

# ASSERTING AND DEFENDING PEOPLE'S RIGHTS, EXERCISING PEOPLE'S SOVEREIGNTY



## **Asserting and Defending People's Rights, Exercising People's Sovereignty**

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IBON International  
3/F IBON Center  
114 Timog Avenue  
Quezon City 1103  
Philippines

Website: <http://iboninternational.org/>

Email: [international@iboninternational.org](mailto:international@iboninternational.org)

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Editorial Team: Lorelei Covero, Larissa Mae Suarez, Jennifer del Rosario-Malonzo

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# INTRODUCTION

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The need for increased recognition and genuine realization of the concept of people's rights has never been more urgent. Around the world, the narrative is one of political instability and unrest, systemic poverty, armed conflict, unsustainable economic growth, and environmental crises. These conditions have led to increasingly inhumane conditions for the poor and marginalized.

All this is evident in the Philippines, one of the most resource-rich countries in the world. It is also one of the most poorly governed, characterized by persistent socioeconomic inequality and a foreign stranglehold over the direction of its economic growth and national development. The majority of Filipinos are now bearing the brunt of decades of policies dictated by the national and global economic elite.

The matter of collective rights, held in common by social groups and nations, as opposed to individuals, is "premised on the concept of humans as social beings, who belong to distinct social groups and whose interactions are greatly shaped by their groups."<sup>1</sup> Especially in a country like the Philippines, where collective action is often the only weapon that laborers and peasants can wield against capitalists and landowners, the notion of people's rights is truly empowering. It posits the attainability of social transformation through a democracy founded on people's sovereignty.

## **Development narratives**

This book is a compilation of the experiences of people's organizations in the Philippines. From May-June 2016, IBON International held a series of People's Rights seminars, where a number of organizations shared how they had asserted and defended their rights in their own communities. This book collects those experiences, and serves as a continuation of the ongoing campaign to promote people's rights through education and other initiatives.

The eight articles in this book encapsulate the setbacks, triumphs, and lessons of each case story. They are worth sharing both with Filipino and

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1 IBON International. "Democracy Founded on People's Sovereignty."

international audiences, as they are a testament to the necessity of struggle. People's rights are not a given; they must be fought for, and claimed, and defended.

Three articles — from the regions of Panay, Samar, and Cotabato — tackle the struggle for people's rights in an environmental context, as communities were struck by calamities such as droughts and typhoons, while facing increased militarization and exploitation. The people in these stories speak of hunger, displacement, and violence, which they met with unified resistance. Meanwhile, two articles, set in Tarlac and Negros, focus on agrarian issues. Despite attempts at reform, in the Philippines, local elites continue to own vast tracts of land, while millions of Filipinos remain landless, bound to their landlords in a cycle of debt and poverty. Finally, stories from Compostela Valley and Laguna detail the oppression and mistreatment of workers, and their determination to organize and unionize, in order to assert basic labor rights such as the right to fair wages, job security, and safe working conditions.

The common thread is collective action. The sites of these stories are all among the country's poorest, and the communities involved have responded by asserting their collective people's rights. They have faced numerous setbacks. They have been harassed, threatened, and further exploited. And yet, their persistence has led to triumphs as well, which is the underlying message of these stories: the assertion that there are lessons to be gained from their experience. The importance of chronicling the Philippine experience of how people's movements are formed — the problems they face, and the successes they achieve — are crucial. They present pro-people alternatives to existing socioeconomic development paradigms. They present opportunities for meaningful engagement across communities, and even the possibility of forming new partnerships and support systems.

Change begins with empowering people and their organizations. This book hopes to increase awareness of such stories, and in doing so, take a step towards victory in the continuing struggle to assert, uphold, and defend people's rights.

**Antonio Tujan Jr.**  
Director, IBON International

# PEOPLE'S RIGHTS

# THE TUMANDOK'S UNWAVERING SPIRIT OF RESISTANCE

Soleil Santoalla

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The Tumandok, with a population of approximately 94,000, is the largest group of indigenous people (IP) in the Panay region, spread out in the different municipalities of Calinog, Jamindan, Lambunao, and Tapaz. They have long lived in the mountainous terrain alongside the banks of the mighty rivers of Jalaur and Pana-ay up to the borders of Capiz and Iloilo. The Tumandok people have a thriving, self-reliant subsistence economy, which consists mostly of communal activities such as kaingin farming, hunting, fishing, and foraging of roots and crops (Mongaya, 2014). They greatly benefit from the proximity of their communities to the natural wealth of mountain forests and rivers. The Jalaur River is the second largest river in Panay and the 17th largest river system in the Philippines in terms of drainage basin size. It provides the irrigation to 15,519 hectares of farmlands and serves as a source of potable water for the communities surrounding it.

The Tumandok have a rich cultural heritage that continues to flourish in their vast ancestral domain. “The oral tradition of the Tumandok people gives an account of their legends, community affairs, and agreements. They continue to sing or chant their epics or sugidanon in an archaic dialect called dagil or ligbok” (Mongaya, 2014).

## **History of struggle**

The Tumandok have survived and resisted hundred years of foreign invasion and local oppression since the Spanish colonization in the 1500s.

In the 1960s, the Tumandok faced eviction, harassment, and exploitation as the Philippine government turned 33,310 hectares of their ancestral land in Jamindan and Tapaz in Capiz province into a military reservation, including the headquarters of the 3rd Infantry Division of the Philippine Army, through Presidential Proclamation No. 67 (PP67) which reserves “for military purposes a certain parcel of the public domain situated in the municipalities of Tapaz and Jamindan, Province of Capiz” This continued from the 1970s to the 1990s, disrupting the lives of over 18,000 Tumandok in 17 communities. The indigenous

people were forced by the military “to pay the tumado or land rent for them to be able to stay and till their lands” (PNFSP, 2013).

The Tumandok, however, did not cower, and met the military with organized resistance. They are fighting to reclaim their ancestral lands, and calling for the expulsion of the 3rd ID-PA, through the formation of the Tumandok Alliance of indigenous peoples and non-IP members of the communities.

### **Anti-people developments**

The military response to the Tumandok resistance was a program of harassment, strafing, intimidation and other forms of human rights violations. “There were cases of death and injuries brought about by the military exercises carried out in the area. Indigenous women were often the target of the soldiers’ sexual harassment and innuendos. The military also tried to divide the Tumandok by recruiting them as paramilitary volunteers and by reviving old tribal feuds among rival tribes” (PNFSP, 2013).

The Indigenous Peoples’ Rights Act (IPRA) was passed into law in 1997. Yet the Philippine government, in connivance with multinational corporations and local landlords, continue to deprive the Tumandok of the two crucial rights granted by IPRA to indigenous peoples: the right to their ancestral domain, and the right to self-determination and liberation. The government has weakened and flouted IPRA with policies and laws such as the PP67 and the Mining Act of 1995.

The law most damaging to the Tumandok is Republic Act (RA) 2651, an act providing for the construction of the Jalaur River Multipurpose Project. Phase I of the project was “carried out from 1977-1983, funded by a loan from World Bank which rehabilitated four irrigation systems” (JRPM, 2015). The Philippine government is now intent on starting the implementation of the JRMP Phase II (JRMPPII). This PhP11.2 billion second phase will consist of a 102-meter high dam in Calinog town, an after bay dam, a catch dam, an 81 km high canal line that will connect the dams to existing irrigation systems of the province, rehabilitation of 5 irrigation systems, and a 6.6 megawatt hydropower plant.

The project is a joint venture between the Philippine government, which will cover PhP2.26 billion of the project, and the Korean Exim Bank, which will cover the rest of the costs as a PhP8.9 billion loan. “Project construction is set from 2013-2016, with the National Irrigation administration as lead agency in the implementation of the project (JRPM, 2015).”

According to the Tumandok Alliance, the JRMPPII will result in significant negative impacts to the affected IP communities and to the Filipino people as a whole. The minimal benefits are far outweighed by the grave costs of the project, such as:

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One year after Yolanda, we are still trying to get back on our feet. We Tumandok people ourselves are rebuilding our homes, recovering our farmlands, and moving on from the loss of our families. The government, for its part, only extended us a few kilos of rice, some noodles, and a few cans of sardines after this tremendous disaster.

**Marevic Aguirre**

Tumandok-Panay chairperson

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- High risk of landslide in the dam project site, damaging the natural resources of the area;
- Dislocation of a vast number of people, including IP and non-IP communities;
- High risk that the planned mega-structure will be affected later by the West Panay Fault;
- Aggravated and frequent flooding;
- Further privatization of water resources; and
- Bloating of the country's debt.

**Spirit of resistance**

In response to these threats, the Tumandok Alliance, environmental advocates, people's organizations, the church sector, the academe, and other members of the communities have launched the Jalaur River for the People Movement (JRPM).

Since 2012, the movement's active campaigning, alliance and lobby work have led to the delay of the construction of the mega dam, forcing the Korean Exim bank to withhold the release of funds "until all prerequisite documents are presented by the Philippine government" (JRPM, 2015).

To date, the JRPM is continuing its fight against the building of this mega-structure despite direct harassment, trumped up charges against IP leaders, and bribery by the Special Action Forces (SAF) and paramilitary groups. "The PhP11.2 Billion investment in the JRMP II would be put to better use by building small dams and rehabilitating existing irrigation systems, which are less risky. The money could also be used to provide assistance via giving farm inputs, equipment and credit facilities to farmers; and to improve flood control measures in flood-prone areas," according to the JRPM.

They are also supporting House Resolution No. 323 filed by Bayan Muna Rep. Neri Colmenares, urging the Philippine Congress to conduct an on-site investigation on the Jalaur Dam Project.

## Community of resilience

In addition to their struggle against government and paramilitary forces, the Tumandok proved their resilience after the onslaught of super typhoon Haiyan in 2013. Typhoon Haiyan affected an estimated 12,000 indigenous peoples in the provinces of Panay, Mindoro and Palawan. The Tumandok actively participated in a 2014 nationwide protest, which condemned the “criminal negligence of the government over the relief and rehabilitation of areas devastated by the super typhoon” (AIPP, 2014).

And in the midst of all their campaigning, the organization of the Tumandok launched a series of activities geared towards the rebuilding and rehabilitation of their communities, using “the dagyaw system of cooperation and collective work traditional to the Tumandok people.” Even with limited materials and support from the government, they relied on their own strength to rebuild their lives and go back to their ways of living.

The Tumandok people’s history of unwavering resistance and struggle for self-determination, rooted in the fight for the protection of their ancestral domain, is a testament to the primacy of people’s militant assertion of their collective rights. The Tumandok exemplify the stories of struggles, resistance and victories that inspire not only indigenous communities but also the Filipino people as a whole.

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# AFTER THE STORM: THE CONTINUING STRUGGLE OF EASTERN VISAYAS FARMERS

Larissa Mae Suarez

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During the last week of November 2016, a group of over a hundred farmers from Samar and Leyte arrived in Metro Manila. Their “Caravan against Hunger and Militarization” aimed to engage with the national government, and call attention to the continuing plight of communities still devastated by supertyphoon Yolanda (international name Haiyan), as well as the four other typhoons — Glenda, Ruby, Seniang, and Nona — which swept through the Eastern Visayas region over the past three years.

Yolanda was one of the strongest typhoons ever recorded. It left over 7,300 people dead, and 4.1 million displaced. It made landfall in one of the most impoverished regions of the Philippines, and even now, three years since it made landfall in Tacloban on November 8, 2013, the rural areas hardest hit by the supertyphoon continue to struggle with basic needs such as livelihood and housing.

“We have been hit by both natural and man-made disasters,” said Nestor Lebico Sr., the secretary-general of Sagupa (Samahan han Gudti nga Parag-uma ha Sinirangan Bisayas), an alliance of peasants and fisherfolk in Eastern Visayas. It has chapters in several provinces, including northern Samar, western Samar, Leyte, and Biliran.

In the aftermath of Yolanda, both the immediate relief efforts and the long-term plans for the rehabilitation of the region have been criticized by Sagupa and other local groups, such as People Surge, an alliance for Yolanda victims. The situation was worsened by the destruction left in the wake of subsequent typhoons: Glenda (a Category 5 supertyphoon, like Yolanda), Ruby (one of the worst storms to hit the country in 2014), Seniang (whose heavy rainfall led to severe flooding and over 60 deaths), and Nona (a 2015 typhoon which further hindered recovery efforts, causing billions of pesos in damage to agriculture and infrastructure).

Despite such developments, the peasant community in Eastern Visayas has remained committed to rebuilding. Andy Hagonoy, chairperson of the People Surge chapter of the 2nd district of Northern Samar and part of the Lakbayan caravan, said, “We do not need handouts or charity. We need the government to fulfill its duties to the people, to respect our rights and help us become self-sufficient.”

## **Failed recovery: corruption, incompetence, exploitation**

An estimated US\$865 million in aid — from contributions, pledges, and commitments from the United Nations, other countries, and the private sector — flowed into the Philippines in response to Yolanda, a level of funding that was “big, but not big enough,” according to a Devex report.

The deficit was less pronounced in immediate short-term assistance such as relief goods for Yolanda survivors, but it became more evident in the long-term recovery phase, in gaps for funding of food security, health, education, shelter, and livelihood. Aid was “not particularly sustainable over time,” and much of it went to international non-government organizations (INGOs), making it difficult to determine how much was subgranted to local organizations which were the ones that played key roles in aid implementation, based on Devex analysis.

The Philippine government spent far more on the Yolanda response, releasing up to P93.9 billion (US\$2.1 billion) from 2013-2015, sourced from the regular budget, savings, and unprogrammed funds. However, this did not translate into programs that could be felt at the grassroots level, especially by the peasant sector.

“Yolanda had a severe effect on the agricultural sector,” said Lebico. “But in fact, the problems of peasants began even before Yolanda and all the other typhoons hit us.”

In assessing the impact of Yolanda, IBON Foundation pointed to several factors that hindered the rebuilding process: “criminal negligence” on the part of the national government, the corruption and patronage politics at the local government level, and the fact that post-Yolanda efforts were the “most militarized disaster response” in recent history.

Around 70-80 percent of the region’s population is comprised of peasants, and the main crops are coconut, rice, abaca, corn, and root crops. Despite these rich natural resources, the local communities’ collective right to livelihood and food sovereignty had long been violated by the fact that over 70 percent of peasants are landless. The major landowners in the area include the Larrabals and Dazas.

Coconut farming is the main livelihood in Eastern Visayas, and the destruction of over 11 million of the region’s 12 million coconut trees had a lasting impact. It takes seven to ten years for a coconut tree to mature, and coconut production was significantly reduced due to Yolanda.

