

THE LONG FIGHT FOR FREEDOM AND EQUITY - HISTORY OF A LONG LASTING LAND-CONFLICT IN NEGROS ORIENTAL



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One can say the Philippine people had a hard lot. After 300 years of Spanish colonial rule, they had to deal with an additional 40 years under the US-American rule and Japanese occupation until the Philippines became finally independent in 1946.

This colonial background affected land tenure adversely. A few privileged family-clans were set by the Spanish administration to control land and people. These consolidated power-relations were not changed by the Americans. Ferdinand Marcos used the powerful landlords to stabilize his dictatorship before the Philippine people brought it to an end in 1986. The return to democracy was highly associated with the call for a comprehensive and equitable redistribution of agricultural land. According to the Philippine Constitution from 1987, “[t]he State shall encourage and undertake the just distribution of all agricultural lands, [...] taking into account ecological, developmental or equity considerations, and subject to the payment of just compensation” (Article XIII, Section 4).

Under President Corazon Aquino, the re-democratized administration implemented the claim for agrarian reform. The Comprehensive Agrarian Reform Program (CARP) was established in 1988 with the intention to redistribute agricultural land to landless farmers. Through CARP, landless farmers can petition for the land they till. After a thorough examination process, the Department of Agrarian Reform (DAR) can award the so-called agrarian reform beneficiaries (ARBs) up to five hectares of land. Ownership rights are transferred when the DAR issues the corresponding land title, the Certificate of Land Ownership Award (CLOA). Land conflicts arise when the former landowner opposes the re-distribution of his/her land, either by legally questioning the legitimacy of the ARBs legal claims or by forcibly hindering them from entering their land. In the case that taking possession of the awarded land would endanger the lives of the

ARBs, the DAR is responsible for carrying out a land handover ceremony, called “Installation”. DAR can request the assistance of the police or the military so that ARBs can physically take possession of the land awarded to them.

The continued resistance of the landholders in the Island of Negros is remarkably high. Since centuries, huge landholdings of the profitable sugarcane fields are controlled by a small number of very influential family-clans. The Teves-clan¹ in Negros Oriental is one of them and shall serve as an example to explain the structure of resistance towards real achievements in the quest for effective land reform. Whereas the family of Teves officially supports the reform², spear-headed by a leading family member who is elected congressman, the family opposes the distribution of their own land parcels in Barangay³ Caranoche in Santa Catalina and Barangay Villareal in Bayawan City, Negros Oriental. In the 1990s, the Teves family has participated in a programme called “Voluntary Offer to Sell” (VOS). VOS was initiated to encourage landowner to cooperate with the reform program and to sell their land voluntarily through incentives⁴. It is remarkable, that influential landowner like the Teves-clan satisfactorily allege their willingness for land-distribution to key actors. The land-titles (CLOA-titles) were awarded to ARBs in 1997 and 1999, but the Teves-clan rejected the rightful holders of the land-titles and engaged new farm workers loyal to them. The contentious land is guarded by private security guards to prevent the CLOA-holders from entering their land. In 1998 the Teves-clan started a long legal dispute questioning the legitimacy of the ARBs up to the Supreme Court. In 2004 the Court finally dismissed Teves’s

1) In order to understand the following Interview, position and family relations of this clan should be highlighted: Arnie Teves is the owner of the regional sugar mill and administrator of their (former) landholdings. Henry Pryde A. Teves, is representative of the third district of Negros Oriental and the younger brother of Arnie. Henry is the grandson of former Rep. Herminio G. Teves. His uncle Margarito Teves was Secretary of Finance under the Arroyo administration, and also a former three-term congressman. Herminio Teves (90 years old) is the former owner of the landholding. He bought the landowning from his brother and former Senator Lorenzo Teves.

2) On August 2, 2010, H. Teves even became chairman of the committee for Agrarian Reform.

3) Barangay is the smallest administrative unit in the Philippine and comparable to commune.

4) Redemption of just compensation regularly implies 10% cash and 90% Land Bank bonds. The just compensation under VOS concedes a 5% increased cash portion.

appeal and affirmed the legitimacy of the ARBs.

In the meantime and during all these years of peacefully fighting for their land, the rightful ARBs in order to mobilize support became members of the non-governmental organisation "Task Force Mapalad" (TFM). While advocating for their land ownership, the peasants spoke up and gathered support based on and supported by various UN declarations, which assigns them the function of HRD (United Nations 2004). The HRD continued to ask for an official installation to be granted access to their land. After a camp out in front of the DAR central office in Manila and a hunger-strike⁵, covered and highlighted in the media (Inquirer 2008), the HRD land was peacefully installed on November 12, 2008.

However, since the peaceful installation ceremony, the HRD have been exposed to various human rights abuses and violations. Houses were demolished, physical threats were made and warning

shots were given by Teves' security guards (IPON 2010).

On December 3, 2008, Arnaldo Hoyohoy, son of a CLOA-holder Ronaldo Hoyohoy, was shot dead in front of his house (see the subsequent Interview with his brother Alexander Hoyohoy, this volume). Eight weeks later, DAR lawyer, Attorney Eleazen Casipong, who had represented the HRD of TFM against diverse legal claims in court, was shot dead, too. In both cases, suspects have not been identified.

Regardless of court decisions and the official installation ceremony, the physical harassment and the legal dispute continue. The Teves-clan has used their loyal farmers to file a petition for replacement of ARBs called inclusion/exclusion⁶ at DAR. Even though the then-DAR Secretary rejected this petition in November 2008, he reversed his own decision in March 2009 by disqualifying 15 out of 19 CLOA-holders in Barangay Caranoche. The case was pending at the office of the president but was

lately (November 2010) re-appealed undecided to the DAR. The petition for the landholding at Barangay Villareal has always been decided in favour of the HRD and is nonetheless still pending at the office of DAR Secretary. On the legal side, the HRD still hold the CLOA-titles and are therefore the rightful owner until today. In March 2009, Arnie Teves entered the land together with armed security guards and loyal farmers. They were illegitimately accompanied by the local police. Until present, threats against the HRD and anyone supporting them continue to be made. Meanwhile, the Teves-clan is creating facts by investing into the contentious land, e.g. by building irrigation-systems or planting new trees. ■

SOURCES

- Inquirer (2008): Negros farmers go on hunger strike – October 28, 2008.
- IPON (2010): "Report on Human Rights Situation at former Teves Landholding", Bacolod City. www.ipon-philippines.org/fileadmin/user_upload/reports/IPON-Bericht_Teves.pdf.
- United Nations (2004): Human Rights Defenders: Protecting the Right to Defend Human Rights. UN Fact Sheet No 29; Geneva.



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5) During the hunger-strike the human rights defenders shaped their hair in order to get the attention they needed, cf. cover-picture Observer (1) 2010.

6) After the issuance of CLOA-titles, other potential ARBs can petition for their inclusion in the CLOA-title by filing a Motion of Reconsideration. CLOA-holders can be excluded and lose their CLOA-titles among other reasons on the ground that they do not cultivate the land awarded to them or that they lack basic qualifications to till the land. These cases lie within jurisdiction of DAR.