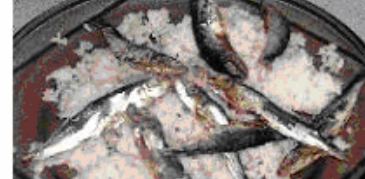


I. P.  . N.

FOURTH
HUMAN
RIGHTS
SITUATION
REPORT ON
BONDOC
PENINSULA

28th October 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.”*

Universal Declaration of Human Rights, Article 1

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List of Acronyms

AFP	Armed Forces of the Philippines
CARP	Comprehensive Agrarian Reform Program
DA	Department of Agriculture
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
DOJ	Department of Justice
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
MARO	Municipal Agrarian Reform Officer
NGO	Non-governmental Organisation
NPA	New People's Army
OPAPP	Office of the Presidential Adviser on the Peace Process
PARO	Provincial Agrarian Reform Officer
PEACE Foundation	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 the present report the International Peace Observers Network (IPON) informs about the current Human Rights situation of KMBP¹ farmers on Bondoc Peninsula, researched in the period from June to October 2007. The ongoing group continued the work of former groups of Human Rights observers that since October 2006 monitored and documented Human Rights violations related to the agrarian reform process. While the previous observers restricted their activities on the municipalities of San Andres, San Narciso and San Francisco, this report also includes information about the Human Rights situation in the municipality of Buenavista.

The report focuses on physical harassment against farmers as well as on the systematical harassment through the misuse of the legal judicial and administrative system of the Philippines by means of which farmers have to suffer in the course of petitioning for the Comprehensive Agrarian Reform Program (CARP). With the objective of the protection of the Human Rights of the KMBP farmers IPON strives for the clarification of their present Human Rights situation and their conditions of living and presents its findings to representatives of the Philippine government. By publishing this information we hope to give an impulse to the Government of the Republic of the Philippines to forge the protection, the respect and the guarantee of the farmers' Human Rights as they are codified in international conventions like the Human Rights Charta of the United Nations.

2. Methods

The information for the present report was gathered by the fourth IPON observer team that was present on Bondoc Peninsula from June to October 2007. To gain a realistic insight in the Human Rights situation the observers lived in the farmers' communities and accompanied the KMBP members to different meetings with various state and non-state actors. They also attended farmer's organizational meetings and conducted interviews with victims of repression and violence. Through this the observers could monitor and document the long neglected Human Rights situation of the farmers in this area.

The present report will be distributed to various agencies of the Government of the Republic of the Philippines, to civil society organizations and media in the Philippines as well as in Europe. The information will also be forwarded to the IPON supporters-

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).

network that is composed of national and international non-governmental Organizations, further to concerned European politicians as well as private people that care for the farmers' Human Rights situation.

The work of IPON is based on the International Bill of Human Rights consisting 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, which have all been signed by the Government of the Philippines. The state as a 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 in Luzon, the largest island in the Philippines. It is composed of twelve municipalities and has a population of approximately 400,000 (or approx. 70,000 households), most of whom belong to the 5th or 6th income 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 a few landowners. The biggest landholdings are those of Victor Reyes (estimated 12,000 to 14,000 hectares in the municipalities of Buenavista, San Andres and San Narciso), the Uy family (3,500 hectares in San Andres and San Narciso) and the Matias family (2,800 hectares in San Francisco). Most of the farmers in these landholdings have to work under a 60%-40%, sometimes even 80%-20% sharing system in favor of the landowners. In a 70%-30% sharing system (in favor of the landowner) a farmer receives 1,500 PHP³ per coconut harvest.

The coconut trees can be harvested six times a year, whereas corn can only be harvested twice a year. The production income for corn averages at 2,000 PHP. The living expenses of an ordinary peasant family with six children (assuming half of the children attend school) amount to approximately 3,000 to 4,000 PHP for two months.⁴ Because these expenses are not covered by their income, the farmers have to look for extra resources to cover their costs. Sometimes this can be done by an additional banana harvest, corn harvest or piggery if the landowner does not forbid multi-cropping⁵ on his land. Some of the peasant families also receive financial support from family members who work in Manila or other cities. Sometimes the farmers' wives are obliged to go to Manila themselves for a few months to earn an additional income.