“Many farmers are mired in debt and pay out the majority of their earnings to their landlord,” said Lebico. For instance, if a farmer plants rice twice a year, 70 percent of the earnings from those crops will go to the landowner, while the farmer will absorb the cost of seeds, rent for tools and other materials of production, and irrigation, among others.

“We have no control over our crops, or over the land we have tilled for generations,” said Lebico.

Lebico also said that local peasants are also victimized by land-use conversion, as in Palo, where arable land is converted for industrial utility such as a solar farm. Another issue is mining, which causes environmental damage and lead to the displacement of farmers.

The force of Yolanda and the other storms that struck the region further devastated Eastern Visayas, wherein over three million people fall below the poverty line. Sagupa, People Surge, and other local organizations repeatedly stated that peasants were hardest hit by the supertyphoon, yet they were consistently the sector least considered by the government.



*Eastern Visayas farmers joined a caravan to Metro Manila to call on the national government to take the necessary steps to help the region recover from Yolanda and a string of other typhoons.*

“For example, when relief goods came, they would be taken to the towns and cities, and little to no goods would reach those of us in the more far-flung areas,” Lebico said. “The relief operations and later rehabilitation efforts were hampered by corruption, irregularities, and patronage politics, and the farmers and fisherfolk were always the ones the government didn’t pay attention to.”

The rehabilitation efforts in Samar have prioritized infrastructure such as streets in urban areas, while attempts to aid the peasants have sometimes done more harm than good. The Department of Agriculture, for instance, has promoted the planting and growth of cacao for export, “but what we really need is to plant for our own needs, to plant food crops such as rice, corn, and vegetables. These are the genuine needs of the people,” Lebico explained.

Pests have also become a more pressing problem since Yolanda, attacking crops such as abaca and coconut and causing further loss of income to the peasants.

“After Yolanda, there have been a lot more typhoons which hit us,” said Sagupa members, observing that the scale of aid and rehabilitation remained stagnant despite the continuing damage to the region.

Efleda Bautista, chairperson of the People Surge alliance — which has over 20,000 members, most of them Yolanda survivors — pointed to problems with

resettlement of the displaced people, and issues with government disaster-response projects.

The Department of Public Works and Highways (DPWH) launched the Tacloban-Palo-Tanauan Tide Embankment Project, which locals call “the Great Wall of Leyte.” Many of the residents in the government-declared No Dwelling Zones (NDZs) affected by the project have protested against the project, a P7.9-billion embankment that will stretch 27.3 kilometers, from Tacloban to Leyte, which would displace at least 10,000 families.

“The sea is where we get food for the family. There is no sea in the interior barangay in Palo where they want to dump us,” said Lina Escarlan, a member of Bakhawan (Baskug han Katawhan ha mga Komunidad nga NDZ), a group of NDZ residents protesting the DPWH project.

The project was planned and launched without consultation with local communities, according to People Surge. Bautista explained that the pretext for the project is protection from storm surges, but it is actually a means for eviction. Big businesses such as tourist hotels along the coast will be spared by the project, but fisherfolk will be displaced, moved from “danger zones” to “relocation sites that are basically death zones.”

These “death zones” have no running water or electricity, housing units are poorly constructed (with “hollow walls, dilapidated roofing, and damaged septage”), and cases of deaths due to heat stroke, diarrhea, dengue, and pneumonia have been recorded, reports People Surge.

“For the rich, the sea is for leisure, but for us fisherfolks and fish vendors, the sea is life,” said Escarlan.

Another major concern is the red-tagging of Sagupa members and other peasants, who narrate that they are often asked by soldiers if they are members of the New People’s Army. “Militarization is ongoing in Samar,” said Lebico. “It takes away time that could have been spent on work. It’s harassment, mostly, of people who are suspected of being sympathetic to the NPA.”

He added, “The military should help rehabilitation efforts, instead of further harassing the victims of the disaster.”

Sectors such as women and children have been severely affected by Yolanda. Women are hardest-hit by housing problems, while many peasant children simply cannot afford to enroll in school at any level, especially college. Malnutrition is also rampant in the region, based on health surveys.

### **Asserting people’s rights**

The storms that hit the region one after another are a catalogue of disaster. The locals narrate how superstorms Yolanda and Glenda destroyed infrastructure and agricultural fields, how Ruby and Seniang caused landslides and floods, how the high winds of Nora toppled fragile crops and houses. After every storm, pests like cocolisap, bugs, rats, and birds swooped in. And recently, the region also suffered through a “supercharged” El Niño, a drought which further delayed

the prospects of recovery.

“We are starving. Even the pests and the animals are starving,” said Hagonoy. Referring to their peasant caravan, he said, “That’s why we came here to Metro Manila. We’re not here to beg for charity. We are here to demand from the national government that they fulfill their duty to help us realize our rights.”

While Samar and Leyte-based organizations gathered enough funds to send around 100 farmer-representatives as part of the people’s caravan, over 500 more arrived from Negros, Panay, Bohol, Cebu, and Bicol regions. “These Lakbayanis are victims of human rights violations and farmers affected by the intense militarization conducted by the AFP,” said Kilusang Magbubukid ng Pilipinas secretary-general Antonio Flores. “The terror in the countryside is real. AFP battalions have been deployed to areas with strong peasant struggles to fight against land grabbing and land conversion.”

During the caravan, the farmers gained an audience with the Department of Agrarian Reform (DAR) and the Department of Social Welfare and Development (DSWD), although the Department of Agriculture proved less willing to listen. The caravan also joined KMP in pushing for the House of Representatives to pass the Genuine Agrarian Reform Bill (GARB), to supplant the “bogus-and pro-landlord Comprehensive Agrarian Reform Program that has been used by landowners to re-concentrate lands and evade actual land distribution to the farmers,” said Flores.

The worsening hunger in the Eastern Visayan region — conservative estimates place hunger incidence in the area at 45 percent — has propelled calamity survivors to push for “new and genuine redistributive land reform as a more long-term solution to rural poverty. “Even before Yolanda, we were one of the poorest regions in the country,” said Lebico. “Recovery and long-term sustainable stability is impossible as long as the agriculture and fisheries sector in the region remains neglected.”

In addition to these measures, Sagupa has also continued the campaign to assert people’s rights in various provinces, and set up cooperatives to aid local farmers in the recovery and rehabilitation process. They encourage and take part in “tiklos” or “bayanihan farming,” wherein the members of a community all pitch in to help each other with farm work. Sagupa also ensures the conduct of regular general assemblies in their chapters and affiliated organizations, to discuss local issues and form a united agenda in addressing their problems, such as the conduct of campaigns and livelihood activities.

“Our goal is to become self-reliant,” said Lebico. Sagupa’s collectives are spread across four provinces. “We cannot say that we have managed to recover from Yolanda and the other storms but we are pooling resources such as seeds and farm tools to help each other survive.”

According to Sagupa, farmers are often last in the consideration of local government when it comes to housing, relief goods, and cash disbursement, which means the peasant community must rely on its own collective action to get through the aftermath of calamities. “Through our cooperatives, we are able

to plant more, and keep our earnings for ourselves, and plant crops for our own consumption,' said Lebico.

Sagupa has grown from 4,000 to 7,000 active members since Yolanda. Lebico said, "We have helped facilitate relief and medical operations, distribute seeds, and form alliances with national groups to call attention to our plight."

Sagupa and People Surge have taken the lead in major protest actions to criticize the failed Yolanda relief efforts, and served as watchdogs for local government in its implementation of calamity-related programs.

The demands of the peasant caravan are simple: distribution of seeds, technical assistance and equipment to farmers and fisherfolk, a two-year moratorium on payment of irrigation fees, and genuine land reform. "Right now, thanks to Yolanda and the other storms, and because of the corruption and incompetence of local government, we are finding it hard just to survive," said Lebico. "We want the government to fulfill its duty to develop the agriculture and fisheries sectors in Eastern Visayas. In turn, we will do our part to become self-reliant."

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# THE NXP WORKERS' STRUGGLE

REAFFIRMING WORKERS' COLLECTIVE POWER IN THE ERA OF NEOLIBERAL GLOBALISATION

Ivan Phell Enrile

On the afternoon of May 5, 2014, Cathy Oñate received a text message saying that she, along with 23 other executive council officers of the NXP Semiconductors Cabuyao Inc. Workers Union (NXPSCIWU-NAFLU-KMU), had been terminated by the company management. The reason cited was their participation in an “illegal strike” on three official non-working holidays.

The union office was filled with mixed emotions that afternoon. Some were crying. Many were infuriated.

“I told them not to feel depressed because we (the officers) are not the union. You (union members) are still inside (working). The company should be more afraid because we will definitely not let this one pass,” Oñate recalled.

The workers of NXPSCI decided to challenge the termination. Despite threats and violence, they seized their collective will and power to claim their rights and defend the gains won by the union in past years.



“We didn’t want this to be a precedent wherein workers who refused to work on holidays were dismissed. If we accepted the settlement offered by the management, they would use this against the rest of our union members who also did not work overtime on those holidays, and before we knew it, we would no longer have a union in NXP,” Cathy stressed.

## Union organizing amid corporate restructuring

NXP is a global leader in the semiconductor and electronics industry, producing microchips and supplies parts for big brands such as Apple, Bosch, Continental, Delphi, Huawei, Panasonic, Samsung, Siemens, among others. It has presence in 23 countries and employs approximately 45,000. Its branch in the Philippines, NXPSCL, has a total workforce of 5,000, but only 1,500 are regular employees.



NXP was formerly a division of Philips Semiconductor, until it was sold to a consortium of private equity investors in 2006. The corporate buy-out was driven by the decline in the semiconductor business and the decreased market demand, owing to the global crisis of overproduction in the information technology sector.

The resulting corporate restructuring posed several difficulties that aggravated the predicament of NXP workers. The new management that came out of the merger closed divisions of the plant, resulting in massive lay-offs. Early retirement packages were dangled before workers who already had security of tenure, including union leaders. Contractualization became rampant, leading to decreased union membership.

In 1995, the company transferred its operation from its original plant in Las Pinas to the Light Industry Science Park I (LISP I) in Cabuyao, Laguna. LISP I is a special economic zone administered by the Philippine Economic Zone Authority (PEZA). Companies in special economic zones not only enjoy special privileges such as tax and tariff relief; they are also guaranteed “industrial peace” which, in most cases, means exemption from national labor laws. They also spend 40 percent less on labor costs, as provincial wage rates are cheaper than in Metro Manila.

The transfer to the ecozone posed several difficulties for union organizing in NXP. A de facto “no-union, no-strike” policy prevails in many of these enclaves.

Workers are compelled to sign waivers against forming or joining unions prior to hiring. Union leaders are blacklisted for future jobs in the economic zones. Intensive policing inside the zone are conducted, with workers going through layers of security measures like gate passes and identification cards.

“Economic zones exist like ‘independent’ kingdoms without respect for Philippine labor laws. In many cases, even the Department of Labor and Employment cannot enforce the law inside these eco-zones let alone hold PEZA and companies responsible for their violations of workers’ rights,” said Daisy Arago, executive director of Centre for Trade Union and Human Rights.

All these are textbook cases of attacks against workers rights in the era of neoliberal globalization. And all these have been fought against by the workers of NXP, testifying to the power of workers’ collective and organized action. It has withstood the onslaught of neoliberal globalization that has decimated many workers’ unions in the Philippines.

“In its 33 years of existence, the NXPSCIWU-NAFLU-KMU has never wavered in advocating for the interest, rights, and wellbeing of its constituencies. It has been able to conclude a number of collective bargaining agreements and secure economic benefits for the NXP workers,” said Mary Ann Castillo, NXP worker and union leader.

### Plain act of union busting

Such concessions did not mean that NXP became any less profitable. On the contrary, according to analysts, in 2014, NXPSCI posted a rather high gross profit margin of 55.92 percent. From 2009 to 2013, its quarterly profit margin on average was 45.5 percent.



Citing the company’s profit margin, the NXP workers’ union pressed for an eight percent hike in their wages (just a notch higher than the seven percent hike they received in the previous CBA) and the regularization of long-term

contractual employees. These were the contentious issues in the negotiations for a new collective bargaining agreement between the management and the union in November 2013.

The NXP management was adamant in its refusal to budge on workers' demands, invoking its global policy of no-wage increment higher than 3.5 percent.

The union countered that a 3.5 percent wage hike in Europe was miles apart from a 3.5 percent wage hike in the Philippines. A 3.5 percent increase meant a mere P25 hike while an eight percent increase meant a P60 hike.

"The wage hike we were asking for may buy us a kilo of rice, but the NXP management insisted on just half a kilo," said Onate.

Regarding the question of regularizing contractual employees, the management argued that it had to uphold contracts with service agencies that provide contractual labor to the company. Reden Alcantara, former NXPSCIWU president, on the other hand, believed that contractualization was a scheme to undermine the union.



"The mass hiring of contractual workers was a preparation for a strike in case the negotiations failed and the workers were forced to go on strike," Alcantara said.

The massive hiring of contractual workers started just before the fresh round of CBA negotiations in November 2013. Prior to the negotiations, NXP's estimated workforce was 2,600, of whom 1,966 were regular direct and indirect laborers. Only around 600 were contractuales. But in the span of a few months, the total number of contract employees multiplied three-fold, from 600 to over 2,000.

The dismissal of the 24 union officials came on the heels of the deadlock in the new CBA negotiations that sought to resolve these pertinent issues. The dismissal was suspect because the NXPSCI management had never filed a case of “illegal strike” against workers for not reporting to work during holidays. And while it was legal for the management to ask workers to go to work during holidays as long as the pay is doubled, workers’ absence could not be invoked to justify massive retrenchment and file cases of illegal strike.

For Castillo and the rest of the workers, the move was clearly intended to decapitate the union of its leadership, weaken the bargaining power of the union, and skirt around the demands of the workers.

### **Creative forms of struggle**

The repressive atmosphere in ecozones did not hinder the workers from protesting against the NXP management.

The NXPSCIWU, Kilusang Mayo Uno (KMU), and other independent workers’ organizations, along with other sectors, held numerous protest actions, caravans, and noise barrages. On May 15, around 1,000 NXP workers staged a protest to decry the illegal termination of the 24 union leaders amid the ongoing CBA negotiations. They managed to breach police barricades and hold a protest rally at the company’s compound inside the LISP 1. Successive protests of similar intensity and scale were repeated in the ensuing months.

They also conducted other forms of protests such as coordinated ribbon and T-shirt wearing in the factory. In some instances, workers refused to board shuttle services so they could hold union gatherings.

“It has been a tradition for us that, during workers’ birthdays, pictures of celebrants are flashed on the TV monitor in the canteen and we erupt into a birthday song. We took advantage of this and made noise and shouted slogans after the birthday greeting to go around the ban on noise barrages,” said Castillo.

