



## THE YEAR THAT WAS:

# Violations Persist, Farmers Cry S.O.S!

(July 2006 – September 2007)

Since 2001, a total of **415** cases of agrarian reform and human rights (AR-HR) violations have been documented by the Partnership for Agrarian Reform and Rural Development Services (PARRDS), a coalition of peoples' organizations and non-government organizations pushing for land reform and countryside development. Alleged violations ranging from killing, harassment, violent dispersal, frustrated killing, destruction of property, displacement and more, have victimized **19,570** agrarian reform petitioners and beneficiaries throughout the country.

In the course of the peasants struggle to secure their human rights to means of subsistence and food, **forty-one (41)** farmers have been summarily executed. Of the total number of incidents, twelve (12) were allegedly perpetrated by state agents. Another 12 incidents were supposedly executed by non-state entities (e.g. armed goons, blue guards and NPAs) while sixteen (16) others were unidentified and one (1) incident was alleged to be perpetrated by a collusion between state and non-state entities.

To this day, all cases remain unresolved. The alleged perpetrators remained scot-free virtually clothed with impunity.

### Violations meter rising (June 2006 – September 2007 highlights)

During the period, out of the twenty-two (22) incidents monitored, thirty-three (33) agrarian-related human rights violations cases with six hundred fourteen (614) farmer-victims were documented by PARRDS.<sup>1</sup> The 33 human rights violations (HRVs) were reported by the Coalition's local partners –the peoples' organizations and non-government organizations in the seven (7) provinces considered as "hotspot" areas.

Topping the list of AR-HR cases documented is harassment (in the form of intimidation, grave threat and indiscriminate shooting) attributing 11 cases and having 143 victims. This is followed by displacement, with 118 individuals affected including 255 farm workers who were illegally dismissed from work, violent dispersal with 50 victims, destruction of property was attributed to 21 victims, frustrated killings with 16 victims, and Killing with 5 cases recorded and 6 lives lost.<sup>2</sup>

Based on the documents, the alleged perpetrators were mostly non-state agents (the landlords and their goons, the blue guards) having been implicated in 16 cases and victimizing 498

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<sup>1</sup> *Cases of Agrarian Reform and Human Rights Violations covering July 2006 – Sept. 6, 2007*

<sup>2</sup> *Summary of Cases, Incidents, and Victims of AR-HR Violations; July 2006 – Sept. 6, 2007*



farmer-beneficiaries.<sup>3</sup> State agents meanwhile, were attributed with 7 cases and 82 victims involving the Philippine National Police (PNP), Barangay police and the military.

Out of the 33 cases, seventeen (17) AR-HRVs with reported 191 victims were monitored in the Visayas, particularly in the AR-HR 'hotspot' area of Iloilo and Negros Occidental. In Iloilo, 11 cases with 77 victims were documented while 114 victims were attributed to the 6 cases reported in Negros Occidental.<sup>4</sup>

Second in rank on AR-HR violations is Luzon. A total of 13 cases were documented in the island involving some 161 poor farmer-victims. Four (4) of these cases took place in Quezon province particularly in the Bondoc Peninsula. Another 4 incidents were also documented in Metro Manila, specifically in Quezon City where a heightened farmers' protest aimed at the DAR central office demanding for a swift resolutions to land reform-related cases and a call for a revamp within its bureaucracy.

In Mindanao, three (3) AR-HR cases were documented by the Coalition involving two hundred sixty-seven (267) poor agricultural workers as victims. These were banana plantation farm-workers and also legitimate agrarian reform beneficiaries who, allegedly, were dismissed illegally by the HRC (Hijo Resources Corporation) management.

### **Extrajudicial killings**

From July 2006 to September 11, 2007, six (6) peasant leaders have been killed or summarily executed. These were; Wilfredo Cornea, Alberto Yadan, Pepito Santillan, Joseph Matunding, Alejandro Garcesa, Ely Tupaz and Frank Labial.<sup>5</sup>

Frank Labial, the latest victim, was tailed by two (2) assailants on a motorcycle coming from the market. Witnesses mentioned that after the first volley of fire, he was able to run towards his house. The killers followed the victim and later caught him just inside the gate of his house shooting him with a .45 caliber handgun.

