

SECOND
HUMAN
RIGHTS
SITUATION
REPORT ON
BONDOC
PENINSULA

27th March 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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March 27, 2007

List of Acronyms

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

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1. Introduction

In its second report, the International Peace Observers Network (IPON) informs about the present situation of the KMBP¹ farmers in Bondoc Peninsula (in the municipalities of San Francisco, San Narciso and San Andres).

The initial part of the report provides partial information about Bondoc Peninsula, followed by an analysis on the current Human Rights situation in the area.

2. Methods

The information for the present report was gathered by the second IPON observer team that was present in Bondoc Peninsula from January to April 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 as well as in Europe. The information is also forwarded to IPON's supporter's network (including concerned European politicians).

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

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

3. 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

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).

400.000 (or approx. 70.000 households), most of whom belong to the 5th or 6th income class².

Eighty percent of the population in Bondoc lives in subsistence farming and fishing. The total land area in Bondoc Peninsula adds up to 222.000 hectares and is mostly used for agricultural purposes (coconut mono-cropping, corn and rice). Large portions 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 contrary to other areas in the Philippines, the land redistribution in Bondoc Peninsula proceeds only slowly.

Moreover there is an ongoing armed conflict between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA)³ in the remote mountain areas of Bondoc Peninsula.

4. Human Rights Analysis for Bondoc Peninsula

The Human Rights situation in Bondoc Peninsula remains critical up to date. The following individual cases of Human Rights violations as well as the description of the general Human Rights situation underline this assessment.

4.1 Individual Cases

The security of the KMBP farmers is still very often jeopardized. During the night the farmers and their families mainly stay in their villages or even do not leave their houses because they fear to encounter armed personnel of the landowner.

Many of the farmers choose not to go to certain areas, avoid taking certain roads and do not enter certain *Sitios*⁴, limiting their liberty of movement.

Article 3, UDHR;
Article 9 §1, ICCPR:
Everyone has the right to life, liberty and security of person.

In the past three months IPON observers in Bondoc Peninsula again documented many cases of KMBP farmers suffering from insecurity and threats against their lives.

.....

CASE 1

In Sitio Nilantangan (San Francisco) one farmer leader is constantly threatened by the goons⁵ of the landowner. He had been seen by the landowner's personnel

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

³ Armed Maoist rebel group

⁴ Village

while he was talking to an official of the Department of Environment and Natural Resources (DENR) which was conducting a survey in the village on March 15, 2007. The farmer leader claimed that since then his house is under surveillance. Furthermore one of the goons is supposedly hired to kill him. Given that there have been various threats of murder against the petitioners in the past, the KMBP farmers take this threat serious. (Source: interview conducted with the farmers by IPON observers).

Since 1998 the killings of four local peasant leaders were reported to the local Philippine National Police (PNP) as well as to the Commission on Human Rights (CHR) of the Philippines⁶. The IPON observers in Bondoc Peninsula documented a case of attempted murder in Sitio Nilantangan (San Francisco).

Article 6, ICCPR;

Article 3, UDHR:

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

CASE 2



A KMBP farmer was attacked by a goon of the local landowner in his village on February 6, 2007. Since he started to petition for CARP⁷ in 2003 he has already

Article 9 and 12, ICESCR:

[...] the right of everyone to social security, including social insurance.

[...] the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

[...] the creation of conditions which would assure to all medical service and medical attention in the event of sickness.

been attacked five times by the same perpetrator as in this case. Three of the attempts to kill the farmer were carried out using a gun, two others using a “bolo” knife. This weapon was also used in the most recent attack, causing multiple wounds on the head and an amputated left hand. After each of the above mentioned incidences the victim filed a case against the offender with the local police. Two warrants of arrest regarding the earlier offences were issued in early March 2007, but until now no warrant of arrest was issued for the mentioned harassment on February 6, 2007.

After the attack the victim was brought to the hospital in San Francisco. Because of technical and medical lack the victim could not be treated in this facility and had to be transferred to the

⁵ Men hired by the landowners to carry out harassments.

⁶ Compare *Running Amok: Landlord Lawlessness and Impunity in the Philippines*, Final Report of the 2-15 June 2006 Fact-Finding Mission on Agrarian Reform Related Violations of Human Rights in the Philippines, 19 June 2006, Quezon City, Philippines.