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

³ Exchange rate September 23, 2007: 1 Euro = 63,96 Philippine Peso.

⁴ Information gathered in interviews with farmers of KMBP conducted during a paralegal training in Lucena City on April 18, 2007. Updated through interviews with members of QUARDDS in September 2007.

⁵ Multi-cropping means cultivating different kinds of crops on the same land.

The farmers that boycott the given sharing system earn an additional income of around 5,000 PHP per coconut harvest and are able to cover their expenses completely themselves.

The family size of the farmers on Bondoc Peninsula is between three to twelve children, while the majority of families consists of six to eight children. The living conditions of the farmers are very basic. The majority is living in small unstable cabins or so called nipa huts. Furthermore, the living standard is marked by poor sanitation facilities and bad access to services, materials and infrastructure. In 1988 the Aquino government initiated the Comprehensive Agrarian Reform Program (CARP) that envisioned the reallocation of land to farmers and the directed advancement of the beneficiaries. In contrary to other areas in the Philippines, the land redistribution on Bondoc Peninsula proceeds slowly.

4. Human rights analysis for Bondoc Peninsula

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

Like everywhere in the country, the farmers from Bondoc Peninsula petitioned for CARP with the hope of rising wealth and security for themselves and their families. Many of the petitioners report to have encountered and to be still encountering the resistance of wealthy and powerful landowning families like the Uy, Matias and Reyes families. In the previous years, farmers had to suffer physical and mental violence from the landowner’s security guards, called goons, who did not even flinch from murder. The farmers often allude, that a lack of support by governmental sides has caused a deep mistrust in the government and its bodies. Many of the farmers who did not want to stop fighting for their own land, although confronted with repressions, syndicated to the farmers’ organization KMBP. This is one of the reasons why the Human Rights situation on Bondoc Peninsula remains critical up to date. The following report distinguishes between physical and non-physical Human Rights violations according to the Human Rights analysis. The IPON observers accompanied these farmers in their daily life activities to get an idea of the human rights situation and to help protect the farmers from Human Rights violations that they endure during their effort to protect their rights.

4.1 Agrarian reform-related violence against KMBP-farmers

Compared to the previous years especially the period from 2002 to 2006, which was characterized by a large number of cases of violent harassment against farmers, the current situation turns out to be relatively calm. Although the number of incidents has decreased, there are still many cases which show that the farmers cannot live in peace and security until now. During the stay of the third IPON observer team from the end of

March to the end of June 2007 there were no direct physical harassments observed. Unlike the fourth team who could document several harassments against petitioners which are about to follow. The reasons for the change of the situation could on one hand be the national elections that took place on the 14th May 2007 or on the other hand the first coconut harvest in August since the destructive typhoon that hit Bondoc last December. Furthermore many people fear that physical harassments are going to intensify again in the oncoming future.

In June 2007 IPON documented the case of one farmer who had been forced by the means of a threat to his life by the landowner Matias' goons to bear a false witness in a criminal case against several other farmers of his own community. To escape the consequences of a refusal he had to flee to Manila and had to leave his wife and children behind. The farmer was not willing to report the incidence to the police. The farmers often mention that in most cases the police does not react if peasants are pleading for help because they often sympathize with the landlords.

In another case the IPON team met a peasant's wife, who had been threatened after she intervened in an argument between a goon and a farmer. The woman had noticed that the goon bothered a farmer who had been cutting a plant and tried to help the farmer. Thereupon the goon grabbed the woman's hair and pulled her head down. With his knife he imitated the move of cutting off her head and then left her behind in fear. Because she also mistrusts the police she did not require any support by the police. The same woman informed IPON about another case of death threat in her sitio⁶.

IPON-members also interviewed another farmer's wife whose house was demolished by goons in the beginning of July. In the last elections she and her husband did not support the landlord who ran for another term as Mayor, but his opponent. While the goons were demolishing the house, she went to the local police and asked for help. The police officer refused official support explaining that they could not intervene because the landlord is the proper owner of the grounds on which her house was built. This comportment was not correct. According to the law of the Philippines the owner needs an order of the court and should give notice to squatters, as which they were considered in this case, before the demolition. Such an order did not exist. Altogether in the municipality of Buenavista three houses were demolished.