“There was also a time when Rigby Hall, the CEO of NXP, visited the worksite. Of course, the local management wanted to insulate Mr. Hall from the protest of workers inside. So there was strict inspection of entering workers to make sure that no streamers or posters were brought inside. But our co-unionists were determined and creative; they used scrap cardboards and wrote calls on them. They fanned themselves using those cardboards while Mr. Hall went around inside the factory,” Onate added.

Surrounding communities also supported the workers during these times. Barangay officials lent their halls as meeting place for the dismissed union officials. Organizations of government employees, teachers, women, youth, urban poor, and many others from different regions joined caravans to LISP 1.

International labor organizations, alliances, and networks also voiced out their solidarity. Thousands of signatures were gathered from workers and



through the united assertion and action of the entire workforce of NXP, through the union,” Castillo said.

### **Triumph of workers’ unity**

Despite these maneuvers, the power of collective action and unity of the workers’ unity prevailed. In late September 2014, the union, with the intervention of the National Conciliation and Mediation Board (NCMB) of the Department of Labor and Employment (DOLE), finally reached a settlement with the management.

Half of the dismissed union officials received separation pay, while the other half were retained. In addition, the NXP management agreed to a 5.25 percent wage increase. Around 200 contractual workers were regularized. Furthermore, all legal cases related to the strike were withdrawn.

It was a necessary compromise for the union leadership. It was a palpable demonstration of how collective rights assume primary importance over individual welfare and gains.

“For the rest of us who lost our jobs, we had to swallow this bitter pill to save the union and the jobs of our colleagues,” said Alcantara.

After the CBA signing, the number of newly signed contractual workers decreased, as well as the level of security forces deployed at workers’ pick up points to and from the LISP-1 gates to NXP plant and the number of police forces deployed near enclave stations.

Beyond securing economic benefits for the workers, the NXP workers’ struggle was significant on a number of levels.

The NXP workers’ struggle broke the impasse in the workers’ movement in the Philippines, particularly in ecozones, where combined policies of neoliberal work flexibilization and repression have notably weakened unions.

The united workers’ forces decisively defeated the union-busting attack of the NXP management. The NXP workers firmly grasped the importance of the union in providing them a powerful, collective voice to convey their demands and protect the fruits of their hard-earned struggles.

The impacts of the NXP workers’ struggle were also felt in neighboring factories and ecozones. It reaffirmed that unions remain the best available collective defense of workers in times of need.

“More and more workers in the economic zones are forming unions. Some have approached us for consultations on how to go about issues in their own workplace. Last year, a new union inside the economic zone won a certification election,” Castillo said.

The NXPSCIWU was instrumental in providing capacity-building activities for workers’ unions in other companies in the ecozone, organizing a number of trainings, workshops, and educational discussions. They have also joined

campaign initiatives against work contractualization in the country.

The NXP workers are conscious that whatever gains they achieved under the current dispensation was fragile and temporary. They remain vigilant, and continue to protect their rights by strengthening their union and consolidating their members.

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# NXPSCIWU

## A BRIEF HISTORY

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The NXPSCIWU is one of the oldest and biggest unions in the Philippines. It is also one of the few unions in the country's special economic zones.

The first workers' union in NXP (then Philips), originally called Philips Components Philippines, Inc. Workers' Union, was established on December 1, 1982, at the original plant in Las Piñas. Since its inception, it has been aligned with the National Federation of Labor Unions (NAFLU) - Kilusang Mayo Uno (KMU). The original line up of union organizers was composed of technicians and quality inspectors.

The transfer of the company location to LISP 1 in Laguna prompted the change in the union's name to Philips Semiconductors Workers Union - NAFLU - KMU. Its current name NXP Semiconductors Cabuyao Incorporated Workers Union was finally adapted when Philips Semiconductors was sold to a consortium of private equity investors in 2006.

For three decades, the union and the management concluded more than 10 Collective Bargaining Agreements (CBA). The union fought not only for increases in workers' wages, but also for a number of economic benefits NXP workers continue to enjoy today. These include the daily meal subsidy, rice subsidy, education subsidy, and out-of-patient subsidy. There is also a free shuttle service for LISP 1 for workers living in Manila and nearby provinces.

Workers are also secured with Personnel Protective Equipment (PPE), which is regularly monitored by the union's

Health and Safety Committee. Workers who have been given disciplinary action by the management can seek assistance from the union's grievance committee.

The union did not only face attacks from the management. It was also undermined by internal weaknesses. For 28 years, the union only had one set of leadership.

In 2006, the NXP management implemented a Management-Determined Separation Program (MDSP), which union members saw as a form of union busting. However, some of the union officials themselves availed of the program.

In May 2009, the union, heeding the popular clamor of the members, staged a series of protest actions when the management reneged on its commitment to grant wage increase as provided by the CBA. Around 80-90 percent of the workers in one shift participated, but the union president and other members of the Executive Board were missing in action.

These instances precipitated unrest among the union membership. By August, a call was made to hold local elections. Incumbent union officers and the NXP management pushed for term extension until 2011, but this was rebuffed by the majority of the union. The local elections were held and a new set of officers roundly defeated the incumbents.

The NXPSCIWU's experience is a testament to the importance of vigilance, collective action, and the wise use of democratic processes to ensure, protect, and advance workers' rights and meet challenges ahead.

# BIGWAS

## BANANA WORKERS' FIGHT AGAINST CONTRACTUALIZATION AND MILITARIZATION

Bryan Ziadie

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The workers of Banana Industry Growers and Workers Against Sumifru (BIGWAS) have formed as an alliance of nine different unions of workers throughout the production chain of Sumifru Philippines, Inc. in Compostela Valley, Mindanao. This has enabled them to achieve success in resisting Sumifru's egregious union-busting tactics, to obtain immediate victories, and to strengthen their ability to defend workers and human rights in the face of serious challenges. Their successes bolster the larger struggle for people's rights and against poverty, landlessness and oppression.

### **Background: Sumifru profits at the expense of the local community**

Sumifru Philippines, Inc., a subsidiary of Sumitomo Corp., is the largest importer of Cavendish bananas in the Japanese market, one of the largest markets for the product in the world. According to the Davao Chamber of Commerce, Sumifru is one of the most influential actors in banana production in the Philippines. Its share of output by members of the Philippine Banana Growers and Exporters Association (PBGEA) was 22.49% in 2007 (second to Dole at 32.58%).<sup>1</sup>

The gross profit for the Sumitomo Corp. business unit responsible, *inter alia*, for fruit products (US \$2.53 bn.)<sup>2</sup> is comparable to the GDP of the African country Lesotho (US \$2.22 bn. in 2014). Despite these huge profit margins, the Sumifru workers struggle to support their families, often earning below the mandated regional minimum wage (₱307 or US \$6.35). In Davao Del Norte, Compostela Valley, for example, rank-and-file workers typically earn ₱274–₱310 per day (34.7%–39.3% of a recent estimate of the Family Living Wage (FLW)), while subcontracted workers can expect to earn ₱100–₱250

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1 Joy Hasmin De Los Reyes and Wim Peluassy (2009), *Agrarian Reform in the Philippine Banana Chain*, (Antwerp: Institute of Development Policy and Management), <http://www.ua.ac.be/objs/00244261.pdf>, accessed 3 Oct. 2016.

2 Sumitomo Corp. (2016), *Annual Report 2016* (Tokyo: Sumitomo Corp.), [http://www.sumitomocorp.co.jp/files/topics/29544\\_ext\\_01\\_0.pdf](http://www.sumitomocorp.co.jp/files/topics/29544_ext_01_0.pdf), accessed 28 Sept. 2016.

(12.7%–31.7% of the FLW).<sup>3</sup>

Sumifru's presence in the Philippines has, furthermore, been surrounded by controversy due to its great market power, its history of union-busting activities — especially contractualization — and its active role in fostering a repressive environment in which labor leaders are harassed and have been murdered (see Box 1).

Sumifru bananas, including its highland banana brands Gracio and Natural Kingdom, are predominantly produced by a number of firms owned by the Soriano family. These firms also provide port and other services. Soriano-owned firms with Sumifru contracts include: Davao Fruits Corp., Fresh Banana Agricultural Corp (FBAC), Cabadbaran Fruits Corp., Soriano Fruits Corp., and AMS Upland Ventures Corp. These have actively participated in Sumifru's union-busting activities.

### **Assertion of Rights and Impact: Forming BIGWAS**

On 23 March 2015, Sumifru adjusted its payment scheme for thousands of workers, replacing the hourly wage rate with a piece-rate system. Most of these workers were already earning meager wages (as mentioned above) and working excessive hours.

Before the adjustment, a 16-hour workday yielded ₱660.25 (US \$13.82). After the implementation of the piece-rate system, workers found in some cases that the same duration of work yielded ₱383–₱430 (US \$8.6–US \$9.6)—i.e., almost half of their earnings under the hourly rate. In other cases, work under the piece rate system yielded earnings even below the mandated regional minimum wage. President of the Nagkahuisang Mamuo sa Suyapa Farm<sup>4</sup> Vicente Barrios stated that 10 days of work at the hourly rate used to earn him ₱6,000, while under the new scheme the work amounted to ₱2,700.

It's not surprising then that the workers demanded the immediate revocation of the piece-rate system and called for the Department of Labor and Employment (DOLE) to intervene. Because DOLE lagged in its response, the workers picketed at the National Conciliation and Mediation Board (NCMB). By this time, the workers had already conducted many forms of protest, including picketing at the Sumifru Corporate Office at Pryce Tower in Davao City. Because Sumifru workers were members of different unions, they coordinated by means of a newly formed alliance: Banana Industry Growers and Workers against Sumifru (BIGWAS).

BIGWAS members included workers from packing plants 90, 92, 95, 99, 340, 115, CPI, 241 and 244, each of which was the site of localized protests.

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3 CTUHR (2013), The Labour and Environmental Situation in Philippine Banana Plantations Exporting to New Zealand, (Auckland: Oxfam New Zealand), <https://www.oxfam.org.nz/sites/default/files/reports/Condition-s20in%20Philippine%20Banana%20Plantations%20Exporting%20to%20New%20Zealand%20%282%29.pdf>, accessed 3 Oct. 2016.

4 United Workers of Suyapa Farm.

Around 400 workers were actively involved. It was because of their direct and militant approach that BIGWAS, after two weeks of protest, was able to obtain a compromise agreement, presided over by the NCMB. On 22 April 2015, Sumifru agreed to restore the hourly rate and pay the salary differentials in full.

Three months later, however, Sumifru violated the clause in the agreement explicitly guaranteeing that the company would take “no retaliatory action.” The 147 workers of plant 90 arrived on 1 June 2015, to find the building on lockdown, allegedly due to a rent dispute between Sumifru and the landowner. The workers were subsequently instructed, on 3 June, to report for work at a nearby mini packing unit (MPU 230-A) until the rent issue was resolved. Yet on 8 June, the guards, following management’s orders, turned workers away from the premises without explanation. The 147 workers were informed of their dismissal.<sup>5</sup>

Once again, workers were quick to act. On 10 June 2015, the plant 90 workers launched a full-on strike. In support, the workers of packing plant 92 launched a “sympathy strike.” BIGWAS as a whole, meanwhile, issued a warning that the other unions in the alliance would also go on strike if the 147 dismissed workers of plant 90 were not reinstated soon. The strike continued for nine days before Sumifru bowed under the pressure, and signed a Memorandum of Agreement (MOA). The 147 workers were reinstated and management again formally promised not to seek retaliatory action.<sup>6</sup>

### **People’s Sovereignty: Developing the capacity to fight militarism and contractualization**

While the short-term impact was the

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5 Marya Salamat (2015), “Workers slam Sumifru’s ‘union-busting’ scheme,” *Bulatlat*, 16 Jun., <http://bulatlat.com/main/2015/06/16/workers-slam-sumifrus-union-busting-scheme/>, accessed 3 Oct. 2016.

6 Marya Salamat (2015), “Sumifru banana workers regain jobs after 9-day strike,” *Bulatlat*, 19 Jun., <http://bulatlat.com/main/2015/06/19/sumifru-banana-workers-regain-jobs-after-9-day-strike/>, accessed 3 Oct. 2016.

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## **SUMIFRU UNION LEADER THREATENED AND AMBUSHED<sup>1</sup>**

The current President of the Nagkahuisang Mamuo sa Suyapa Farm, Vicente Barrios, has been repeatedly and gravely threatened, and survived several assassination attempts. In December 2006, while on the way to work, he and fellow workers were ambushed. Three of the workers, including Barrios, were wounded. One of them was killed. This occurred only a few months after armed and unidentified men had entered his home, pointing a gun at him, although they were apparently scared off when made aware of the presence of others in the house. Each of the assassination attempts followed moments of worker resistance to oppressive policies. These and other incidents of worker harassment became the subject of an ILO High Level Mission in 2009. Until now, however, Barrios’s assailants remain unidentified, and his life remains at risk.

In 2014, a month-long struggle had led to a compromise agreement in which Barrios and others (then unjustly terminated) were allowed to return to work and promised back wages. However, the Sumifru subcontractor Jesus Jamero refused to comply with the wage payment according to the schedule outlined in the agreement. When around one hundred workers picketed his residence, Jamero fired a warning shot and threatened them, particularly Barrios, at gun-point. Charges against Jamero were filed and eventually settled at the barangay level.

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1 Kilusang Mayo Uno (2014), “Trade Union and Human Rights Southern Mindanao Region Fact Sheet Form,” Annex E, (Manila: KMU).

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successful resistance against the piece-rate system (one of many forms of contractualization) and the reinstatement of the 147 dismissed workers, the potential long-term gains must also be recognized. The formation of BIGWAS represents a unification of different worker organizations, each of which brings significant experience in responding to various forms of worker repression. As mentioned above, two prominent forms of such repression are militarism and contractualization.

Secretary General of NAFLU-KMU<sup>7</sup> Tony Pascual has said that the military and other armed, hooded men frequently use acts of violence to deter workers from exercising their rights of association, organizing, and collective bargaining. This is despite the fact that the Philippine government has ratified ILO Conventions 87 and 98, which, along with the Philippine Labor Code, provide the legal basis for these rights. A climate of impunity has prevailed, especially since the assimilation of industrial relations and the GRP's counterinsurgency program Oplan Bayanihan under former-president Benigno Simeon Aquino III. This has enabled, and continues to enable, the systematic violation of worker's rights and human rights under the guise of security.

In such a context, the workers of Sumifru face great challenges (see Box 1). But their unions and organizations have proved invaluable in serving as a support system and providing resources. For instance, they utilized these resources to gain the attention of the ILO, which responded by making the militarized harassment of Sumifru workers and other workers in Compostela Valley the subject of a 2009 High Level Mission<sup>8</sup>. Their heightened unification in the form of BIGWAS is in itself, then, an important achievement.