⁷ *Comprehensive Agrarian Reform Program*; a governmental program.

hospital in Lucena City, which is a five hours drive away. Altogether it took fourteen hours until the attacked farmer was treated by a surgeon. After several days in the hospital the victim and his wife, who suffered a miscarriage due to the events, went to stay with relatives in Manila. For safety reasons they do not want return to Nilantangan. Furthermore, there is no access to medical assistance in this remote Sitio of Bondoc Peninsula and, finally, the farmer's disability to work in the agricultural or fishing sectors diminishes the opportunities of earning an income in Nilantangan.

The security situation of the petitioners is also abated by fear from harassments done by the personnel of the landowners in the Barangays of San Vicente, Vigo and Villa Reyes (San Narciso) and by the NPA in the Barangays of San Vicente and Villa Reyes (San Narciso) as well as in Barangay Tala (San Andres). Two cases have been reported to the IPON observers, in which farmers had to leave their homes and become internal refugees settling in villages that provide a secure hiding.

Another fear of many farmers and their family is that they might accidentally get in-between the armed conflict of the NPA and the AFP.

In the past three months there has again been a significant number of criminal cases filed against members of the KMBP. Many of the farmers in Bondoc Peninsula have pending warrants of arrest, the current number of warrants being 68 out of 259 cases filed against 274 farmers (Source: QUARDDS). Mostly these

Article 7, UDHR:

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

- cases are filed for alleged crimes such as coconut
- theft – even when farmers do not boycott the
- illegal sharing system –, malicious mischief,
- trespassing or libel. Since the landowners know of
- the economic situation of their tenant-petitioners
- they take advantage of this and harass the
- farmers through the judiciary. For most of the
- farmers very high costs are caused when they
- need to attend hearings or trials in far-away towns:

transportation, accommodation and food have to be paid for as well as bails. Regarding the latter the farmers have expressed their resentment about the disproportionately high sums fixed for their bails.

This is also undermined by an evaluation of the Agrarian Justice Foundation, Inc. (AJFI) in Quezon City, stating that the bails are neither adequate in consideration of the alleged crimes, nor are they in any means affordable for the subsistence farmers. Furthermore, the farmers feel treated unequal because they are often subject to arbitrary arrest through the police or the armed personnel of the landowner while

Article 9 §1, ICCPR:

Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

.....

crimes committed by the goons often do not have consequences such as arrest and trial. If cases filed against the landowners or their personnel are brought before a court, according to the farmers, the procedure usually takes a much longer time than in the case of farmers accused.

CASE 3

During the stay of an IPON observer team in the municipality of San Narciso in March 2007, one farmer received a letter containing information about a warrant of arrest against him and a citatory letter to a hearing in Gumaca in February 2007. The farmer had learned about the warrant of arrest through local personnel

Article 14, ICCPR:

§1 [...] everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

§3 In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: [...] to be informed promptly [...] of the nature and cause of the charges against him. [...] To be tried without delay. [...] To be tried in his presence, and to defend himself in person [...].

of the landowner but it was too late to attend the hearing and defend himself against the charge of qualified theft allegedly committed in December 2006. The farmer leader, who is continuously harassed with criminal cases filed against him, and the three members of his organization, accused of the same crime, claim that they paid their share of 60 percent to the landowner. So far, though, this case is still being tried

and thus provides an example for the consequent harassment by the landowner through the legal system of the Philippines. (Source: interview conducted with the farmers by IPON observers).

4.2 General Human Rights Situation

In the past the European public was informed about increasing cases of Human Rights violations in Bondoc Peninsula. Several Philippine and European civil society organizations⁸ documented and reported on cases showing that mostly petitioners for portions of land according to the CARP are affected.

Article 23, UDHR:

Everyone has the right to work, [...] to just and favourable conditions of work [...].

