

“WHY IS IT THAT IT NEEDS A PERSON DYING FOR OUR VOICE TO BE HEARD?”



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On August 24, 2011 an alliance of indigenous peoples groups launched a peaceful rally to protest against the renewal of a ranch license in an area they claim as ancestral domain¹. At the same time other members gathered to participate in what was supposed to be a dialogue with the security guards hired by the ranch lessees to talk about the cases of harassment the group is exposed to by these guards. But what the day will be remembered for is the murder of one of their members.²

The struggle of the Panalsalan Dagumbaan Tribal Association (PADATA) which is named after the two Barangays (villages) in which many of the members of this indigenous peoples group are living in, dates back into the pre-Marcos era. Facing the fate of being driven of their land in the 1960s, the families organized in the group attempted many times to regain control of their farm lands on which their ancestors were living since time immemorial. What is anchored inside the Indigenous Peoples Rights Act of 1997 (IPRA), the right of indigenous peoples to their ancestral land as well as the right to be informed and consulted prior to any project that is to be launched on the

affected area, is in reality bypassed in many cases.

In the case of the Indigenous People (IP) group PADATA both, the rights to land as well as the principle of Free and Prior Informed Consent (FPIC) were undermined when the former ranch lessee Mr. Ernesto Villalon renewed his license at the Department of Environment and Natural Resources (DENR) in 2010, using a fake FPIC, given by a tribe that is not actually living in the area. In consequence PADATA is facing two struggles: While trying to claim the land of their ancestors they are also facing the harassments of the security guards, hired by the ranch lessee in the affected area to intimidate the group and to drive them of the land once again.³

© PADATA | Destroyed house, June 2011. The houses and cottages of the PADATA-group are systematically burned down.



1) Ancestral domain refers to areas generally belonging to Indigenous Groups since time immemorial.

2) This article is based on the first hand information IPON observers collected during extensive research conducted in the area between 2010-2012. The information was collected during multiple meetings with the local police, interviews with witnesses and other PADATA members as well as visits to the area and the accompaniment of PADATA at the mentioned rally in Malaybalay, Bukidnon.

3) For more details on the forms of cases of harassment of PADATA see the article: Albers, Carmen/Knappmann, Alexia: “Indigenous Group in Central Mindanao Struggles for Homeland” in: Observer: A journal on threatened human rights defenders in the Philippines” Vol. 3, No. 2, Dec. 2011, pp. 32-33.

The opponents are, however, very unequal. While PADATA is struggling for their land through peaceful means such as peaceful protest, rallies, sit ins, dialogues, law suits, police visits and blotters (police reports), they are facing a powerful and very well networked ranch lessee, willing to use any means to keep hold of the land, including violence against the indigenous peoples. How far he is willing to go, was clearly demonstrated on August 24, 2011 when one of the PADATA members was shot dead inside the ranch. The day started with two different protest actions. While one part of PADATA members was participating in a rally in Malaybalay, Bukdidnon, trying to get the attention and support of the Vice-Governor Jose Ma. Zubiri, Jr., a group of 26 other PADATA members gathered inside the area, answering the call by the security guards to what was supposed to be a dialogue to talk about the cases of harassment. The farmers participated in hopes of getting the allowance to return to their crops to harvest without the risk of the guards to shoot at them. However, as soon as they arrived at the meeting the guards started once again to harass them and ordered under the threat of arms to hand over their backpacks and bolos, which they use for farming. "They said it was for security reasons," one witness reported the next day. Welcie Gica, a 28 year old member of PADATA and father of two sons aging 3 and 4, arrived late to the meeting. When told by the head of security M. Ceballos to hand over the backpack he hesitated. According to the witnesses, it was then, when Ceballos opened fire and shot Gica twice. According to the autopsy report the victim succumbed to bullet wounds in the left armpit and neck and had an exit wound through his mouth.