While "labor-only" contracting is prohibited under Article 106 of the Labor Code, the DOLE's Department Order (DO) 18-A-11 effectively sets the definition of the term. Instead of contributing to the defense of worker rights, the order (like its predecessors) has served to enable the ever-expanding regime of labor contractualization. In the case of Sumifru, the level of contractualization is indicated to some extent by division of workers across the many distinct Soriano-owned firms. However, the problem is much greater, as the banana industry is notorious for its use of middlemen and other forms of extended contractualization and informalization. Sumifru workers have a long-standing court case for their regularization and now seem hopeful that, after the formation of BIGWAS, there is a greater chance of realizing this ambition.

The successful resistance of BIGWAS against the piece-rate scheme proved to be an instructive model for the banana workers of the Kuwait-based

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7 National Federation of Labor Unions—Kilusang Mayo Uno.

8 Marya Salamat (2009), "High Hopes for ILO's 1st High-Level Mission to the Philippines," *Bulatlat*, 15 Sept., <http://bulatlat.com/main/2009/09/15/high-hopes-for-ilo%E2%80%99s-1st-high-level-mission-to-the-philippines/>, accessed 3 Oct. 2016.

Musahamat Farms, Inc. In Pantukan, Compostela Valley, the union MWLF-II-NAFLU-KMU fought alongside 52 contractual workers who, upon the expiration of their contracts, refused to sign a new one and instead asserted their right to regularization, in accordance with the law. This assertion was made, again, in the face of violent repression. On March 28, 2016, the workers of the union overwhelmingly voted in favor of a strike over the issue, and established a workers camp in anticipation. On April 2, during a protest action (just hours after the Kidapawan violence), the workers were fired upon by unidentified gunmen who just narrowly missed three of the workers. By April 12, however, the workers succeeded in obtaining an agreement with management for the regularization of the 52 workers<sup>9</sup>.

### **The Struggle Continues**

The unity among the nine different Sumifru workers unions is necessary, as there remain significant challenges ahead. Sumitomo Corp. continues to fail to respect Philippine labor laws. On 10 February 2016, BIGWAS presented to Sumifru President Paul Cuyegkeng a statement airing the following grievances<sup>10</sup>:

- The piece-rate wage scheme in all packing plants, which remains in force despite the DOLE-mediated agreement regarding the suspension of such scheme;
- The widespread practice of contractualization, coursed through different labor cooperatives and/or labor agencies, in order to skirt the law on regularization and evade employer-employee relations;
- The continued use of the post-harvest pesticide Omega in the packing plants, which has poisoned workers, and the non-provision of adequate personal protective equipment (PPE) to handle such toxic chemical;
- The disregard for workers' safety as the company lets workers shoulder the cost of uniform, physical examination and PPEs;
- The continued refusal to bargain with the sole and exclusive bargaining agent in AJMR Port Services, AJMR Labor Union-ADLO-KMU — despite the decision of the Bureau of Labor Relations finding the union's affiliation to ADLO-KMU valid — and the use of threat and intimidation against union members.

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9 Marya Salamat (2015), "Banana workers lift strike notice, 52 contractual workers to be regularized," *Bulatlat*, 16 Apr., <http://bulatlat.com/main/2016/04/16/banana-workers-lift-strike-notice-52-contractual-workers-to-be-regularized/>, accessed 3 Oct. 2016.

10 Zea lo Ming C. Capistrano (2016), "Labor woes hound banana exporter Sumifru," *Davao Today*, 12 Feb., <http://davaotoday.com/main/human-rights/labor-woes-hound-banana-exporter-sumifru/>, accessed 3 Oct. 2016.

It is clear from the statement that, despite the company's persistent participation in the violation of both labor and human rights, BIGWAS is not intimidated. Ever prepared to defend its members' rights and wellbeing, BIGWAS declared that workers were ready to launch large protests and strikes in order to make Sumifru accountable.

But it is also clear that the actions of Sumitomo Corp. make up only (a significant) part of a much larger problem. Sumitomo Corp. is joined by Dole and Del Monte in expanding their plantations and encroaching on peasant communities and ancestral lands of indigenous peoples such as the Lumad throughout Mindanao. Military and paramilitary groups have been identified as instruments in the expansion, which reportedly led to the forced eviction of 40,000 Lumad. From 2005–2014, the land area of such plantations increased by 79% according to research done by the newly-formed Resisting Expansion of Agricultural Plantations in Mindanao (REAP Mindanao Network)<sup>11</sup>. Furthermore, the current Secretary of the Department of Agrarian Reform (DAR) has said in the past that the expansion of these plantations, which seize ever-increasing amounts of land for export rather than domestic production, poses a serious threat to food security in the region<sup>12</sup>. It is therefore important to see the struggle of BIGWAS as part of this larger struggle.

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11 Satur C. Ocampo (2015), "Big plantations in Mindanao create big problems in Mindanao," *Philippine Star*, 31 Oct., <http://www.philstar.com/opinion/2015/10/31/1516822/big-plantations-create-big-problems-mindanao>, accessed 3 Oct. 2016.

12 Ronalyan V. Olea (2015), "Expansion of agricultural plantations threatens Mindanao people's survival," *Bulatlat*, 29 Oct., <http://bulatlat.com/main/2015/10/29/expansion-of-agricultural-plantations-threatens-mindanao-peoples-survival/>, accessed 3 Oct. 2016.

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# PEOPLE'S SOVEREIGNTY

# TUG-OF-WAR

## THE HACIENDA LUISITA PEASANTS' UNWAVERING EXERCISE OF WILL AND POWER IN CLAIMING THEIR RIGHT TO LAND, TO LIFE

Lyn Angelica Pano

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Hacienda Luisita is a controversial 6,453-hectare sugar estate, covering 11 villages in three towns of Tarlac province, which serves as the economic base of the Cojuangco-Aquino political dynasty. It is a classic example of the failures of the government's Comprehensive Agrarian Reform Program (CARP). It is the site of the notorious Hacienda Luisita massacre, for which, to this day, there has been no justice. And, most importantly, it is fertile ground for people-powered agrarian reform.

The struggle in Hacienda Luisita is that of peasants who have been enslaved in their own land for centuries under Spanish colonial rule and for decades more under the immensely powerful Cojuangco-Aquino clan. Despite the feudal despotism of their landlords, the peasant workers of Hacienda Luisita have persisted in their struggle, developing into a community well-versed in the militant exercise of their collective will and power, and united in claiming their right to the land which they have tilled for generations.

### **History of the hacienda and struggle**

It began when the original Spanish haciennero's lease contract neared expiration coupled with their growing fear of the increasing Huk rebellion. The peasants started asking the government to purchase the estate with public funds so that it could be distributed to them. But the government, then headed by President Magsaysay, encouraged and helped Jose Cojuangco Sr., owner of Tarlac Development Corporation (TADECO), to secure a foreign loan and use public funds to purchase the estate on the condition that it will be distributed to small farmers after ten years. But before closing the loan with the Government Security and Insurance System (GSIS), Cojuangco got the condition amended. The provision for sale was changed, stating that land "shall be sold at cost to tenants, should there be any."

Over the next decades, the Cojuangco-Aquinos amassed wealth and power, even reaching the Presidency twice, with Corazon "Cory" Cojuangco-Aquino and her son Benigno "Noy" Aquino III sitting in Malacañang. Many worker and peasant leaders were killed, and many others disappeared — but the land remained with the TADECO. They claimed there were no tenants to give it to. Worse, elderly farmworkers recall that Benigno "Ninoy" Aquino Jr., the first

farm administrator, coddled and used bandit elements as private army to thwart renewed petitions for land distribution and quell dissent.

In 1986, 'Democracy' icon Cory Aquino was catapulted to the presidency through the historic EDSA People Power uprising. The centrepiece of her program was agrarian reform. On January 23, 1987, however, peasants marching towards the Presidential Palace for genuine agrarian reform were gunned down in cold blood, leaving 13 dead and more than 50 shot and injured in what is now remembered as the Mendiola Massacre. Florida Sibayan, farmworker and current chairperson of the Alliance of Farm Workers of Hacienda Luisita (AMBALA), regretfully recalled being in EDSA to support Cory, believing that their kababayan would indeed distribute lands to the farmers. The following year, moreover, President Aquino's clan successfully had the court revert the previous administration's decision to cede the Hacienda to the government for distribution to the people.

What peasants saw next under Cory was CARP, an "agrarian reform" program riddled with loopholes that would allow the Cojuangco-Aquinos to keep ownership of Hacienda Luisita. One such loophole was the Stock Distribution Option (SDO) that allowed them to distribute stock shares — basically, pieces of paper — instead of land. The Cojuangco-Aquinos created Hacienda Luisita Inc. (HLI) in 1988 to implement the SDO scheme. However, farmworkers did not receive their full annual shares because the SDO scheme mandated that HLI management limit manual work to a maximum of only two days per week (80 days a year). This translated, essentially, to joblessness. The Cojuangco-Aquinos then used this widespread joblessness to justify land use conversion and the sale of agricultural assets, arguing that commercial centers and industrial parks would "generate jobs" for Hacienda Luisita residents.

This state of affairs persisted from 1992 onwards under Cory-anointed President Ramos to her son Noynoy Aquino, enabling the Cojuangco-Aquinos to acquire hefty profits while farm worker - "stockholders" were left in dire poverty, literally starving in Hacienda Luisita.

The 2-day workweek and slave wages left farmers suffering a slow death. They earned only P9.50 a day, or P20 a week. Protests, petitions, and negotiations demanding SDO revocation and workday and wage increase fell on deaf ears. When more than a hundred sugarmill workers had been illegally dismissed, it was just too much. Finally, on November 6, 2004, an estimated 6,000 farm workers launched the historic Hacienda Luisita strike. After several failed dispersal attempts, then-Congressman Noynoy Aquino called the Department of Labor and Employment (DOLE). In response, DOLE deployed some 700 policemen, 17 truckloads of soldiers in full battle gear, two tanks equipped with heavy weapons, a pay loader, and four fire trucks with water cannons to the strike.

The government troops opened fire on the protesters, leaving seven dead, over a hundred injured, and hundreds more behind bars. Thus a second massacre occurred under the rule of the Cojuangco-Aquinos. Over the next few

weeks, eight more were murdered on Hacienda Luisita — supporters of the strike, including a bishop and the labor union president. The harassments and killings persisted over the years, but the fight was far from over.

### **The Birth and Defense of the Bungkalan**

The long wait, the deceptive legalities, and the state-assisted violence only showed the people of Hacienda Luisita that the Cojuangco-Aquinos would never stop oppressing and exploiting them; that peasant and landlord interests can never be reconciled; that they cannot expect justice from the prevailing landlord- and capitalist-controlled government; and that they can rely on nothing but their own strength and unity.

They carried on with the strike, this time with some 10,000 farmworkers, their families, and sympathizers gathered in 10 picketlines all around the sugar estate — all amid intensified state repression and killings. With their very survival on the line, AMBALA called on the farmworkers to initiate a mass cultivation movement, the bungkalan. They formed farming collectives and, with only their hoes and rakes, planted rice, corn and vegetables near the picketlines and in every village, giving the hacienda soils a break from the decades of monocropping and the people some relief from hunger and slavery.

In December 2005, the HLI management forged agreements with farm- and mill workers unions. But the real success of the strike was the bungkalan, which by then was already thriving in some 2,000 hectares of Hacienda Luisita. They had crops other than sugar, they had food on their tables, and no master to beg coins from. They reaped the fruits of their labor for the first time.

Thus, what started in 2004 as a fight for increased workdays and wages and SDO revocation came to be something more: a strengthened clamor for long-overdue land distribution. But this time, they are no longer waiting for government approval. The peasants will keep cultivating the land by virtue of their right to till, their right to life, and their right to exercise their collective will, their power in the face of a government that oppresses them

The bungkalan was not without problems. There were some leaders and many HLI supervisors who amassed as much as 40 hectares of land and leased them back to the Cojuangco-Aquinos, leaving many with very little or no land to till. This prompted AMBALA to implement equal land distribution.

“How about the others who are also part of the struggle? We told our leaders that we should be the first to reduce our fields so that everyone can have a piece of land to till, otherwise we lose our credibility and won’t be able to organize people effectively,” explained Sibayan. “It was not easy. One ex-leader even threatened to shoot us if we dared to do so. But in a consultation, the people decided to burn his crops so that we could give the excess portion to others.” Sibayan and her seven siblings gave up portions of their three-hectare land to abide by the .7-hectare allocation per collective.

Expectedly, the Cojuangco-Aquino landlord clan did not sit idly by, but did everything possible to destroy the bungkalan. They created the Luisita Estate Management that coerced farmers, mainly those whose rice farming did not prosper, to lease back their lands for a measly maximum of P7,500/year. Coupled with lack of government support, usury, bad harvests and costly farm implement, this brought 90% of the land back to the hands of the Cojuangco-Aquinos. It was reinforced by the military-guarded tamboli (lottery drum) draws which aimed to sow rifts among beneficiaries by shuffling lands among them. Then there was the Department of Agrarian Reform's sugar block farming program and Agrarian Reform Beneficiaries Organizations that consolidated and concealed the illegal leasebacks and buying of farm lots. Other irregularities include:

- anomalous land survey and reduced land area allocated to beneficiaries;
- the exclusion of a number of bonafide farmworkers in the beneficiaries master list and the underhanded insertion of unqualified ones;
- subverted the audit of Php 1.33 billion land sale proceeds that HLI owes farmworkers;
- inaction on the coverage of all agricultural lands in Luisita claimed by TADECO, Central Azucarera de Tarlac (CAT) and other Cojuangco firms, including the appeal for revocation of a conversion order covering 500 hectares under RCBC, LIPCO and Luisita Realty Corporation (LRC);
- overpriced landlord compensation to the Aquino-Cojuangcos amounting to Php 451.7 million; and
- compulsory signing of promissory notes (Application to Purchase and Farmers Undertaking or APFU) to ensure amortization payments.

There was rampant bribery and fraud that led to the signing of the Hacienda Luisita "compromise deal" in 2010 between the HLI management and some ex-union leaders who misrepresented the thousands of Luisita farmworkers as being amenable to the SDO.

"They tried to bribe me, especially at the time my mother was seriously ill. But I firmly refused. I opted to knock on neighbors' houses and various organizations' office for help. No amount of money can make me forget all the violence they made me suffer... We pleaded so many times but what did they do?" Sibayan recounted. "They banished all the fear in me and taught me how to fight."

Other oppressive and underhanded practices by the Cojuangco-Aquinos include the splitting of titles, the discrediting of AMBALA, the filing of trumped-up cases, militarization, random beatings and extra-judicial killings against leaders and members, and the Oplan April Spring launched in 2011 to orchestrate more violent attacks against the peasants.