Also in Buenavista another incidence occurred in which a farmer leader was shot five days before the land of his petitioners' group should have been surveyed. In the interview, the farmer denied any connection to the agrarian reform issue, but this can be considered as a safety measure to avoid any further happenings of this kind. The farmer was very lucky to survive the attempted murder. The incident happened while he and his son were sitting inside their house in front of their window. The farmer reacted promptly as he heard unusual noises outside and tried to protect himself and his child. He held up his left arm in protection and therefore the gunshot 'only' penetrated his shoulder and cheeks. As his wife tried to close the door of the house she was also shot but received only a minor injury. While the farmer was brought to hospital with the help of the Mayor,

⁶ Philippine term for village

his wife reported the incidence to the local police. Investigations were carried out but almost immediately stopped again and so far the culprits are still unknown.

The above mentioned cases show that petitioners in Bondoc still have to fear threats from employees of the landowners who follow their own laws and rules. Because of the continuous menace some of the farmers decided to move to other sitios and stay with their relatives in order to live without the constant fear of physical attacks or other forms of harassment. It has to be considered that the threats can cause a psychological stress. For example: some farmers do not leave their houses after sunset and literally lock themselves up. Others cannot enter the area of Bondoc without being disguised. Altogether there are twelve families and four individuals on the run right now because they received death threats in their sitios. Two families and all four individuals do not have the possibility to live with any relatives so they are hiding. Of course the income situation of these farmers is very critical as some are only depending on funds some NGOs can raise. The same situation occurs concerning the medical aid after any physical violation happens. Even a short-term stay in hospital is unaffordable for the peasants. If an operation is needed it can happen that it has to be postponed until the necessary money has been collected.

It is most important that the Philippine state provides for the security of its citizens by holding the police and other governmental authorities who are considered to protect Philippine citizens from any kind of violation onto account.

4.2 Systematic harassment against farmers through the misuse of the legal system of the Philippines

*“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”
(Art. 10 UDHR)*

While physical harassments against farmers increased again during the last months, the harassment through the misuse of the legal system still proceeds. By the means of filing criminal cases against the petitioners the landowners apparently try to force them to stop their petitions. Next to the danger of being imprisoned the cases are very costly and can financially ruin the farmers. Up to date there are 297 criminal cases⁷ filed for alleged coconut theft (178), estafa (105)⁸, libel (3), other forms of trespass (4), grave threat (1), malicious mischief (1), attempted murder (1), frustrated murder (1) and attempted homicide (2) against around 349 farmers from the municipalities of San Francisco, San Andres, San Narciso and Mulanay. At the same time there are 62 pending warrants of

⁷ One criminal case can include several reasons of accusation.

⁸ Misappropriation of harvest

arrest against farmers of the four mentioned municipalities.⁹ All cases are filed by the landowners or by the administrators of their landholdings.

Usually some of the NGOs or the Department of Agrarian Reform (DAR) provide attorneys for the accused farmers. Nevertheless the proceedings are connected with high financial expenses for the latter. They have to pay the travel, the food and the legal expenses. That is why one hearing in many cases consumes up to one tenth of the monthly income of one farmer. Because of the financial curtailment some families are not able to send their children to school anymore or have to suffer malnutrition. In addition to this the hearings require a lot of time and effort. Sometimes the hearing takes place up to seven hours away from the sitios. During this time the accused person can not go to work. In contrast to this amount of time the hearing itself often lasts only a few minutes: the attendance is checked and the accused have to declare themselves guilty or not guilty. If a witness does not appear in court the hearing is obsolete. Cancellations of hearings often occur without further information of the accused, which thus travelled to the court for nothing. Furthermore, at many times nobody is present on behalf of the claimant.

In accordance to the CARP a proper jurisdiction responsible only for agrarian reform related cases exists. The farmers find it incomprehensible that the majority of the cases are filed by the local public prosecutor in the normal criminal jurisdiction, while the charges are merely related to agrarian issues. Hence the consequences are for instance, that the farmers have to fear a warrant of arrest in case of not attending the hearings. Once a farmer is imprisoned he can only be released on bail. With regard to coconut theft this bail costs 30.000,00 Php, which matches a farmer's income of 15 months and is therefore an unaffordable amount to a peasant. In some cases the Agrarian Justice Foundation Incorporated however can not cover the entire expenses, due to their limited funds. If a farmer is arrested his relatives and friends are expected to cater for the prisoner because the prisons are not providing enough food. For this reason the wanted farmers often hide in the hinterland of Bondoc which often results in a reduction of the family income.