Before his assassination, Ka Frank was leader of the landless rural poor in asserting their rights over the 2,995 hectares Bukidnon Farms Incorporated (BFI) in Don Carlos, an ill gotten property of the Marcoses. Their struggles date as far back as 1986 since he was one of the farmer beneficiaries of the 1988 CARP Law.<sup>6</sup>

### **Criminalizing agrarian reform**

'Criminalization' of agrarian related cases continues to be the leading trend blocking peasants' effort and further cementing the situation of 'CARP paralyzes' in the countryside. All

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<sup>3</sup> *Summary of Alleged AR-HR Violations Perpetrators; July 2006 – Sept. 6, 2007*

<sup>4</sup> *Summary of distribution of AR-HRV cases per island and hotspot areas; July 2006 – Sept. 6, 2007*

<sup>5</sup> *Table; Killings/Summary Executions; PARRDS*

<sup>6</sup> *Public Statement; Factsheet; PARRDS*



documented cases involving agrarian reform beneficiaries from Iloilo and Quezon provinces face various criminal complaints (e.g. *theft, robbery, trespassing, malicious mischief*, etc.) filed by the influential landlords despite the legitimacy of their claims as possessors of Certificate of Land Ownership Awards or CLOA.

In Iloilo for instance, the Coalition documented and assisted 17 CARP beneficiary-farmers from Barangay Libertad in the town of Banate who were forced to flee to Manila after the former landowner Danilo Valderama filed Theft cases against them and two (2) others. The landlord alleged the farmers harvested sugarcanes which he claimed still belongs to him. The farmers' predicament happened despite receiving their respective CLOAs as early June 2005.<sup>7</sup>

### **Suppressing the right to peaceful assembly**

At least (20) farmer-leaders who were pursuing a dialogue with DAR Secretary Nasser Pangandaman were hurt and injured as a combined group of SWAT and Quezon City anti-riot policemen forcibly evicted them outside the DAR central office premises and dispersed scores of others outside who were on a 'seat down' strike.

The mass demonstrations happened two (2) straight days that began on Monday, September 3, 2007. More than 300 farmers, all agrarian reform beneficiaries coming from the different regions were involved in the joint UNORKA-Pilipinas and Task Force Mapalad (TFM) 2-day rally. Those who were hurt on the first day were a certain Teresita David, a farmer from Cavite and Praxedes Oday both were hit with a cane stick by the policemen allegedly under the command of a certain police Colonel Paguinto. On the second day, UNORKA farmer-leader Evangeline Mendoza was allegedly clubbed by the police and a certain Robert Flores of TFM was mauled and arrested but was later freed when AR-HR advocates intervened for the latter's release.

In September 7, 2007 police violently dispersed more than 100 farmers from UNORKA-Pilipinas and TFM who stormed the office of the DAR Secretary at the 4th floor of the central office building. The protesting farmers were restive after DAR Secretary Nasser Pangandaman failed to keep his promise of settling the pending land cases in favor of the farmers. This forced them to barge into the compound and staged a 'sit-down-strike' outside the Secretary's office room.

Meanwhile, more than 30 UNORKA-Pilipinas farmer-leaders also occupied the ground floor of the building. The two (2) groups were one in their demand for a speedy resolution of pending CARP cases and the call for a revamp in the DAR bureaucracy.

The incident forced the DAR security personnel to call the Quezon City Police Department (QCPD) Anti-riot police squad under the command of a certain Colonel Paguinto. As a result, more or less fifty (50) farmer-leaders mostly women were hurt during the violent dispersal that took place around 11:30 in the morning. Allegedly, one farmer was forcibly dragged and pushed towards the stairs from the 4th floor.