Many succumbed to these attacks and deceptions, and the farm workers of

Hacienda Luisita found their organization severely weakened, and the bungkalan fields almost totally eradicated. But there were a few who stood firm and only became stronger and braver in asserting their rights and protecting their crops with nothing but their own bodies. People would gather day and night in their kubol (nipa hut headquarters) and flock to wherever there was a bulldozing attempt. Everyone — men, women, even children and the elderly — blocked bulldozers and faced down rifles.

In November 2011, the Supreme Court (SC), under Chief Justice Renato Corona, ruled in favor of AMBALA's petition for total land distribution and SDO revocation, and the SC ruling was affirmed final and executory on April 24, 2012. It was a landmark legal victory. But barely a month later, Congressman-turned-President Noynoy Aquino had Corona successfully impeached, using millions in taxpayers' money, coursed through the illegal Disbursement Acceleration Program, to bribe the Senator-judges who would rule in the impeachment case.

Illegal land purchaser RCBC, a commercial bank, started fencing off hundreds of hectares in 2013. "We tried to stop it, and many policemen were deployed to intimidate us, but we really engaged in a fight – we were beaten, we fought back with stones and paddles, I was pulled like a pig, they fired their guns," recounted Sibayan. RCBC knew full well that the parcel of land was subject to land reform and under dispute; in fact it made the purchase just a few days after the infamous Hacienda Luisita massacre.



*Bulldozer destroying the crops of Apong Gerry on July 30, 2016*

TADeco followed suit shortly after, fencing off the decade-old 358-hectare bungkalan field in Balete and Cutcut 2nd. They bulldozed millions of pesos worth of crops, burned huts, and charged more than a hundred farmers with unlawful detainer and various other crimes. This parcel of land has since become barren and unproductive. But land is life and as farmers it was just impossible for them to

see it that way. Sibayan said, “They were driving us away but we kept planting just around it even in the presence of police and security guards. At night, we would stealthily break through the fence behind the barangay hall to irrigate the soil. But eventually they bulldozed the crops not heeding our plea to be allowed to harvest them. I can still remember how the elderly women pulled me away from the police who held me with guns ready to fire. There were comrades who were detained.”

On February 8, 2014, President BS Aquino’s birthday, armed elements burned down huts and looted farm tools and animals. Children were detained and



*Apong Gerry in front of his partially-demolished house.*

maltreated, and the remaining crops were completely wiped out. Sibayan said, “The farmers were all crying. The security guards were in front holding their rifles as rice crops were being razed. My husband and I cried the whole month because those were from loans we have to pay. But in meetings I would tell our members that they only wanted to weaken us but we have to keep fighting. We tried to enter the fenced lot, despite knowing that would mean countless of criminal charges filed against us.”

Even the Department of Agrarian Reform (DAR) and local government officials, all under President Aquino’s political party, led and got involved in many of these incidents. Meanwhile, the Department of Justice has not acted on a single counter-charge by the peasant victims.

From March 21-22, 2015 more than 20 hectares planted mostly to mung bean and other food crops in several bungkalan areas in Mapalacsiao were destroyed by eight tractors manned by goons, two barangay captains, and around 20 policemen and soldiers in civilian clothes. There was yet another attempt the following month, but it was successfully thwarted by the women farmers this

time. "It was very late, but they were not afraid to drive away the goons. The women's unity to fight for the land thwarted the destruction," said Sibayan.

The next attempt to destroy the bungkalan and displace the farmers was in the guise of a climate-responsive public-private partnership forged later that year — the Tarlac Solar Power Project (TSPP). Exposed and opposed by the farmers, the state started fencing and militarizing the 500-hectare project site in Balete. Come December 2015, there will be two APCs and two truckloads full of soldiers in full battle gear to provide security to project implementer PetroSolar.

### **Toughened by despotism, persevering through collective action**

"On February 28 this year, they were no longer able to stop us," said Sibayan. As early as January, they had been holding daily mass meetings from Street 1 down to Street 11. At times it would be interrupted because there were soldiers and the people were scared. But when their number reached a hundred, the peasants declared it was time to reclaim the bungkalan.

Target: TADECO lot. Plan: to divide into two groups and confront the security guards on the one side and to break down the concrete fence on the other.

They successfully penetrated the area and broke down the wall. While most immediately retreated when threatened by the police, they started planting as soon as they left and kept doing so every morning. Sibayan told the police, "The land was barren and we have every right to cultivate it. Haven't you heard of the Supreme Court decision on April 24, 2012? If you want to sue us go ahead, you can't stop us now because the people are starving, look at them! If you want to shoot us, it's up to you. We're numb already."

As usual, the peasants were bombarded with criminal charges. A few months later, on July 1st, their crops were once again destroyed.

The government-perpetrated cycle of violence and waste was disheartening. Every time the Hacienda Luisita community sought to improve their own bleak circumstances, they were circumvented by the Cojuangco-Aquino landlords, led by President BS Aquino. But as Sibayan would always tell her comrades during meetings, "Succumbing to fear is succumbing to death. If we are afraid, we will die of starvation just the same. But if we fight, we might die, but we have a chance at life." And so, although evicted, they stayed around the fenced lot and continued to till the land. As soon as they saw the guards becoming inactive, they seized the opportunity and they successfully managed to enter and reclaim the lot.

The bungkalan is very much alive today – with organizational men, women, co-ed, and youth collectives in the villages of Cutcut, Balete, Mapalacsiao, plus numerous other family collectives throughout the hacienda. In addition to ensuring that everyone has land to till, they also started employing the workpoints system to ensure that everyone indeed tills and reaps benefits according to the amount of work they did.

"At first they could not appreciate the system. That is, if you don't go out to plant, you don't get work points, even if you are part of the collective. If you

belong to a collective, you must till the land. Eventually, they saw that it was a good and fair system,” explained Sibayan. “It is much better than when we were farmworkers for the Cojuangco-Aquinos. When we were farmworkers, we were already buried in debt before we even start working. But with the bungkalan, as long as you work hard, you have rice – something you don’t get as a farmworker. Now, you have rice, you don’t have a master. It freed us from slavery.”

The successful revival of the bungkalan was reinforced a month later, when then peasant leader-turned-lawmaker and now DAR Secretary Rafael Mariano ordered the distribution of the 358-hectare TADECO land. “Especially now that we have Ka Paeng there, more people are motivated to cultivate land,” said Sibayan.

Much of the Hacienda Luisita community, even those who used to bully them, have now joined the bungkalan, and those who stood firm are even more committed and motivated. AMBALA’s weekly educational discussions, rebuilding of organization, and assemblies used to be attended by only a handful of people, but are now attended by hundreds from each village. The youth who had been consumed by alcohol during those jobless years now go to the fields very early



*Florida Sibayan, AMBALA Chairperson, and the martyrs of Hacienda Luisita massacre on her background*

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in the morning, and the farming collectives are now improving their ways by gradually implementing a new organic farming system.

“It feels so good to earn from our harvest, especially corn which sells higher. We have money, viands, snacks, rice, coffee... People would come to AMBALA contributing two bundles of squash flowers or string beans or papaya or whatever they have harvested so we can sell and buy coffee for our headquarters. They are

more enlightened now,” she added.

However, the military, though inactive, is still present in the hacienda. And land distribution, despite the DAR’s favorable decision, is not at all automatic — there are still processes that need to be undertaken, such as land survey, beneficiary identification, and many others. Owing to this, and more importantly, to the lessons from history and direct experience, Sibayan always warns people against complacency. “Even if we have a comrade like Ka Paeng or a President like Duterte in power, if we do not unite and make our voices heard, that’s nothing. I challenge them to show me their strength, because no matter how



*The peasants in their bungkalan in Mapalacsiao*

brave I am or Ka Paeng or Duterte, the Cojuangcos are out there appealing the court decision. Also, we do not hold our lives in our hands. Remember our comrades who had been massacred,” she said.

The bungkalan is the epitome of genuine agrarian reform, crafted and continuously being defended and developed by no less than the peasants themselves. It is changing the old oppressive system using the people’s immutable will to free themselves from bondage and collectively assert their right to land and to life. While democratic governments such as that of the Philippines claim that their power emanates from the people, and that the government thus exists to exercise the people’s will, in practice that is rarely the case. The people can and must ensure their own rights for themselves, no matter how many decades or lives it may take. Describing the current situation in Hacienda Luisita, Sibayan said “We’ve endured so much and come so far. There’s no turning back now.”

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## THE WOMEN’S COLLECTIVES AT THE FOREFRONT OF BUNGKALAN

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Women have long been excluded from the discourse surrounding the peasant struggle for agrarian reform, yet, like the men, they play a key role in the agricultural economy, and they are equally committed to fighting for their right to till and own land.

“Some women who have family members already working in the bungkalan no longer till but still contribute in various ways without asking for work points. There are women who work just like the men... they prepare the land, clear it of weeds, construct bunds, sow the seeds, spray pesticides, apply fertilizers, and mow rice. They are very determined. Widows and old maids go to work in the fields, that’s how they are able to provide for themselves,” explained Florida Sibayan, herself a woman, and the Chairperson of the farmers’ alliance in Hacienda Luisita (AMBALA).

When it comes to defending the bungkalan, Francisco Dizon said that the women are often on the front line. They know that the security guards and armed forces may be more hesitant about physically harming women. Sibayan fondly recalled their ‘bulldozer queens,’ saying, “They are five elderly women and three more who are also quite aged already – they really just sat right in front of the bulldozer and never left. They



would have been run over if they hadn’t been pulled away by the male comrades.”

Stories of women’s courage were shared by Elvira Santos, 50; Priscilla Bondoc, 65; Celia Romero, 58. All three come from Mapalacsiao Village, and they are each a member of a women’s collective, each composed of three to six members cultivating one to three hectares of land. They narrated how they work as a collective:

“We tilled the lands of those who sold out to the Cojuangco-Aquinos. We uprooted the poorly-grown sugarcanes, cleared the fields of weeds, and replaced them with rice, sweet potato, peanuts, mung beans, string beans. It’s been ten years now. We do all the work — from scattering the rice grains to irrigating the field, constructing bunds, spraying, and applying fertilizers. We practice bayanihan – when other collectives are done with the work in their



own farm, they come help us, and vice versa.” They added, “There were many attempts to destroy our fields. Because the soldiers and goons had rifles, we could do nothing but cry. But we kept planting.”

“There would be demolition operations every Tuesday, overseen by the DAR lawyer and barangay captains. The first attack on my collective’s bungkalan was on March 31 (2016). We couldn’t do anything other than leave because the barangay captains and councillors attacking us had rifles. When the police attacked Ate Dina’s field, there was already friction and they were ready to fire their guns at us, and we really fought back. We grabbed our axe and blocked the bulldozer. A week after they attacked my sister’s collective. We are now on our fifth month in guarding this (the nipa hut that serves as their headquarters/outpost) because there are people who say that this will be removed. We take turns in staying here day and night.”

The women said, “The Cojuangco-Aquinos were of course angered. The tambilo land distribution beneficiaries specifically from the Texas village were likewise angry, accusing AMBALA of grabbing their lands. They were suing us. Somehow



we cannot blame them because they were deceived by the DAR. But the truth is, the entire Texas village was fenced off and sold by the Cojuangcos; it was not raffled off. That’s why they come here to Mapalacsiao.”

“As for us, we now worry less while working in the field. And as for those who used to call us ‘crazy reds,’ they now eagerly chat with us about updates and meeting schedules and we tell them to join rallies and attend meetings. Now whenever we hold meetings, this kubol overflows with attendees. People are convinced and motivated to join the bungkalan whenever they see our harvests.”



There is no doubt that every single day of the struggle — every lawsuit, every beating, every drop of sweat, tears, and blood, every life lost to landlord violence in the past decades — taught them countless lessons. “The bungkalan taught us how to cultivate the land. It bound us like we were sisters. It made us set aside our individual pride and settle our conflicts to give each other strength and preserve their unity. We understand that the bungkalan is the cornerstone of our struggle,” said the women.



# BUNGKALAN: ASSERTING COLLECTIVE LAND OWNERSHIP

Ilang-Ilang Quijano

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Negros Island in Western Visayas is known as “Sugarlandia,” or the “Sugar Bowl Capital” of the Philippines. Sugarcane, however, was cultivated in the region much later than other parts of the country, particularly in Luzon where proximity to the port of Manila encouraged landowners to plant and export the crop. During the period of 1775 to 1779, the Philippines was known as the largest sugar exporter in Asia<sup>1</sup>.

Negros was a sparsely populated island until the latter part of the 19th century when Nicolas Loney, businessman and the British vice-consul to Iloilo, enjoined the Visayas landowning elite to sugarcane cultivation. He imported sugarcane cuttings, brought machinery from abroad, provided loans, and built a warehouse and ships for the transport of sugar. Several prominent Ilonggo families migrated from Iloilo to Negros to acquire vast haciendas.

Hacienderos forcibly drove away the remaining indigenous tribal population in Negros, the negritos, as well as evict small farmers who had already cleared portions of land. Hacienderos reportedly used the Spanish colonizer’s Guardia Civil to beat up farmers to aid in land grabbing. They then employed tenants and sugarcane workers, many of whom emigrated from neighboring islands in the Visayas. An American officer, in the late 19th century, described these haciendas as “a feudal community in which the hacendero was the overlord. The hacendero’s house, like a baron’s fortress in the Middle Ages, stood in the center of the buildings and dependents’ huts.”<sup>2</sup>

But while farmer tenants were seemingly dependent on their landlords for food and lodging, it was actually the other way around: landlords depended upon the sweat and servility of their workers to produce sugar at the cheapest cost possible. To establish social control within the haciendas, members of haciendero families reportedly even whipped their workers. By 1896, only 324

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1 Kreuzer, P. (2011). *Domination in Negros Occidental: Variants on a Ruling Oligarchy*. Peace Research Institute Frankfurt, Vol No. 112. Retrieved from <http://www.ssoar.info/ssoar/handle/document/32167>

2 Ibid.

individuals owned around 80% of Negros Occidental's agricultural land<sup>3</sup>. Sugar workers toiled under slave-like conditions as the sugar industry continued to boom well into the period of American colonization, and brought unprecedented wealth and power upon the landed elite.

### **Land monopoly and the 'dead season'**

After more than a century, the unchanged nature of monopoly land ownership and harsh working conditions for farm workers is perhaps more apparent in Negros Occidental than in any other part of the country. The province is still subdivided mainly according to sugar-growing haciendas and the families that own them—except that many old mansions have been abandoned or converted to museums, with many haciennero families opting to live and enjoy their wealth abroad or in Manila. Their haciendas remain—except that tenancy is no longer the practice, having been replaced with a system that in many respects is much worse: seasonal work.