Farmers from the KMBP have to face various forms of Human Rights violations in every day life:

The first point to be addressed is the difficulty for the farmers and their families to subsist. The

⁸ f. ex.: FIAN (Food First Information and Action Network), PEACE Foundation

farmers have to work as tenants under a 60%-40%, sometimes even 75%-25% sharing system in favor of the landowner – even though prohibited by law –, with the farmers shouldering all of the expenses (seeds, seasonal workers, working gear, processing and marketing). Most of the KMBP farmers are petitioning for a portion of land and often boycott the sharing system. Therefore many of them have been ejected from these portions of land, that the landowners claim their own. Since most of the KMBP farmers have no other source of income but their land, they have no means of ensuring themselves adequate food. Furthermore the slow process of land distribution by government agencies and the alleged corruption within local agencies, about which many petitioners complain, contributes to the maintenance of this situation. During the process of the KMBP farmers' petitioning they, moreover, sometimes have to suffer insults and offenses from officials. (Source: witnessed by IPON-observers during a meeting in Quezon City).

■ **Article 11 §2, ICESCR:**
 ■ The State Parties [...] recognizing the fundamental right of everyone to be free from hunger, shall take [...] the measures [...]: To improve methods of production, conservation and distribution of food by [...] developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.

There are also cases in which the land the farmers have tilled for several decades and cultivated with perennial fruit crops has been classified as pasture land and excluded from distribution through CARP – while lots of land were titled

Article 12, UDHR;
Article 17, ICCPR:
 No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
 [...]

to the farmers that are not appropriate for farming of any kind regarding soil fertility. This further aggravates food shortage and makes income generation difficult for the farmers.

The honour of the KMBP farmers is very often offended. Personnel of a landowner in San Francisco insulted petitioners during a family gathering. In other areas of Bondoc Peninsula some members of the KMBP have supposedly been denounced to the local police and military units as members of the

NPA even though they have no connection to that group. Nevertheless this adds to the fact that the farmers live in constant fear of arrest and interrogation.

Not all of the KMBP farmers are able to send their children to school. Sometimes they do not have enough money to afford tuition fees and buy the necessary school materials. Some of the children need to help their families on the farms. Additionally some parents do not want to send their children to school out of fear that they might be harassed on their

Article 26, UDHR;
Article 13, ICESCR:
 [...] the right of everyone to education. [...]

way (by armed personnel of the landowners, NPA or AFP) (Source: information gathered in numerous interviews with KMBP farmers and their families).

The lack of access to financial resources and the prohibition for example to gather wood from the hacienda lands also leads to insufficient housing, since many farmers cannot repair typhoon damages on their houses. Therefore, many

Article 25, UDHR;

Article 11, ICESCR:

[...] 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. [...]

- families still live in makeshift shelters, which
- are too small to secure an adequate standard
- of living. Nevertheless, even those families
- whose houses were not destroyed live under
- circumstances of low sanitation facilities and
- access to services, materials and
- infrastructure. Their houses are inadequate in
- size and stability. With the gathering of wood
- being prohibited, the families have no means
- to produce charcoal and as a result no
- energy for cooking.

5. Conclusion

In its work on Bondoc Peninsula since October 2006 IPON does not only monitor the current Human Rights situation but also focuses on the developments and changes regarding the Human Rights situation in the remote area of Quezon Province.

The institution of the interagency meetings, facilitated regularly in Quezon City, and gathering together the different players concerned with the situation in Bondoc Peninsula, indicates an improvement of the Human Rights situation. According to interviews with KMBP farmers there is a measurable decrease of harassments against them after reporting such incidents during the meetings. Additionally, there seems to be a progress in implementation of state laws through governmental agencies once those are pushed forward through the interagency meetings. Generally, the farmers seem to be encouraged to report harassments and experienced injustices during the dialogues.