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<sup>7</sup> *Aide Memoir; PARRDS*



UNORKA-Pilipinas farmer-leader Apolonio Pacardo was arrested and was brought to Camp Karingal in Quezon City. He was held against his will for more than thirteen hours (13) and was only released upon the intervention of AR-HR lawyers and prominent individual advocates. Pacardo was released at the custody of his counsel and pending further investigation at around 12:30 midnight.

### **Non-State Actors, new breed of AR-HR perpetrators**

The emergence of the so-called non-state entities or non-state actors (NSAs) as the new face of human rights perpetrators have been, for quite sometime, subject of a critical discourse among international human rights experts and advocates. In the debate's progression however, the entities unmasked were limited to entities like the Transnational Corporations (TNCs), International Monetary Fund (IMF), International Non-government Organizations (INGOs), private security contractors including the UN (United Nations).<sup>8</sup>

In the Philippines, human rights violations involving such groups are inadequately monitored and documented. This does not necessarily mean local HR advocates have found no ways in pursuing the accountability of NSAs as alleged perpetrators of human rights violations or atrocities. In fact, the Coalition maintains that it is the State's main responsibility, as party to international human rights treaties, to go after and prosecute these supposed offenders under local laws.

Within the context of the Philippine peasant experience particularly those pushing for land reform, a new strain of NSAs emerged. Rebel groups belonging to the CPP-NPA and the recalcitrant landlords with their armed goons or blue guards have been documented by PARRDS to having infringed farmers' human rights. Of the two however, the latter topped as prominent perpetrators of AR-HR atrocities within the period covered with 243 victims out of the 15 cases documented.<sup>9</sup>

Beyond what statistics show is a far more relevant idea of considering both groups as non-state entities and therefore deserves to be elevated in the international stage of human rights discourse; in making them accountable to human rights. These groups command great political, social and economic influence in their own localities. Landlords for instance, govern their estate or *haciendas* with their own set of laws locally considered '*batas hasyenda*' (hacienda law) and tenants living within are obliged or otherwise forced to follow these rules. In effect, the haciendas are 'pseudo-states' where landlords have firmly established their own government replete with system of laws, an army, institutions like churches, schools, health clinics and other basic amenities.

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<sup>8</sup> *"Non-State Actors and Human Rights", edited by Philip Alston*

<sup>9</sup> *Table of alleged AR-HR violations perpetrators; PARRDS*



So far, the government has been ineffective and remiss of its obligations in protecting and defending farmers' enjoyment of their human rights, specifically the right to means of subsistence and adequate food from the violent onslaught of a new breed of Non-State Actors.

### **Shrinking democratic space**

CARP petitioners, farmers' groups and AR-HR advocates sensed that the AR struggle is losing ground in almost all aspects. This was propelled by alleged violations and abuses of both state and non-state actors imposing their anti-CARP stance often leading to violent confrontations with local CARP advocates in agrarian reform communities.

At the policy level, it becomes even more difficult for them to assert their human rights as the law espousing CARP is replete with ambiguity. The gaps provided an opportunity for recalcitrant and influential landlords most of whom are policy makers themselves, in rendering their own self-serving interpretations of the law. It allowed them to get around with the law diluting whatever is left of its substance. Worst, CARP as stipulated is supposedly on its final phase and is set to conclude by June of 2008.

The imminent termination of the program is a huge blow to the impoverished farmers and farm-workers effort, those who have pinned their hopes on CARP to own land to survive. Their miserable predicament would usher a new wave of protests from the sectors involved. Because of this, farmers and human rights defenders believe, that with or without CARP extension, human rights violations would intensify further.