Sugarcane plantation workers, also known as “sacadas,” are hired by bulk on a seasonal basis, during the peak harvest and milling season, from October to November and April to May. Sacadas are classified by the Department of Labor and Employment as “migratory sugar workers,” as they may come from other provinces. In Negros, it is estimated that 20,000 to 30,000 sacadas are recruited every year.<sup>4</sup>

The sacadas do not receive regular daily wages, but rather, are paid under the piece rate or “pakyawan” system, wherein they are paid for the amount of work they accomplish. Work accomplished is counted in terms of each hectare for weeding, each ton for harvesting and loading cane, and each lacsá or 10,000 canepoints for planting.

This system allows sacadas in Negros to earn as little as P43.42 (US 0.87) for 15 days of work. Most of them are buried in debt just for meeting their daily survival needs. Journalist Jaime Espina describes their predicament as such: “When the meager cash runs out, they have no choice but to purchase on credit from the local cantina, run by the farm overseer, where basic goods cost as much as twice what they retail in town. And like a cruel joke, they say taking out credit from the cantina often spells the difference between getting assigned to pakyaw work since ‘the ones with the largest debts are assigned the most work to allow them to work off their debts.’”<sup>5</sup>

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3 Ibid.

4 University of the Philippines Social Action and Research for Development Foundation, Inc. (2011). Migration Patterns of Sacada Children and their Families in Selected Sugarcane Plantations in the Philippines. Retrieved from <http://abk3leap.ph/wp-content/uploads/2016/01/ABK3-SAKADA-Research-Report.pdf>

5 Espina, J. (2004, April 7). Negros 'sacadas': Slaves through the years. ABS-CBN.com. Retrieved from <http://www.hartford-hwp.com/archives/54a/217.html>

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## ESCALANTE MASSACRE: THEATER OF GRIEF AND RAGE

Locally known as “Escam,” one of the most infamous massacres under former dictator Ferdinand Marcos happened in Escalante City on September 20, 1985. It happened in the middle of a *welgang bayan* or people’s strike. The strike involved thousands of *sacadas*, farmers, fisherfolk, students, urban poor, professionals and the church people from different towns in Negros, who were protesting the high prices of gasoline, depressed wages of sugar workers, and repression under the Marcos dictatorship. On that day, protesters had set up a human barricade at the entrance of the municipal plaza. Members of the Regional Special Action Force and the Civilian Home Defense Forces started dispersing them with water cannons and tear gas. When a protester threw back one of the tear gas canisters, the police and military authorities fired upon the crowd. Twenty people were killed in the incident, and more than a hundred were injured.

Each year, the people of Escalante commemorate the anniversary of Escam with a theatrical re-enactment of the massacre. They stage the re-enactment at the exact place and the exact time where the massacre occurred. Actors

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Worse, sugarcane workers have nothing to live on during off-peak season, or what they call locally as “*tiempo muerto*” or the “dead season.” Without any source of income, landless farmers and their families starve. They call this season “*tiggulutom*” or “season of hunger.”

### Slow land distribution

When the Comprehensive Agrarian Reform Program (CARP) was enacted by the administration of Pres. Corazon Aquino in 1988, the vast sugar haciendas in Negros were supposedly among those covered. However, the program has failed to break up these haciendas. In 2012, Department of Agrarian Reform (DAR) Secretary Virgilio de los Reyes was quoted in a report as admitting that Notices of Coverage (NOC) given by the DAR to landlords in Negros in the past “have practically been ignored.”<sup>6</sup> The agency, tasked with implementing the CARP, then identified 120,000 hectares of undistributed sugarcane lands in Negros. In 2016, the balance of undistributed lands in the province remained high at 101,000 hectares<sup>7</sup>.

The slow and ineffective process of land distribution has frustrated farmers, many of whom were already Agrarian Reform Beneficiaries (ARBs). Some have been given Certificates of Land Ownership Awards (CLOA) but are being prevented by landowners from occupying their lands; others are caught up in bureaucratic processes laid out by DAR. For instance, Hacienda Paz Perez and Hacienda Islabong Regalado has been given NOC years ago, yet remain untouched. In Hacienda Ylanan, the land distribution process has been stuck

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6 Yasa, D. (2012). 120, 000 hectares of Negros sugar land still up for CARP coverage. *The Daily Guardian*. Retrieved from <https://theday-guardian.net/negros/120-000-hectares-of-negros-sugar-land-still-up-for-carp-coverage/>

7 Interaksyon.com (2016, August 13). DAR Sec. Mariano to push reforms in ‘bastion of landlordism’. *Interaksyon.com*. Retrieved from <http://interaksyon.com/article/131396/dar-sec--mariano-to-push-reforms-in-bastion-of-landlordism>

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after the farmers filed an Application for Purchase and Farmers Undertaking (APFU). Even farmers who have been awarded CLOAs, such as those in Hacienda Anamarie Regalado Benedicto, have yet to be installed in their land<sup>8</sup>.

Instead, many ARBs enter into leaseback arrangements, also known as the *arriendo* system<sup>9</sup> where farmers are paid a fixed amount per hectare by their landlords who are then able to remain essentially in control of the land. Farmers cannot be blamed for entering into such arrangements. With the high cost of production and lack of support services from the government, as well as the pressure exerted by landlords, many are left with no other seeming option than to revert back to being landless and disempowered. Still many other ARBs are just waiting to be installed in the land that in many cases were legally already theirs, and in the meantime still worked as *sacadas*, bonded to the century-old cycle of poverty, hunger, and debt.

### **Bungkalan: It spread 'like wildfire'**

This was the prevailing reality until a group of farmers, led by the National Federation of Sugar Workers (NFSW), attempted to occupy idle hacienda lands in Bago City in 2008. On December 2 of that year, several farmers first tried to occupy the land, despite the presence of armed guards. Their first attempt was defeated. But instead of being dissuaded, they staged another attempt on December 22, or twenty days after. "With the lessons learned, farmers [became] more agitated, [and in] bigger numbers again attempted to cultivate the lands. This time, the farmers were triumphant," according to the Kilusang Magbubukid

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8 University of the Philippines Manila Development Studies (Producer). (2016, March 25). *Mintras Buhì*. Retrieved from <https://www.youtube.com/watch?v=SiagDToRn4>

9 Ombion, K. (2008, October 18). 'Arendo' System Rampant in Negros. *Bulatlat.com*. Retrieved from <http://bulatlat.com/main/2008/10/18/arendo-system-rampant-in-negros/>

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### **CONTINUED FROM LAST PAGE**

are mostly from Teatro Obrero, a local cultural group made up of *sacadas* and other marginalized sectors. The actors practice for weeks before the re-enactment. To capture the scene as realistically as possible, they use a real firetruck and water cannons, as well as fake blood.

But the re-enactment—a fine piece of street theater—is made most realistic by the emotions of grief and rage that are displayed by the actors and the audience, many of whom are actual survivors of the massacre or kin of its victims. Not one dry eye remained by the time the "dead bodies" are laid out at the feet of a monument erected for the victims (the monument contains the names of the 20 martyrs, whose bodies were laid out on the exact same spot in 1985). The Escam re-enactment is ended by shouts of "Justice!" and clenched fists in the air.

By reliving Escam, year upon year, the *sacadas* are reminded of their martyrs, which fuels their desire to find justice for their deaths, by correcting the continuing injustices done upon them as a people. It also reminds them of the basic principle in rights-based democracy: rights are not given; they are fought for, and often with blood.

ng Pilipinas (KMP) or Peasant Movement of the Philippines<sup>10</sup>.

Reportedly “with bare hands” and even without the proper farming tools, the farmers prepared the lands for rice farming. “Everyone participated...They set up camp, lived together, organized and coordinated, added satellite tents as guard posts and maintained their committees and command structures,” said the KMP. Together, more than 300 farmers cultivated 40 hectares of land, and planted it with rice and vegetables<sup>11</sup>.

The triumph of their unprecedented, daring action was crowned by a successful first harvest. Farmers were able to get yields of 80 to 100 cavans of rice per hectare<sup>12</sup>. Farmers worked on the plots of land using the bayanihan method, also known as collective farming, thereby reducing labor costs. They also avoided using input-intensive high-yielding varieties of rice and vegetables, and used traditional seeds instead. Thus, they were able to avoid unnecessarily high farming costs.

In effect, not only were farmers able to assert their rights to the land that they till, they were also to reclaim the right to determine their own food or agriculture system, or the right to food sovereignty. Tatay Sander, one of the bungkalan participants, explained in simple terms the decision to shift from sugarcane to rice and vegetable cultivation, or from cash crops to food crops. “Sugarcane is not the priority because it doesn’t solve our hunger. If we plant corn and vegetables, it will solve our [food] crisis,” he said in a interview in the documentary *Mintras Buhi*. Another bungkalan participant, Nanay Elen added, “It is also much easier to plant—after three months, there is yield already.”<sup>13</sup>

The successful land cultivation in Bago City in 2008 inspired many other farmers in haciendas across Negros to follow suit. “Land cultivation in other areas that followed the initial one were mostly spontaneous. News of the successful bungkalan spread like wildfire, and it opened up the minds of the sacadas. They saw that it was possible, so they, too did it themselves. Although later they had to seek assistance and organize themselves to defend and sustain their bungkalan,” said Christian Tuayon, secretary general of Bagong Alyansang Makabayan (New Patriotic Alliance)<sup>14</sup>. The bungkalan of similarly idle hacienda lands awaiting land distribution immediately spread in 24 sites across Negros Island. It covered a total of 1,381 hectares, benefitting 933 farming households.

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10 Kilusang Magbubukid ng Pilipinas (2010). Bungkalan campaign of Negros farmers, the concretization of the peasant struggle (Press release). Retrieved from <http://kilusangmagbubukid.weebly.com/1/post/2010/10/bungkalan-campaign-of-negros-farmers-the-concretization-of-the-peasant-struggle.html>

11 Ibid.

12 Ibid.

13 University of the Philippines Manila Development Studies (Producer). (2016, March 25). *Mintras Buhi*. Retrieved from <https://www.youtube.com/watch?v=iSiagDTOrn4>

14 Tuayon, C. (2016, September 21). Personal interview.

By 2013, the number had risen to 86 sites covering 2,100 hectares, benefitting an estimated 2,500 families<sup>15</sup>.

### **Persecuted for asserting rights**

Farmers, however, are also persecuted by landlords for asserting their rights. According to KMP, many of the land cultivation participants are charged with criminal offenses such as trespassing (for occupying the land), theft (for harvesting crops), and arson (for burning leftover crops).

Farmers have also been killed in the struggle. Last January 9, 2016, 30-year-old Benjie Susteno was abducted at around 10 p.m. from his home in Brgy. Lopez Jaena, Murcia, Negros Occidental. He was blindfolded, gagged, hogtied, and dragged on the street for several hundred meters from a motor vehicle by unidentified men, witnesses say. His body was found the next day, bearing torture marks and gunshot wounds to the face. Susteno was a member of NFSW. Prior to the incident, Susteno's family was active in defending their bungkalan amidst constant threats by a land speculator, who had charged Benjie's brother with a fabricated case of arson, according to the Unyon ng Manggagawa sa Agrikultura (Union of Agricultural Workers)<sup>16</sup>.

The confrontation between landowners and farmers has reached a boiling point in Hacienda Ilmnan and Hacienda Arloc in the town of Murcia. On February 2014, 20 hectares planted with crops were destroyed by a bulldozer. The incident was repeated on July 2016, when farmers were forced to leave their cultivation area at gunpoint, due to the deployment of provincial police and soldiers from the 303rd Infantry Brigade of the Philippine Army. According to Danny Tabura, chairperson of the Hacienda Ilmnan Farm Workers Association, the government forces burned all their crops. "Everything came to a halt. They've erected barriers around our farmland. Military and police barred our entry. They are too many. They even told me that if we force ourselves in, we will be killed," he said in a news report by *Altermidya* <sup>17</sup>.

The forced eviction of farmers from the 159-hectare land are allegedly upon the orders of Negros Gov. Alredo Marañon Jr. In 2010, the Negros Occidental Provincial Government bought the land from its former owners, the Arguelles family—despite the fact that both haciendas have been issued Notices of

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<sup>15</sup> Kilusang Magbubukid ng Pilipinas (2010). Bungkalan campaign of Negros farmers, the concretization of the peasant struggle (Press release). Retrieved from <http://kilusangmagbubukid.weebly.com/1/post/2010/10/bungkalan-campaign-of-negros-farmers-the-concretization-of-the-peasant-struggle.html>

<sup>16</sup> Unyon ng Manggagawa sa Agrikultura (2016). 29 Years after the Mendiola Massacre: "Land Reform Beneficiary" Tortured, Killed in Negros (Press release). Retrieved from <https://umapilipinas.wordpress.com/2016/01/17/29-years-after-the-mendiola-massacre-land-reform-beneficiary-tortured-killed-in-negros/>

<sup>17</sup> Isaac, D. & Tubije, W. (2016, July 15). Negros Gov stops El Niño-affected farmers from tilling land. *Altermidya*. Retrieved from <http://altermidya.net/negros-gov-maranon-stops-bungkalan-land-reform-beneficiaries/>

Coverage as early as 1993, and APFUs have been signed by farmers. The provincial government is claiming the land for the operations of Negros First Ranch, a project under the local government's food security program. Farmers suspect that the project is a ruse for corruption, as well as leasing the land to big multinationals, specifically DOLE Philippines, whose teams were spotted in the area<sup>18</sup>.

### **Right to land and food sovereignty**

Farmers undertaking land cultivation have a legal basis for their claims, said Atty. Ben Ramos of the National Union of People's Lawyers, who represents the NFSW. "They have the right, they are supposed to be qualified land beneficiaries. They did not violate any laws." But he said that the moral basis of the farmers is even stronger. "Many sugarcane workers have perhaps died waiting for their land. Countless have starved. They have sacrificed enough," he said <sup>19</sup>.

In Hacienda Filomena, Brgy. Balintawak, Escalante City, land cultivation was indeed a product of the farmers' instinct for survival. "We started in 2009, because we got word that the local government planned to demolish our houses," said Rebecca Bucabal, chairperson of the Panaghuisa sa Obrero sa Brgy. Balintawak (Unity of Workers in Brgy. Balintawak)<sup>20</sup>. Bucabal is a CLOA holder, but has not yet been installed in the land she—and her parents—worked on as *sacadas*.