The described circumstances may affirm the assumption that the filed criminal cases are a kind of systematic harassment by the landowners. This impression is confirmed through the contents of the filed cases in which all the farmers claimed their innocence. In one case for example some peasants are accused of having trespassed the property of the landowner although they were accompanied by the military which was there to assure the farmers' safety during the harvest. Also cases against a Municipal Agrarian Reform Officer (MARO) and a Provincial Agrarian Reform Officer (PARO) were filed by a landowner. They had indeed entered his land in order to carry out an official survey which, according to the CARP, is a prerequisite for the distribution of land.

In many cases the classification of the land by the DENR, as either private or public land, has not yet been made. The farmers find it doubtful that the courts should judge cases in which the sentences are depending on the same classification. In consequence the accused have to appear in court several times instead of waiting for the decision of

⁹ Information from Quezon Association for Rural Development and Democratisation Services (QUARDDS)

the DENR. Another problem is the duration of the proceedings. Formally, there should be a hearing every month but in practice, due to the lack of availability of the plaintiff or the judge, hearings are regularly cancelled. The result is that some hearings are only conducted every two or three months and last over a total period of a year or even longer.

IPON could observe the behaviour of the judge in the municipality of San Francisco during several hearings. The judge smoked in court and talked on the phone during a testimony. It seemed as if he did not take the farmers seriously and also made fun of them. With regard to this hearing IPON observers had the impression that the judge was in favour of the claimant side. For example the judge prohibited the attorney of the defence from asking a witness about the relationship between him and the landowner. It did not seem to concern the judge that the witness is financially depending on the landowner, which would jeopardize his credibility. In some cases, the farmers say, it is an open secret that judges are being paid by the landowners to act in their favour. Although these circumstances are well known in the different departments of the Government, the farmers say they have seen no attempt to change the situation.

In the same context IPON was told of some instances in which the landlords tried to buy or even extort farmers to testify against other farmers. If they do not testify the required way they have to be afraid of physical harassments themselves. That is another reason why some farmers are hiding in the cities and cannot return home.

These legal methods constitute an effective way to intimidate the farmers. Because of the huge amount of filed cases and the court proceedings some sitios stopped the boycott and came back to the sharing-system. But not only the farmers are in the focus of the landlords, IPON got to know that in one case the farmers' lawyer got threats on her cell phone, that she should not attend the hearing or something might happen to her. The lawyer finally came to court with a security guard.

On the other hand the access to court often seems to be closed for farmers themselves. It has been reported to IPON that in 1998 a landowner had been charged with qualified theft. But with the exemption of a warrant of arrest and the pay of the bail nothing has happened so far. In other words for nine years the case has not been heard in court. Also the prosecution of another landowner was not pursued since the beginning of 2006. This landowner was accused of kidnapping. Both landowners are still not found guilty and therefore do not bear the consequences of their alleged crimes.

According to the legal coordinator of QUARDDS, juridical cases often turn out this way because of the so called multi-legal system of the Philippines. This means that beside the national laws the "Hacienda Law" is still effective, especially in rural areas. This means that the landlords determine law, order and justice within the area of their properties. Reportedly many officials on the local level are in some cases familiarly or financially connected to the landowners and function according to their demands.

5. The role of government authorities in the Human Rights situation on Bondoc Peninsula

During the period from June to October 2007 IPON observed the way in which the government authorities, particularly the Armed Forces of the Philippines (AFP), Department of Agriculture (DA), DAR, Department of Environment and Natural Resources (DENR), Department of Justice (DOJ), Office of the Presidential Adviser on the Peace Process (OPAPP) and Philippine National Police (PNP) dealt with the farmers' concerns.