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## SUMMARY OF CASES AND VICTIMS OF AR-HR VIOLATIONS

Covering the period July 2006 – September 2007

As Documented by the Partnership for Agrarian Reform and Rural Development Services, Inc. [PARRDS]

Cases	Number of Cases	Number of Victims
<b>1. Harassment</b>	<b>11</b>	<b>143</b>
▪ <i>Grave threat</i>	7	16
▪ <i>Indiscriminate shooting</i>	2	104
▪ <i>Intimidation</i>	1	3
▪ <i>Physical assault</i>	1	20
<b>2. Frustrated Killing</b>	<b>7</b>	<b>16</b>
<b>3. Killing</b>	<b>5</b>	<b>6</b>
<b>4. Economic Displacement (due to illegal dismissal)</b>	<b>1</b>	<b>255</b>
<b>5. Displacement</b>	<b>4</b>	<b>118</b>
▪ <i>Due to criminalization of AR cases</i>	3	113
▪ <i>Others</i>	1	5
<b>6. Arrest</b>	<b>2</b>	<b>2</b>
<b>7. Violent Dispersal</b>	<b>1</b>	<b>50</b>
<b>8. Destruction of Property</b>	<b>1</b>	<b>21</b>
<b>9. Illegal Search</b>	<b>1</b>	<b>3</b>
<b>TOTAL</b>	<b>33</b>	<b>614</b>



## SUMMARY OF ALLEGED AR-HR VIOLATION PERPETRATORS

Covering the period July 2006 – September 2007

As Documented by the Partnership for Agrarian Reform and Rural Development Services, Inc. [PARRDS]

<b>Alleged Perpetrator</b>	<b>Alleged Involvement</b>	<b>Number of Victims</b>
<b>Non-state Agents/Actors</b>	<b>16</b>	<b>498</b>
▪ Landlord	1	68
▪ Landlord goons	8	17
▪ Landlord and goons	3	50
▪ Landlord blue guards (Security)	3	108
▪ HRC Plantation management	1	255
<b>State Agents/Actors</b>	<b>7</b>	<b>82</b>
▪ Police (PNP)/Brgy. police (Tanod)	3	76
▪ Military (AFP)	2	6
<b>State and Non-State (Collusion)</b>	<b>2</b>	<b>18</b>
▪ PNP (Provincial Mobile Group) and landlord goons	2	18
<b>Unidentified</b>	<b>8</b>	<b>16</b>
<b>TOTAL</b>	<b>33</b>	<b>614</b>



## SUMMARY OF DISTRIBUTION OF AR-HRV CASES PER ISLAND/HOTSPOT AREAS

Covering the period July 2006 – September 2007

As Documented by the Partnership for Agrarian Reform and Rural Development Services, Inc. [PARRDS]

AREA OF INCIDENT	No. of Cases	No. of Victims
<b>VISAYAS</b>	<b>17</b>	<b>191</b>
1. Iloilo	11	77
2. Negros Occidental	6	114
<b>LUZON</b>	<b>13</b>	<b>161</b>
1. Quezon	4	77
2. Quezon City	4	72
3. Batangas	2	5
4. Pampanga	2	6
5. Laguna	1	1
<b>MINDANAO</b>	<b>3</b>	<b>267</b>
1. Davao Del Norte	2	261
2. Bukidnon	1	1
<b>TOTAL</b>	<b>33</b>	<b>614</b>





## Extrajudicial Killing or Summary Execution Agrarian Reform and Human Rights Violations/Abuses (February 2001 – September 2007)

As documented by the Partnership for Agrarian Reform and rural Development Services, Inc. [PARRDS]