The cultivation area in Hacienda Filomena consists of five hectares that the farmers collectively plant with corn, mung beans, and rice. There is immediate relief from hunger; they are no longer filled with dread over the annual "dead season." They are empowered by the fact that with land, they can control their own lives. No longer are they beholden to the oppressive dictates of those who own and run the haciendas. "This is a better situation for us, because we don't have to worry about where we shall go. There is land to till. We don't have to roam around looking for work," Bucal said<sup>21</sup>.

Land cultivation participants expressed the need to be provided support services by the government, a crucial component of a genuine land reform program. In Hacienda Filomena, for instance, the harvest is just enough to sustain the families' daily food consumption, because the lack of farming implements, such as a carabao, hampers their productivity.

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18 Salamat, M. (2014, May 30). Negros Occidental, still a simmering social volcano as land disputes intensify. *Bulatlat.com*. Retrieved from <http://bulatlat.com/main/2014/05/30/negros-occidental-still-a-simmering-social-volcano-as-land-disputes-intensify/>

19 University of the Philippines Manila Development Studies (Producer). (2016, March 25). *Mintras Buhí*. Retrieved from <https://www.youtube.com/watch?v=ISiagDTOrn4>

20 Altermidya (Producer). (2016, September 24). *Bungkalán sa Negros*. Retrieved from <https://www.facebook.com/altermidya/videos/695522460597218/>

21 *Ibid.*

Still, the bungkalan has unleashed the resourcefulness of farmers and the potential of organized action to create and sustain livelihoods based on the principle of collective land ownership, and their right to food sovereignty. The NFSW and KMP generate technical and legal assistance for the campaign on a national level, fully aware that that it needs a strong backbone of support under the prevailing conditions of state repression.

While legally not yet owning the lands that they till, the practice of land cultivation instills in the farmers a sense of collective ownership of the said land, with the right to land rooted in a commitment to labor on the soil. "We may not have the documents [to prove it]. But in truth, the land belongs to us farmers. It does not belong to the landowners who do not know how to till the land," Bucal said, her words heavy with the essence of the continuing need for genuine land reform.

# ALCADEV: A CONTINUING LESSON IN RESISTANCE

Rowena Cahiles

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September 1, 2015, members of the paramilitary group Mahagat-Bagani, believed to be supported by the Armed Forces of the Philippines, killed three Lumad leaders. Emerito “Tata Emok” Samarca, the executive director of ALCADEV, was found inside a classroom, hogtied, with stab wounds on the neck, and his throat slit with the cut running from ear to ear. Tribal leaders Dionel Campos, chairperson of MAPASU, and his cousin Chieftain Aurelio Sinzo were also brutally murdered. ALCADEV staff member Belen Itallo was also shot but survived. Campos’s head was blown off while Sinzo’s arms were broken due to gunshot wounds.

Two days before the gruesome killings, Mahagat-Bagani burned down the cooperative building and threatened to massacre the entire community if they would not leave the area. This drove the community to evacuate, fearing that the perpetrators would come back and carry out their threat. More than 500 families were forced to leave their homes as they seek safer grounds.

This incident brought into the public eye the plight of the lumad – a collective term used to refer to 17 indigenous people groups in Mindanao: Atta, Bagobo, Banwaon, B’laan, Bukidnon, Dibabawon, Higaonon, Mamanwa, Mandaya, Manguwangan, Manobo, Mansaka, Tagakaolo, Tasaday, T’boli, Teduray (or Tiruray), and Ubo. They have become victims of harassments and killings as they fight state-backed mining and logging operations in their ancestral lands. (Bulatlat.com) There have been a steady presence of military forces in Mindanao where 56% of the Armed Forces of the Philippines troops are deployed. Along with paramilitary groups, they aim to silence those who are critical of the operations of multinational companies.

## **Life Before ALCADEV**

The Alternative Learning Center for Agricultural and Livelihood Development, Inc. (ALCADEV) was established in 2004 through a joint resolution of two tribal organizations: Kahugpungan sa mga Lumad nga Nagkahiusa sa Surigao del Sur (KALUNASS) and Malahutayong Pagkabisog alang sa Sumusunod (MAPASU). It offers academic, vocational and technical skills to the students from 32 lumad communities all over the CARAGA region. It currently has two campuses – in

Han-ayan, Diatagon Village in Lianga, Surigao del Sur and in Padiay Village, Sibagat, Agusan del Sur.

According to Jalandoni Campos, former MAPASU chairperson, and Datu Tayadan, Chieftain, prior to the establishment of ALCADEV, their community was largely found inside the forest as they were dependent on hunting as their source of food. The lumad used small patches of land for farming and practiced kaingin or slash and burn farming method that left them with no permanent lands to work on. They also had no knowledge of identifying crops that will provide them with long-term yield. The lumad were denied of basic services – they had no access to education and health services.

The government schools are often kilometres away from them. Some walk as much as two hours under the scorching sun just to reach the school, not to mention that they come from poor families who do not have the means to support their children's education. Those who attend these schools say they feel a sense of alienation from the lowlanders as they are seen as second class citizens. The lumad youth are often victims of name-calling and end up suffering with low self-esteem.

### **Community-based Approach to Teaching**

What makes ALCADEV effective in its mission to provide a system of relevant knowledge is its recognition of the immediate needs of the community. The kind of education they provide is based on the culture of the lumad. They aim to produce graduates that would have the ability to make an immediate impact to their community.

The Food Security Project is at the core of ALCADEV's curriculum designed to address the agricultural problems of the region. It teaches sustainable and organic farming that allow lumad to improve their lives without damaging the environment. The students are taught a better alternative to traditional farming by developing a whole-year planting plan that increase the varieties of crops that can be planted. The students are urged to apply what they learn in school to their own plots of land. Instead of harvesting just enough for their family's consumption, they now have the opportunity to sell their produce and earn money for their own needs.

Affiliations with indigenous people's organizations, TESDA, and other NGOs make it possible to teach alternative farming technology and various livelihood skills training program. With some of the elders hesitant to new methods of farming, ALCADEV took it upon themselves to bridge this gap by offering training specifically for parents. This strategy was effective as the parents embraced the new skills and technology.

According to ALCADEV's report, they have trained a total of 1,044 lumad youth 88.6% of them currently involved in various programs benefiting the

different indigenous peoples communities in Mindanao. Its graduates have become para-agriculturists, community organizers, community health workers or teachers. They also consistently top the CARAGA level of the National Literacy Award in the outstanding literacy program category and also rank high in the national level. These recognitions reflect the effectiveness of ALCADDEV's approach to mass-oriented and scientific education.

### **Government Violations**

Despite its contribution to the community, ALCADDEV was continuously targeted by the Philippine military, claiming that the school is a training camp of the New People's Army. There are also accusations that students are exposed to radical views that instill hatred of the government and are taught how to handle guns and rifles.

Since 2005, members of ALCADDEV and MAPASU are active in the fight against big businesses that are claiming their lands. The red tagging of MAPASU members is the government's answer to the lumad's plight of protecting their ancestral lands that have been plundered by large mining and logging companies. During Gloria Macapagal Arroyo's term, paramilitary group Marcos Bocales were present in their community as per Arroyo's Oplan Bantay Laya. In her nine-year term, Karapatan documented 89 cases of extrajudicial killings of indigenous peoples. The situation was worse in Noynoy Aquino's term as 102 indigenous peoples were killed during his shorter six-year term. (Karapatan) The presence of armed groups up to the present have lead to years of trumped-up criminal charges, illegal arrests, detention, torture, military encampment, forced evacuation and killings.

### **Fighting Back**

The attacks on their ranks did not dampen the spirits of ALCADDEV as they forged on with their mission. The murders of Samarca, Campos and Sinzo garnered attention from the public because of media coverage and social media. It has become the banner campaign for the 2015 Manilakbayan or Mindanao Peoples' Mobilization for the Defense of Land, the Environment, and Human Rights. This caravan brings together Lumad and, Moro peoples and settlers from the rural communities of Mindanao to Manila as they create awareness of their fight against corporate mining and human rights violations. ALCADDEV is also an active member of Save Our Schools, a network of child rights advocates and organizations that focus on militarization and attacks on schools.

Even as they were driven out of their communities during the height of the attacks, ALCADDEV's campaigns did not stop. In May 2016, they launched "Brigadaeskwela Para Sa Mga Lumad" right inside the evacuation center. They marched to Tandag City in Surigao del Sur to let residents know that their efforts at teaching the lumad people continues even if they are displaced. June 2016,

they welcomed the new school year with “Unang Pag-abli sa Klase” with another march to Tandag City attended by the teachers, students and their parents.

### **Continuing the Fight Beyond the Mountains**

ALCADEV has brought its campaign down from the mountains to the country’s capital. Lakbayan 2016 saw 3000 participants from various people’s groups gathered in UP Diliman that raised national awareness of their issues. During the week-long Lakbayan, the indigenous peoples also visited government agencies such as the National Commission on Indigenous Peoples, Department of Justice, Department of Environment and National Resources, and the Department of Agrarian Reform. New alliances were also formed during Lakbayan like SANDUGO (Kilusang ng Moro at Katutubong Mamamayan para sa Sariling Pagpapasya), which is composed of different organizations such as Kalipunan ng Katutubong Mamamayan ng Pilipinas, Suara Bangsamoro, the Cordillera Peoples’ Alliance and the Kusog sa Katawhang Lumad (*Tinig ng Plaridel, UP Diliman*).

They are also working to get more involvement from the local government. Together with MAPASU, they are pushing for the lumad agenda to be included in the platform of the elected officials of the municipal and provincial level. They also attended people’s mobilization during the first State of the Nation Address of President Rodrigo Duterte.

ALCADEV continues to build up on the success of their program by putting together campaigns linked to the social realities surrounding the lumad. They continue to be one of the active voices for the anti-coal mining movements in Mindanao, and in upholding the rights of youth to education, health and food security. They are also calling for the continuation of the peace talks as its resumption has a great impact on the safety of their communities.

The presence of ALCADDEV has made a big difference in the lives of lumad. They are not simply educated – they become empowered with the knowledge that they have to nurture their lands, defend their rights and uphold their dignity. It continues to be a beacon of hope by teaching lumad that the struggle for education is part and parcel of a greater struggle – one that is for a society that is just and recognizes the rights of its people.

# #BIGASHINDIBALA: FOOD AID THROUGH MILITANCY

Ilang-Ilang Quijano

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In an underdeveloped, agricultural country like the Philippines, weather can play a big role in people's livelihoods. Entire farming and fishing communities can be disrupted in the event of powerful typhoons and other extreme weather conditions.

## **Calamitous drought**

In 2015, the country was affected by the phenomenon of El Niño, or unusual warming in the Central and Eastern Equatorial Pacific. El Niño is characterized by the delayed onset or early termination of the rainy season, leading to dry spells or drought in some parts of the world, and heavy rainfall in others. It is estimated to occur in the Pacific basin every two to nine years.

The El Niño that hit the Philippines as early as March 2015 was described by scientists from the National Oceanic and Atmospheric Administration's Climate Prediction Center, "among the strongest El Niños in the historical record dating back to 1950," citing average sea surface temperatures of 3.6 degrees Fahrenheit above normal<sup>1</sup>. In mid-2015, the Philippine Atmospheric, Geophysical, and Astronomical Services Administration (Pagasa) predicted that 32 provinces will be affected by El Niño. The weather bureau predicted that the dry spell would intensify from August to December 2015, and most likely end on May 2016.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) noted that most of the provinces suffering the impact of El Niño are already considered "moderately food insecure," meaning 25 to 50 percent of households are suffering from moderate to severe chronic food insecurity. This food insecurity was exacerbated by El Niño, particularly in the provinces of North and South Cotabato, Sarangani, and Sultan Kudarat—considered as the "food basket" of Mindanao. One corn farmer interviewed by OCHA said that he is typically able to harvest 150 sacks of corn for 1.5 hectares; this decreased to 70 sacks because of the dry spell<sup>2</sup>.

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1 The Manila Times (2015, August 14). El Niño strongest in modern history. The Manila Times. Retrieved from <http://www.manilatimes.net/el-nino-strongest-in-modern-history/209629/>

2 United Nations Office for the Coordination of Humanitarian Affairs (January 2016). Philippines–Mindanao: Impact of El Niño. Retrieved from [http://reliefweb.int/sites/reliefweb.int/files/resources/phl-ocha-mindanao\\_elnino\\_impact\\_cenmin\\_r12\\_jan2016\\_v3.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/phl-ocha-mindanao_elnino_impact_cenmin_r12_jan2016_v3.pdf)

On January 2016, the province of North Cotabato declared a state of calamity. A state of calamity enables the provincial government to hasten the release of funds that would help mitigate the effects of a crisis situation, usually in the wake of extreme weather conditions such as a typhoon or drought. Around 28,000 hectares of rice have already been damaged by the drought and rat infestation<sup>3</sup>. By the second week of March, agricultural losses were estimated to have reached Php1 billion; the land affected almost 50,000 hectares. At least 25,000 farming families were estimated to be suffering from the effects of El Niño, especially in the towns of Alamada, Pigcawayan, Kabacan, Matalam, Aleosan, Mlang, Magpet, Pikit, Tulunan, Carmen and Kidapawan City<sup>4</sup>.

North Cotabato Gov. Emmylou Taliño-Mendoza said that the provincial government had distributed animals such as goat, swine and ducks to serve as an alternative source of livelihood; as well as conducted a Php4 million cloud seeding operation. The provincial agriculturist, however, has said that the cloud seeding operations have produced little rain and were largely unsuccessful<sup>5</sup>. The provincial government had no reported plans of distributing food aid, or temporary relief from hunger, which, by that time was being experienced acutely by thousands of families.

### **Asserting the right to food**

Letting farmers go hungry when mitigation efforts are possible is a violation of their right to food. According to Olivier de Schutter, the UN Rapporteur on the Right to Food, “The right to food means providing access to adequate nourishment at all times; when a region is afflicted by a crisis such as drought or armed conflict, the ability of its inhabitants to produce or to acquire food can be severely threatened.”<sup>6</sup>

It is to demand this basic right to food that around 5,000 drought-affected farmers launched a coordinated protest action on March 30, 2016. Farmers from different towns in North Cotabato assembled at and effectively blocked the Quezon Boulevard highway in Kidapawan City, where the provincial seat of government was located. They were seeking a dialogue with Governor Taliño-Mendoza, in order to personally forward their primary demand for 15,000 sacks of rice as immediate food aid. “Farmers are unable to harvest their produce and are waiting for rain,” Norma Capuyan, chairperson of Apo-Sandawa Lumadnong Panaghiusa in North Cotabato

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3 Unson, J. (2016, January 20). North Cotabato under state of calamity due to El Niño. The Philippine Star. Retrieved from <http://www.philstar.com/nation/2016/01/21/1544611/north-cotabato-under-state-calamity-due-el-nino>

4 Philippine Daily Inquirer (2016, March 18). Drought losses reach P1B in North Cotabato. Philippine Daily Inquirer. Retrieved from <http://newsinfo.inquirer.net/774771/drought-losses-reach-p1b-in-north-cotabato>

5 Ibid.

6 De Schutter, O. Food Aid. Retrieved from <http://www.srfood.org/en/food-aid-and-development-cooperation>

said. The farmers' other demands include farm inputs for the next cropping season, government intervention to increase the farmgate prices of their produce, and for military soldiers to end counter-insurgency operations that disrupt their livelihoods<sup>7</sup>.

