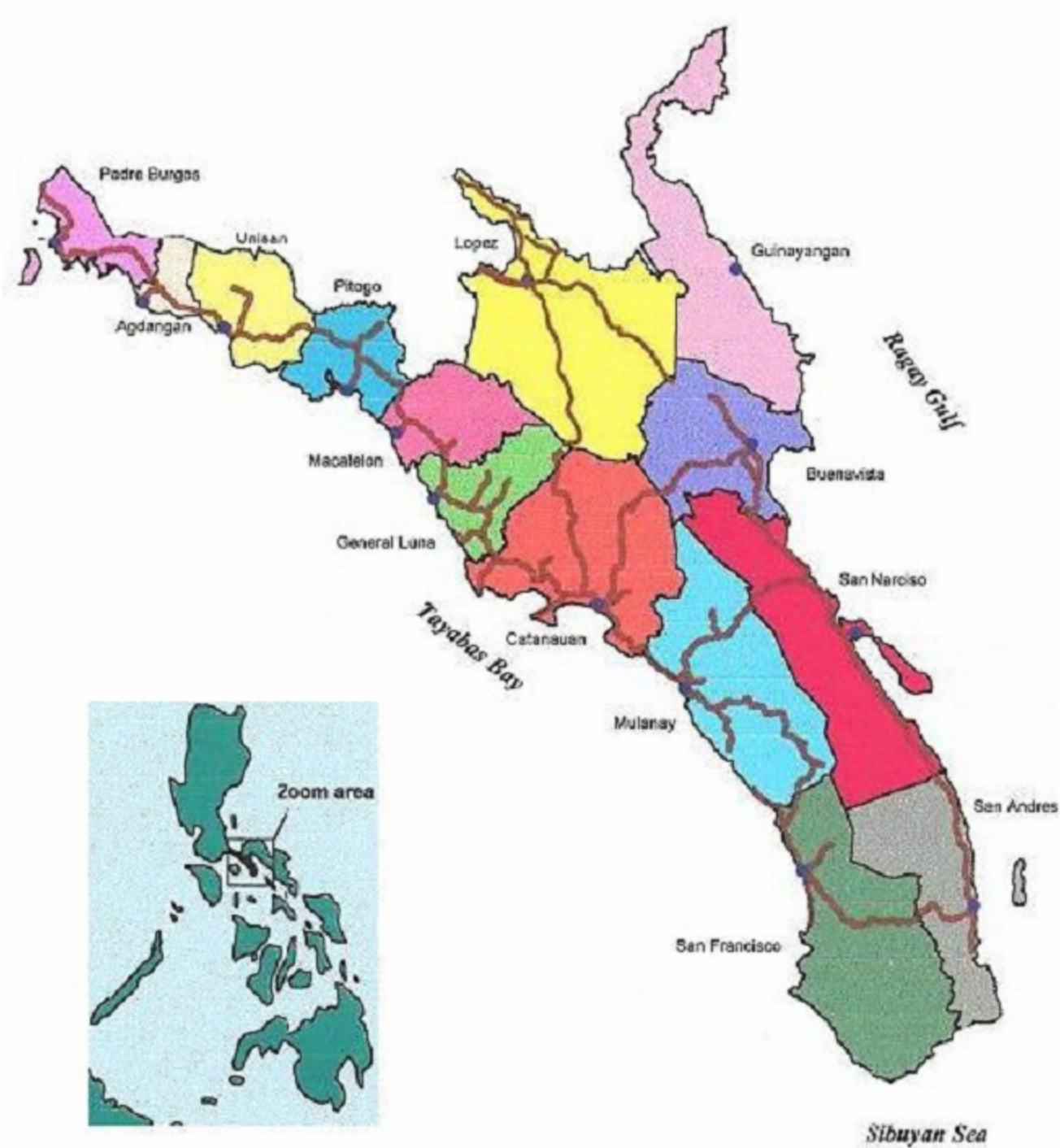
But the next harvest and the finalization of election results might change the Human Rights situation again. Additionally, farmers are still threatened by various actors, limiting their freedom of movement.

Nevertheless, several Human Rights of the farmers are still violated, especially in terms of inadequate food supply, inadequate housing, lack of access to basic education and a very low living standard. In addition the many criminal cases filed against the petitioners aggravate their already difficult economic situation.

The government authorities play an important role in their responsibility to promote, respect, protect and fulfill Human Rights. The access to own land can mean a crucial improvement of the living conditions of the farmers and thereby enhance the Human Rights situation. Currently it seems that their contribution to abide Human Rights is slight by not effectively pushing forward the implementation of acquisition of own land.

Until now IPON is still concerned about the Human Rights situation of the KMBP farmers on Bondoc Peninsula. Therefore in June, for a three-month period, the forth IPON team will arrive in the Philippines.

Appendix 1: Map of Bondoc Peninsula



Appendix 2: IPON Principles, Objectives and Methodology

The International Peace Observers Network (IPON), based in Hamburg (Germany) is sending European volunteers to the Philippines to observe the Human Rights situation. IPON is independent from any government, political or religious groups and parties. The Observers are neutral and non-intervening in their work. They monitor and document the Human Rights Situation of the KMBP farmers. IPON sticks to the principle of non-violence and wants to give the KMBP farmers space to campaign for a non-violent solution of their conflict.

KMBP sees its fundamental Human Rights violated and wants IPON to be present in their villages and observe the Human Rights situation. Therefore IPON Observers accompany KMBP members in their daily work and in meetings with various state and non-state actors. Additionally the Observers are collecting information about the Human Rights situation by conducting interviews with KMBP farmers.

The work of IPON is based on the International Bill of Human Rights composed of the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and other conventions in international human rights law, that have also been signed by the Government of the Philippines. The state as signatory of these agreements is obligated to promote, respect, protect and fulfill these rights.

The objective of the International Peace Observers Network is to contribute to a lessening of Human Rights violations and an improvement of the Human Rights situation on Bondoc peninsula. IPON will therefore document all Human Rights violations against KMBP farmers, whomever the perpetrator.