The Interagency-Meeting, the greatest hope for the farmers to improve their situation, was cancelled several times on short-term notice without any explanation. Every department related to the agrarian reform as well as the police and the military take part in this meeting in which the issues raised by the farmers are being discussed. During the documented period of time the meeting took place once, however without the presence of some departments, the police and the AFP. Even the attending departments did not seem well prepared. Members of IPON as well as representatives of QUARDDS were interested in participating. At first the authorization for attendance was not given to both parties. But without the presence of QUARDDS the meeting would have been superfluous because it is them who have a broad knowledge over all the issues and legal cases on Bondoc Peninsula. Finally IPON and QUARDDS participated in the meeting.

IPON could also accompany KMBP farmers and attorneys of QUARDDS and the PEACE Foundation to a meeting with lawyers of the above-mentioned departments to discuss the legal problems and cases in consequence of the agrarian reform. The aim of the meeting was to discuss a possible reduction of the costs for the farmers facing a legal charge. However as the Department of Justice did not attend, the meeting missed its task.

6. Conclusion and perspective

During the three months presence of the fourth IPON observers team the Human Rights situation on Bondoc Peninsula remained critically. IPON observed that the violations mostly changed from physical harassment to harassments through the legal system.

Nevertheless, IPON also observed cases of physical harassment. The reason why this kind of Human Rights violations increased in contrast to the previous period from March to June 2007 may be explained due to the last harvest in August and the outcome of the elections. Most cases mentioned above show that local authorities did neither try to prevent these assaults nor did they seriously intervene even when asked for help. As a

consequence, the rural population widely seems to have lost its trust in the local authorities.

Regarding the systematic harassment by the misuse of the legal forces IPON experienced an equally widespread distrust in the legal system of the Philippines. The main problem is the still existing “Hacienda Law” that undermines the country’s legal system in favour of the landlords. Otherwise there is no explanation for the fact that farmers have to face such vast numbers of legal cases. At the same time, the access to court seems to be closed for them.

At the moment two other matters concern the farmers on Bondoc peninsula and Philippine as well as International NGOs alike:

First there is a just recently introduced program through which land on Bondoc, that had already been classified as private land, will be used otherwise and thus not be considered as land covered under CARP anymore. Several surveys and petitions have already been cancelled. The program covers an area of 50.000 ha on which jatropha will be planted. Out of jatropha bio-diesel can be made. As the program was introduced the new jobs in jatropha farming were considered as compensation for the farmers who now will thus not receive their own land.