Taliño-Mendoza, however, refused the dialogue and refused their demands. She promised to "distribute rice in the coming days," but that the distribution would have to follow a process. "They must go back to their barangays (villages). And from there the barangay, municipality and the province will attend to their needs," she was quoted in a news report as saying<sup>8</sup>. The protesters however said that they wanted the governor to sign a Memorandum of Agreement to ensure that this promise will indeed be carried out. Capuyan said that they did not want to be tricked again, citing a similar protest during the 1998 El Niño phenomenon, wherein they were promised food aid that did not come when they agreed to return to their homes<sup>9</sup>. Later in the negotiations, the governor reportedly offered three kilos of rice per family, which the farmers found "insulting."<sup>10</sup> Three kilos of rice can feed a typical family for approximately one to two days.

The Provincial Police Office of North Cotabato deployed police forces and members of their Special Weapons And Tactics (SWAT) team to try to dispel the crowd. Five fire trucks were positioned along the highway. As early as 1:00 a.m. on March 31, second day of the protest, the police blared their sound system loudly, waking farmers from their sleep. They tried to ferry the protesters back home in dump trucks provided by the provincial government<sup>11</sup>. But the farmers refused to budge. They stayed at the highway barricade for two nights, adamant that the governor must at least talk to them about their demands.

### Shooting at farmers

At around 10 a.m. on April 1, Police Senior Supt. Alexander Tagum gave a five-minute deadline for protesters to disperse. The police then started to push through the crowd using batons, with farmers pushing back. Water cannons were then used against the protesters, while some protesters started throwing rocks. Minutes later, shots were heard.

Video footages show how SWAT members armed with assault rifles

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7 <http://davaotoday.com/main/human-rights/hungry-farmers-hold-barricade-in-north-cotabato-highway-demand-15000-sacks-of-rice/>

8 Capistrano, Z. (2016, March 30). 'Hungry' farmers hold barricade in North Cotabato highway, demand 15,000 sacks of rice. Davao Today. Retrieved from <http://newsinfo.inquirer.net/776913/5000-north-cotabato-farmers-block-highway-demand-for-food-farm-aid>

9 Ibid.

10 Olea, R. (2016, April 2). Neglect of farmers led to Kidapawan massacre. Bulatlat. Retrieved from <http://bulatlat.com/main/2016/04/02/neglect-of-farmers-led-to-kidapawan-massacre/>

11 Condeza, E. (2016, April 1). IN PHOTOS: Tension brews a day before the dispersal of the farmers' barricade in Kidapawan City. Davao Today. Retrieved from <http://davaotoday.com/main/headline/in-photos-tension-brews-a-day-before-the-dispersal-of-the-farmers-barricade-in-kidapawan-city/>

deliberately chased and shot at farmers. Farmer Darwin Sulang, 22, and bystander Enrico Fabligar, 30, were killed. Dozens more were severely wounded and required hospitalization. The Health Action for Human Rights reported that 30 farmers sustained gunshot wounds<sup>12</sup>.

Speaking before the Senate Committee on Justice and Human Rights, Tagum denied giving orders to shoot, insinuating that the rally was infiltrated by members of the New People's Army (NPA). Protest organizers denied the charge and condemned it as an old justification for attacks of state forces on unarmed civilians. Meanwhile, Kidapawan mayor Joseph Evangelista said that the police merely issued "warning shots" to prevent the policemen from being mauled by protesters<sup>13</sup>.

Seventy-nine protesters were detained at the Kidapawan City gymnasium and the Kidapawan City Pilot Central Elementary School for several days, which protest organizers said constituted "illegal detention." They were later charged by the police with various offenses, including assault. Meanwhile, thousands of farmers took refuge at the Spottswood Methodist Center, run by the United Methodist Church. On April 2, a day after the shooting, the church compound was raided by the military and police, who were looking for weapons and ammunitions. None were found. The Kidapawan mayor also threatened to have the church's business permit revoked for allegedly harboring "illegal protesters."<sup>14</sup>

Harassment of farmers who continued to seek refuge at the church continued several days after the shooting incident. Policemen even blocked an additional 300 farmers from Arakan Valley who went to Kidapawan when they heard that food aid had started to arrive<sup>15</sup>. In a Senate investigation, farmer Arlyn Aman described how authorities treated them. "We went here to ask for food, but they looked upon us like dogs, like animals," she said<sup>16</sup>.

## Groundswell of support

Graphic images of wounded farmers in the Kidapawan shooting triggered a maelstrom of anger and produced a groundswell of support for the drought-stricken

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12 Human Rights Watch (2016, April 11). Philippines: Witnesses, victims recount shooting, beating by police. Davao Today. Retrieved from <http://davaotoday.com/main/human-rights/philippines-witnesses-victims-recount-shooting-beating-by-police/>

13 Ibid.

14 Condeza, O. (2016, April 2). 'KIDAPAWAN MASSACRE': Police searches church compound-turned evacuation center. Davao Today. Retrieved from <http://davaotoday.com/main/human-rights/kidapawan-massacre-police-searches-church-compound-turned-evacuation-center/>

15 Magbanua, W. (2016, April 2). Police blocks 300 farmers from getting rice in Kidapawan. Philippine Daily Inquirer. Retrieved from <http://newsinfo.inquirer.net/777581/police-blocks-300-farmers-from-getting-rice-in-kidapawan>

16 Capistrano, Z. (2016, April 7). 'We were treated like animals' – woman tells Senate hearing on Kidapawan carnage. Davao Today. Retrieved from <http://davaotoday.com/main/human-rights/we-were-treated-like-animals-woman-tells-senate-hearing-on-kidapawan-carnage/>

farmers. Netizens used the hashtag #BigasHindiBala (“Food Not Bullets”) to express their shock and disapproval of the violent method by which the legitimate demands of farmers for food aid were met. Even as spokespersons of Malacañang Palace and North Cotabato local authorities tried to pin the blame on the rally organizers, saying that they duped farmers into attending by promising that rice will be given out, nothing they said could justify what was done to the victims. Many lawmakers, celebrities and candidates running for office voiced their support for the farmers.

Food aid, then, started finally to arrive, though not from the provincial government, which was empowered to immediately fulfill the farmers’ food needs given the state of calamity it had already declared three months earlier.

On April 5, the Davao City Council approved the release of Php31.5 million worth of rice assistance to buy the 15,000 sacks of rice demanded by farmers. The move, although seen by others as an attempt by the camp of then Davao City Mayor Rodrigo Duterte to boost his presidential run, was welcomed. “The rice humanitarian aid would not have been made possible if not for the struggle of the farmers in North Cotabato who were victims of El Niño,” said Jerome Alborne, spokesperson of Kilusang Magbubukid ng Pilipinas (KMP)-North Cotabato. However, a follow-up report by Davao Today reveals that the rice sacks were not directly given to the farmers but coursed through the provincial government. The KMP also received complaints that donated rice from Davao City were repacked to five kilos in the town of Antipas. The group had to negotiate with the mayor to give each family at least one sack of rice. KMP said that farmers needed food aid for at least three to four months to tide them over until the harvest season<sup>17</sup>.

The Department of Social Welfare and Development (DSWD) was also compelled to provide food aid, albeit also in amounts way lesser than what was demanded by the farmers. The DSWD-Field Office Region XII announced a week after the shooting that they will extend assistance to 150,000 families, with each family receiving five kilos of rice<sup>18</sup>. Similarly, Agriculture Secretary Proceso Alcala made a public statement that rice stocks were available for El Niño victims.

Celebrities who took notice of the issue also donated sacks of rice directly to the protesting farmers. A total of 420 sacks of rice were donated by local actors such as Angel Locsin, Robin Padilla, Mariel Rodriguez, Daniel Padilla, Karla Estrada, Bianca Gonzalez, and filmmakers Jun Robles Lana and Perci Intalan<sup>19</sup>. Private individuals and organizations also contributed to the spontaneous, citizen-driven relief drive.

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17 Condeza, O. (2016, May 26). North Cot farmers find difficulty in getting Davao rice aid. Davao Today. Retrieved from <http://davaotoday.com/main/human-rights/north-cot-farmers-find-difficulty-in-getting-davao-rice-aid/>

18 Department of Social Welfare and Development (2016, April 7). DSWD, LGUs intensify aid for families affected by drought. Retrieved from <http://reliefweb.int/report/philippines/dswd-lgus-intensify-aid-families-affected-drought>

19 Interaksyon.com. (2016, April 5). Rice donated by Robin Padilla, Angel Locsin, other celebs reach Kidapawan. Interaksyon. <http://www.interaksyon.com/entertainment/rice-donated-by-robin-padilla-angel-locsin-other-celebs-reach-kidapawan/>

## Tragedy and victory

The participation of thousands of farmers in such an organized protest action is a democratic assertion of people's rights, particularly the right to food. It is grounded on their awareness that government calamity funds are available, and yet are being withheld. Their actions are grounded on the justness of demanding immediate food aid, at the minimum, and comprehensive relief and rehabilitation for drought victims at the maximum. Accusations and counter-accusations were thrown from both sides—the police and the protesters—regarding the violence that happened on April 1. But video footage and witness testimonies that came out in news reports, as well as the Senate investigation on the incident, affirm that state authorities used illegal armed force in the dispersal attempt.

In the end, it was only the militant assertion of rights that finally brought attention to the plight of drought-stricken farmers of North Cotabato. Before staging the protest, the farmers' voices were not being heard by the local and national government. The general public did not have an idea of the extent of the devastation brought about by El Niño in remote farming communities, a phenomenon hardly covered by the mainstream mass media. Being visible on the city streets by the thousands, and committing the daring act of blocking the highway certainly caught public attention. It was however tragic—and telling of how the state responds to exercises of rights-based democracy—that this attention was paid for with the lives of two individuals, and the injuries and arrest of scores of others.

The protest action in Kidapawan, moreover, inspired other farmers to assert their rights as well. On the third week of April, around two thousand drought-stricken farmers from different provinces in Region XII staged a highway blockade in the highway that spans the cities of Koronadal and General Santos. They similarly demanded for 15,000 sacks of rice through the immediate release of calamity funds.

More than two months after the Kidapawan shooting, farmers from Arakan Valley were quoted in report as saying that after the incident, families received 30 kilos of rice from various government agencies and private donors. But this ration only lasted them for one week. "For now, we have nothing to eat and the time of harvest is still in September," said a Manobo tribal chieftain<sup>20</sup>, underscoring how inadequate the intervention of the state still was, and how little it regarded its responsibility to provide timely and sufficient aid to food producers in crisis, especially with the glare of media coverage gone.

Still, farmers could look back in victory at how their right to food was recognized and provided for, however partially, by fully exercising their democratic right to peaceably assemble and air their grievances. Their high level of self-organization and militant assertion led to the farmers' demands being echoed resoundingly by other sectors of society in a briefly intense, democratic exchange with a government that found it could no longer afford to ignore or brutally suppress these legitimate demands, nor further delay its response.

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20 Diaz, J. (2016, July 22). After Kidapawan 'massacre', farmers in Arakan still lack gov't support. Davao Today. Retrieved from <http://davaotoday.com/main/human-rights/%e2%80%8bafter-kidapawan-massacre-farmers-in-arakan-still-lack-gov-%e2%80%8bt-support/>

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## A MARTYR FAMILY'S QUEST FOR JUSTICE

The Sulang family was one of the thousands of farming families who were experiencing hunger because of the drought. "We make do with little rice, in case we have it. For example, we'll have bananas for breakfast. We save rice for noon. In the late afternoon, we'll have bananas again," narrated Ebao Sulang in the documentary *My Martyred Son*<sup>21</sup>.

Tatay Ebao is the father of 22-year-old Darwin Sulang, who was killed in the Kidapawan shooting and honored as a martyr by his fellow farmers. For Darwin's father, joining the protest was a logical response to their dire situation at home. "We held the rally so that we'll have rice. The plan was to go to the city to demand rice. The calamity fund has not yet reached the village," he said.

When the shooting started, Darwin's parents sought refuge at the nearby church. They started looking for their son soon thereafter. "I suddenly felt nervous because I didn't see Darwin in the crowd. We searched for him. On the second day, he was still missing," he said. The third day after the shooting, they looked for the citizen whom they heard shot a video of the shooting that contained an image of his son. The video was of a bloodied man lying on the ground and being laid on a stretcher by medics. "When they turned the body over, I saw his clothes, and I knew it was him," Tatay Ebao said.

The initial autopsy report said that Darwin died from "cardiorespiratory arrest secondary to head injury due to mauling," as if to support the police's story that it was the protesters' rock-throwing acts that were most injurious. However, an independent

autopsy by forensic expert Dr. Racquel Fortun established the cause of death as a "single perforating gunshot wound almost in the middle of the forehead, which exited at the top back of the head."<sup>22</sup>

The Sulang family was among the complainants who charged 94 national and local government officials, including police and military officers, for their involvement in the Kidapawan shooting. The charges were of murder, frustrated and attempted murder, torture and physical injuries, illegal arrest and detention, and other crimes related to civil and political rights violations.

Additionally, the Sulang family filed a case of perjury against a witness of the Armed Forces of the Philippines, Charlie Pasco, who told the Senate that Darwin was carrying a gun and was a member of the New People's Army (NPA). "It is not true that people with vested interests were just using us...Why, don't they know what's happening in the whole of Mindanao? We are suffering from drought," Sulang said. "It's not true that my son was a NPA. You can even ask the village officials," he added.

The Sulang family also claims that they continued to be harassed by the military, who lurked around their home even after they had buried their son. They were also allegedly offered a bribe by local government officials to try to prevent them from pressing charges. Darwin's parents, however, were undaunted by the threats. The case against the perpetrators of the shooting is pending with the Office of the Ombudsman.

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21 Altermidya (Producer). (2016, April 11). Ang Martir Kong Anak (My Martyred Son). Retrieved from <http://altermidya.net/ang-martir-kong-anak-my-martyred-son-a-documentary/>

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22 Ellao, J. (2016, April 15). Kidapawan dispersal victims killed by gunshots, says forensic expert. *Bulatlat*. Retrieved from <http://bulatlat.com/main/2016/04/15/kidapawan-dispersal-victims-killed-by-gunshots-says-forensic-expert/>