Date	Name of Victim	Place of Incident	Alleged Perpetrator
February , 2001	1. Ronilo Vasquez	La Castellana, Negros Occidental	Armed men of Farley Gustillo
December 9, 2002	2. Emeterio Blanco	Binalbagan, Negros Occidental	Unidentified
<b>2003</b>			
January 6, 2003	3. Dominador Morales	Panabo, Davao City	Armed goons, DARBCO member, and PNP
February 4, 2003	4. Raymundo Tejino	Bo. San Vicente, San Narciso, Quezon Province	NPA
March 8, 2003	5. Junie Gaylan	Nagasi, La Carlota City, Negros Occidental	Armed Security guards of Malibu Agri. Corp.
May 3, 2003	6. Indak Espartero	Moises Padilla, Negros Occidental	Goons and loyalist of Miguel Lacson
October 3, 2003	7. Roding Romero	Bo. San Vicente, San Narciso, Quezon Province	Armed goons of UY family
<b>2004</b>			
March 20, 2004	8. Felizardo Benitez	Bo. San Vicente, San Narciso, Quezon Province	Armed goons of UY family
May 6, 2004	9. Lito Bayudan	Bo. San Jose, Bongabon, Nueva Ecija	NPA
2004	10. Alex Aquino	Bulacan	unidentified
September 3, 2004	11. Teresa Mameng	Bo. Sag-ang, La Castellana, Negros Occidental	Armed goons of Mario Villanueva
November 1, 2004	12. Agustin Flores	Maytubig, Isabela Negros Occidental	Unidentified
November 16, 2004	13. Jun David	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	14. Adriano Caballero	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	15. Jhaivie Basilio	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	16. Jesus Laza	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	17. Jaime Pastidio	Hacienda Luisita, tarlac	AFP and PNP
November 16, 2004	18. Juancho Sanchez	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	19. Neng Balete	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	20. Boy Versola	Hacienda Luisita, Tarlac	AFP and PNP
November 16, 2004	21. Jesie Valdes	Hacienda Luisita, Tarlac	AFP and PNP
<b>2005</b>			
January 15, 2005	22. Winifredo Matahum	Escalante City, Negros Occidental	Unidentified
May 13, 2005	23. Delia de Castro	San Isidro, Davao Oriental	Unidentified
July 23, 2005	24. Hernando Baria	Asao, Lawis, Balasan, Iloilo	PNP elements of Iloilo
October 25, 2005	25. Ricardo Ramos	Hacienda Luisita, Tarlac	Unidentified
<b>2006</b>			
January 10, 2006	26. Antonio Adriaes	Mexico, Pampanga	Para-military unit
March 27, 2006	27. Vicente Denila	Tanjay City	Unidentified
March 17, 2006	28. Tirso Cruz	Conception, Pampanga	Unidentified assailant
April, 2006	29. Jimmy Mirafuentes	Albay	Unidentified
April 15, 2006	30. Rico Adeva	Bagtic, Silay, Negros Occidental	Unidentified armed men
April 22, 2006	31. Porferio Maglasang	Kabankalan, Negros Occidental	Unidentified
April 25, 2006	32. Enrico Cabanit	Tagum, Davao Norte	Unidentified



May 17, 2006	33. Mario Domingo (35/male)	Mansalanao, La Castellana, Negros Occidental	Armed goons of Gustillo's
May 18, 2006	34. Annaliza Abanador- Gandia	Balanga City, Bataan	2 motorcycle-riding gunmen
June 26, 2006	35. Wilfredo Cornea	Hacienda Mulawin, Sagay, Negros Occidental	2 unidentified gunmen
December. 6, 2006	36. Alberto Yadan	Brgy. Tipas, San Juan Batangas	2 assailants armed with .45 cal. Pistol; (police arrested a barangay police as suspect to the crime)
<b>2007</b>			
January 25, 2007	37. Pepito Santillan (62/male)	Hacienda Velez-Malaga, Barangay Robles, La Castellana, Negros Occidental	Unidentified armed men
January 30, 2007	38. Joseph Matunding	Barangay Manduawak, San Dionisio, Iloilo	(2) a certain Ian Bartolome and John doe
June 4, 2007	39. Alejandro Garcesa	Hacienda Velez-Malaga, Barangay Robles, La Castellana, Negros Occidental	Undetermined number of Security Guards of landlord Roberto Cuenca
June 4, 2007	40. Ely Tupaz	Hacienda Velez-Malaga, Barangay Robles, La Castellana, Negros Occidental	Undetermined number of Security Guards of landlord Roberto Cuenca
August 10, 2007	41. Frank Labial (59/male)	Don Carlos, Bukidnon	2 assailants on motorcycle; armed with .45-caliber handgun
<b>TOTAL NO. OF VICTIMS:</b>	<b>41</b>		