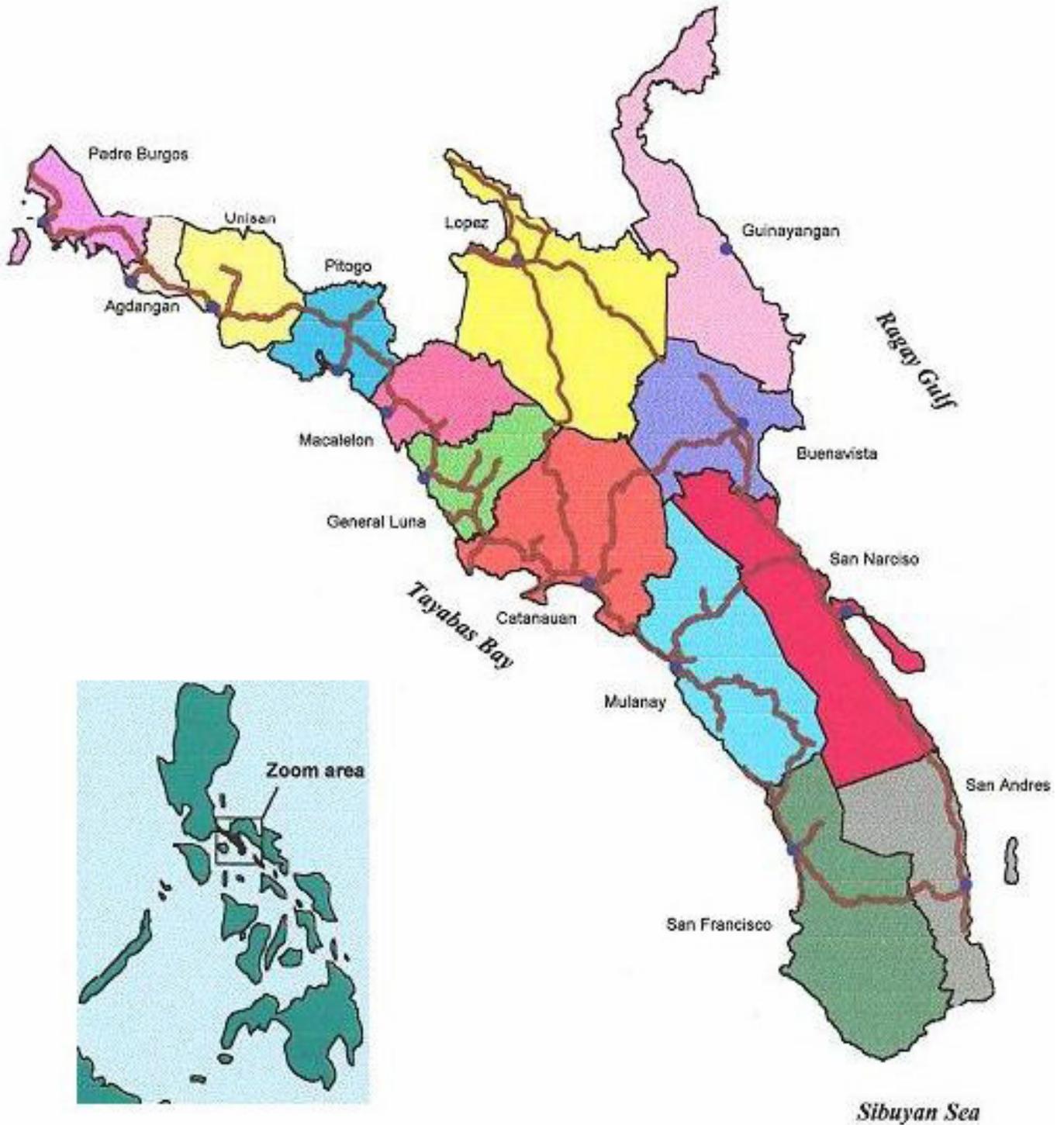
On the other hand, some petitioners pointed out that a slow progress in improving the Human Rights situation especially in relation to the agrarian reform could lead to frustration among them and to a loss of trust in legal instruments in the peasants' struggle for a better livelihood.

Nevertheless, the present report shows that there are still significant Human Rights violations in Bondoc Peninsula. The KMBP farmers, in terms of inadequate food supply, inadequate housing, lack of access to basic education and a very low standard of living, are the victims of these violations. In addition to that, the KMBP farmers experience harassments by different perpetrators limiting

many of the rights entitled to them by International Human Rights agreements. IPON is still concerned about the Human Rights situation of the KMBP farmers in Bondoc Peninsula. Members of IPON's supporter's network have also expressed concern about the current situation, especially the attack on one of the farmers as documented above. As the Human Rights situation remains tense this makes an observation and accompaniment of the KMBP farmers by IPON further on necessary – especially regarding the upcoming election the situation might become increasingly tense. Starting in April, for a three-month period, the third IPON team will be in the Philippines.

IPON is available for any questions, suggestions and criticism.

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 in Bondoc peninsula. IPON will therefore document all Human Rights violations against KMBP farmers, whomever the perpetrator.