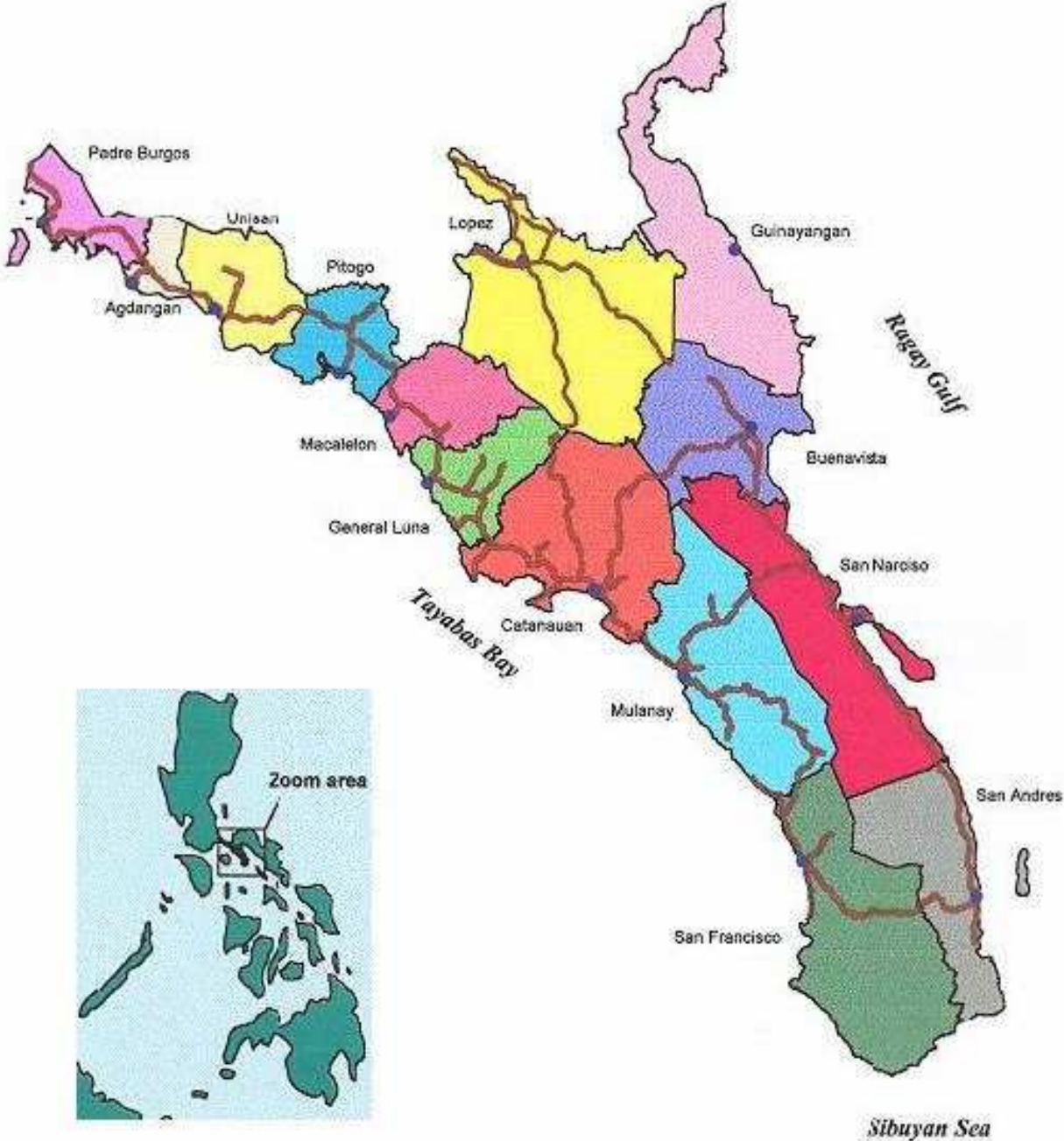
Secondly there is the very urgent situation that CARP will end in 2008 after a period of 20 years. The President of the Philippines has always been promising to extend the program but so far no concrete measures towards an extension have been taken. One very important aspect within this discussion is that not only the extension itself but also a modification of the whole program is necessary. Over the years many exemptions from the reform have contributed to a situation where many landowners were able to preserve their land from distribution. Government agencies, NGOs and the farmers themselves are putting all their hopes on an extended, modified and improved agrarian reform law.

Regarding the economic situation of the farmers there exist grave difficulties as well. Many other Human Rights of the farmers are violated as well, especially in terms of inadequate food supply, inadequate housing, lack of access to basic education and very low living standards. This shows that beyond the physical and juridical Human Rights violations the essential problems are not yet solved

The government authorities have an important role because of their responsibility to promote, respect, protect and fulfil Human Rights. Unfortunately, even if the official actors have the political will to implement the CARP, legal procedures are still very often hampered. IPON has observed and documented several Human Rights violations and is still very concerned about the Human Rights situation of the KMBP farmers on Bondoc Peninsula. Therefore in October, for a four-month period, the fifth IPON team will arrive in the Philippines to continue the task.

„Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.“
(Art. 25,1 UDHR)

Appendix 1: Map of Bondoc Peninsula



Appendix 2: IPON Principles, Objectives and Methodology

The International Peace Observers Network is a German NGO that sends European volunteers to the Philippines to observe and document the human rights situation. IPON is independent from any government, political or religious groups and parties. The observers are neutral and non-intervening in their work. Moreover IPON strictly sticks to the principle of nonviolence and wants to provide the opportunity to the KMBP farmers to campaign for a non-violent solution of their conflict.

The local farmers' organization KMBP regards its fundamental human rights as violated and feels abandoned by the government of the Republic of the Philippines. Therefore they asked IPON to send observers that monitor the human rights situation of the farmers and publish the results. Since 2006 IPON observers accompany KMBP members in their daily work and in meetings with various state and non-state actors. Additionally the observers collect information about the human rights situation by conducting interviews with KMBP farmers.

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

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