**With Reports from:**

PEACE Foundation, Inc. ,UNORKA-Filipinas, NCPERD  
TFM, EMPOWERMENT, MFDC, KPD, NOFFA, AHRC



**Extrajudicial Killing or Summary Execution:  
Summary Distribution of Alleged Perpetrators  
Per Incident and Area  
(February 2001 – September 2007)**

<b>Alleged Perpetrator</b>	<b>Luzon</b>	<b>Visayas</b>	<b>Mindanao</b>	<b>Total Incidents</b>
<b>State Actors</b>	11	1	-	12
• <i>PNP</i>		1	-	
• <i>Military and PNP</i>	9	-	-	
• <i>Para-military</i>	1	-	-	
• <i>Barangay Police</i>	1	-	-	
<b>Non-state Actors</b>	4	8	-	12
• <i>Landlord Armed Goons</i>	2	5	-	
• <i>Landlord Blue Guards</i>		3	-	
• <i>New People's Army (NPA)</i>	2	-	-	
<b>State &amp; Non-state Collusion</b>	-	-	1	1
• <i>Armed Goons and PNP</i>		-	1	
<b>Unidentified</b>	5	8	3	16
<b>TOTAL PER ISLAND</b>	<b>20</b>	<b>17</b>	<b>4</b>	<b>41</b>



## Distribution of Cases & Violations of Human Rights

(2001 – June 2006)

Partnership for Agrarian Reform and Rural Development Services, Inc. [PARRDS]

Cases	Quezon Province		Provinces of Nueva Ecija, Mindoro, Cavite, Isabela, Camarines Sur, Masbate, Albay, Bulacan, Pampanga,, Bataan, Tarlac and National Capital Region		Provinces of Davao, North Cotabato, Sarangani, and Compostela Valley		Provinces of Negros Occidental, Iloilo and Oriental Negros	
	Number of Incident/s	Number of Victim/s	Number of Incident/s	Number of Victim/s	Number of Incident/s	Number of Victim/s	Number of Incident/s	Number of Victim/s
1. Killing	3	3	7	15	3	3	12	12
2. Frustrated killing	6	86	2	3	4	20	7	13
3. a. Harassment	15	76	6	367	2	399	8	230
b. Criminal charges filed against farmer but agrarian related	200	155	21	250			32	143
4. Violent dispersal			1	155	2	363		
5. Forced eviction					1	245		
6. Illegal work dismissal					2	47		
7. Arrest and Detention	14	18	3	289			3	39
8. Divestment of property	3	(3 property Divested)	2	(7 property divested)				
9. Physical assault			1	174			2	2
10. Evacuation	6	15,478					1	105
11. Destruction of property	3	(3 house Destroyed)	1	(6 houses destroyed)			4	150
12. Frustrated abduction	2	2						
13. Illegal search							1	
14. Disappearance			1	1				
15. Economic Displacement	1	123						
<b>Total:</b>	<b>253</b>	<b>15,941</b>	<b>45</b>	<b>1,254</b>	<b>14</b>	<b>1,077</b>	<b>70</b>	<b>694</b>

Total Number of Incidents.....382

Total Number of Human Rights Victims.....18,966



## Summary of Human Rights Violations (Per Cases)

Cases	Number of Incidents	Number of Victims
1. Killing	25	33
2. Frustrated killing	19	122
3. a. Harassment	31	1,072
b. Criminal charges file against farmer but agrarian related	253	548
4. Violent dispersal	3	518
5. Force eviction	1	245
6. Illegal work dismissal	2	47
7. Arrest and Detention	20	346
8. Divestment of property	5	(5 divested property)
9. Physical assault	3	176
10. Evacuation	7	15,583
11. Destruction of property	8	150 (9 houses destroyed)
12. Frustrated abduction	2	2
13. Illegal search	1	(1 property)
14. Disappearance	1	1
15. Economic Displacement	1	123
<b>Total:</b>	<b>382</b>	<b>18,966</b>

Period covered: 2001 to June 2006