Gica died of his wounds immediately. Back in Malaybalay it was almost the end of the rally, when the president and vice president of PADATA, who had been participating in the protest at the capitol, received the phone call and the information that one of their members had been shot dead. The information came as a shock to the group, which had just finished a dialogue with the Vice Governor about the cases of harassment. The next shock came the following day. The police, which had come to the area to bring in some of the security guards including the main suspect for questioning, had released all of them after around 8 hours, claiming that none of the witnesses had pinpointed one perpetrator or signed an affidavit, stating that it was in fact M. Ceballos who shot the victim. According to the witnesses however, when the police came to the area and arrested some of the guards, there were still many other armed guards, roaming around inside the village intimidating the witnesses and told them not to tell the police what happened. One of the eye witnesses claims, that she was offered 1,000 Philippine pesos in exchange for her silence, but she didn't take the money. They admit that they first were too scared to sign the affidavit; however, they also claim that they had told the police who shot Welcie Gica. Also two of the eye witnesses signed the affidavit in the next morning and therefore within the 36 hours, the time period in which the police is allowed to keep a suspect. However, at that time Ceballos as well as the other guards were already released from the police station. Even worse, they simply had returned to the area. The action taken by the police is therefore questionable. First of all, the suspects were released not after 36 hours, but within 8 hours after the

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The members of PADATA are constantly threatened by private security guards on the Villalon Ranch, Mindanao. Since 2011 they have to deal with serious cases of destructive arson.

- + June 2011 - 40 armed security guards open fire and burn down 23 houses; incidents are reported to the local police on the same day
- + June 2011 - no police investigation is conducted
- + June 2011 - more fire incidents
- + June 2011 - cases of destructive arson is filed by more than nine families
- + October 2011 - Provincial Prosecutor renders a resolution stating the case as probable cause
- + October 2011 - information is filed in the court
- + December 2011 - Warrant of Arrest against 14 security guards is issued
- + January 2012 - just two of the 14 accused are arrested
- + December until March 2012 - Warrant of Arrest has not been served; case is brought to national Human Rights Office in Manila by IPON
- + March 2012 - Regional Conference Meeting is held at the regional police headquarter; a two month-deadline is set to serve the Warrant of Arrest
- + February until March 2012 - Prosecutor reinvestigates the case of destructive arson





© IPON | Dozens of security guards with high-profile guns create an atmosphere of fear and insecurity, „Villalon ranch“, Bukidnon.

arrest. Also the argument, that the witnesses were not signing an affidavit immediately can be questioned as they were intimidated, a fact that should have been considered by the police, which had been informed about more than 30 harassment incidents in the months preceding the murder of Welcie Gica and was therefore very well aware of the climate of violence, fear and intimidation inside the affected area.

Vice Governor Zubiri called for two ad-hoc meetings the day following the incident. In the first meeting he urged the agencies, responsible for solving the land conflict, to take the necessary actions to solve the issue. In the second meeting he ordered the Chief of Police to take the necessary action, to protect the IPs in the area, and to restore peace and order. The NCIP, the agency responsible for making a decision regarding the fake consent used by the ranch lessee to apply for the renewal of the ranch license in 2010, finally annulled this fake FPIC in September 2011, and with this the legal basis for a renewal of a ranch license was annulled as well. However the DENR, the agency responsible to take action and to revoke the renewal of the license, hasn't done so until now.

While grateful for the support and action from the vice governor one question asked by one of the witnesses remains unanswered: “We had rallies, we went to the NCIP and DENR to protest. We reported the shootings and harassments to the police in the last months. So why is it that it needs a person dying for our voice to be heard?” Until today the group is still trying to get justice for the victim. The group participated in a protest camp, lasting almost three months in front of the DENR, trying to get the attention of the responsible agency to their cause. Sadly until today there is no reaction or decision by the agency, yet. Colegado, vice president of PADATA, participated in a two weeks visit to Germany, where she was able to inform the international public about their struggle during several meetings with German politicians, roundtable discussions and workshops.⁴ However, Ceballos who had returned to the area until finally on December 15, 2011 a warrant of arrest was issued against him for the murder of Welcie Gica, is now at large. ■

4) For more information on the visit of two human rights defenders in Germany, see the article by Dominik Hamann this issue, p. 36.