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## BUILDING BRIDGES FOR PEACE

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Its history and statistics usually tell the story of bridges – who are the architects, when did construction start, how high is the headway, how long the span, etc.

If we are to do that with the Building Bridges for Peace (BBP) project, we have to start with the vision of the Philippine Coalition for the International Criminal Court (PCICC). Members of the PCICC
are united in a vision of a society where human rights and justice are enjoyed, and where perpetrators of the most atrocious crimes such as war crimes and crimes against humanity are brought to justice. The PCICC campaigns for the ratification and implementation by the Philippines of the Rome Statute of the International Criminal Court, and for the strengthening of domestic institutions to end impunity.

In 2008, individual members started to conceptualize the Building Bridges for Peace project with the intent of studying and strengthening justice mechanisms in communities ravaged by armed conflict. The year started with a lot of promise. Peace negotiations between the government and a group struggling for self-determination of the Bangsamoro people were thought to be on the brink of a breakthrough after over 10 years of peace talks. But news that the Philippines (GRP)-Moro Islamic Liberation Front (MILF) Memorandum of Agreement on Ancestral Domain (MOA-AD) was ready for signing suddenly grabbed headlines and stoked fears that the MOA would erode national sovereignty and surrender territory to a new Bangsamoro state. A legal challenge mounted by various groups prospered and scuttled the talks within the year.

Instead of seeing a comprehensive solution to the Bangsamoro situation, the conflict escalated with even civilians being armed in anticipation of the reaction of the MILF over the rejection of the MOA. The fragile ceasefire was shattered, resulting in the deaths of hundreds of civilians, the burning of houses and attacks on places of worship. More than 600,000 persons were displaced, “the biggest new displacement in the world” according to the Geneva-based Internal Displacement Monitoring Centre. The suffering was aggravated by restrictions on humanitarian access at the upsurge of the conflict.

Those were but new installments to the internal armed conflicts that have plagued the country for over four decades. Instead of rule of law, violations of human rights and international humanitarian law rule in battlefronts across the country.

While both government and insurgents declare their adherence to human rights and international humanitarian law, peace negotiations between the government and the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) and the
secessionist groups of Mindanao have stalled numerous times as a result of violations of cease-fire agreements and agreed conduct of talks, and the failure to come to mutually agreeable political concessions.

The situation has aggravated structural violence. Provinces where insurgency is most active are also among the poorest in the country and, in a tragic interdependence, inevitably feeds insurgency.

Daring to hope for more
By the time BBP work started in 2009, discussions on the project within the PCICC had developed on the need to take innovative and creative approaches and strategies to advance its mission and objectives.

The Building Bridges for Peace project was designed to create a social and political space for multi-sectoral dialogues on conflict and peace among various stakeholders; to promote and explore mechanisms to uphold human rights and international humanitarian law; and to build confidence, respect and trust among the community actors by designing and planning in common activities to address situations of conflict and to strengthen and/or create monitoring mechanisms and immediate security measures for the communities.

With the BBP project, PCICC is saying that it dares to hope for more. Not only that there are rules that can and should be applied in times of armed conflict but that there are ways out of the conflict.

The BBP project was undertaken in 2009 and 2010 with funding from the Institut für Auslandsbeziehungen e.V. (Institute for Foreign Cultural Relations). It aimed to initiate a change process in areas that have been experiencing armed conflict between the government and armed resistance groups and the attendant underdevelopment. In this endeavor, the project team was armed with the following starting points:

- That political roots of conflict would remain un-resolved unless these were addressed multilaterally by the various stakeholders listening to each other and seeking to understand each other in honest dialogue; and
- That the Philippine Charter and international standards on human rights and international humanitarian law would provide the parameters in defining and regulating the direction of dialogue.

These starting points guided BBP work in the project areas that to this day reflect the root causes of armed conflict as identified by the National Unification Commission (NUC) led by the unassailable public servant Haydee Yorac in 1992-1993. The NUC report concluded after consultation in 71 provinces that there are five major causes of conflict in the country:

- massive poverty and economic inequity;
- poor governance;
• acts of injustice and abuse of power, human rights violation, and corruption;
• structural inequity in the political system; and
• exploitation and marginalization of Indigenous Cultural Communities and lack of recognition of their ancestral domain.

The main difference between the situation in the early 1990s and the present was that the Constitution and social justice legislation introduced after the EDSA People Power Revolution have been in place for some years and have given communities the leverage to struggle for their rights and to create a new reality for future generations.

It is a struggle Philippine society must wage and win. The poor implementation of social justice legislation tarnished the achievements of EDSA in many areas. BBP project areas show how much work is yet to be done to make good on agrarian reform and indigenous peoples rights.

**Constructing with all stakeholders**

BBP project areas bear the brunt of decades of turbulence and upheaval in the Philippines as well as changes and paradoxes ushered by the 1986 People Power Revolt in EDSA.

The community in Bondoc Peninsula in Quezon lives in a feudal throwback to the hacienda times. Big landlords control areas that have escaped years of the land reform programs from the 1970s to the present. The haciendas are protected by goons and the links of their owners to local politicians. Farmers are advancing on their land rights only with great perseverance and the courage to resist guns and goons.

The Higaonon tribal communities of Balatukan Mountain Range of Misamis Oriental have undisputed right to their ancestral domain. But their lives are on the balance for lack of documents to prove their claim. The frustrated young people of the tribe swell the ranks of the NPA.

In pursuing the rights of the communities in these areas, stakeholders taking part in the BBP have to take a journey in search of a common analysis of the situation, shared values and consensus in the task of constructing peace. The stakeholders can only move forward when they are united on their reading of the underlying causes of conflict and the strategic course of action to take. This demands honest and constant dialogue that will reconcile the interests of
the communities, government and civil society groups working together.

The milestones reached by BBP in 2009-2010—targets reached, partnerships made, policy reforms, etc.—reflect on the journey taken by the stakeholders. The BBP agenda-setting, dialogues, action planning, and efforts at implementation have met many challenges but also unexpected breakthroughs.

Working teams and structures have met in between multi-stakeholder dialogues and action planning to brainstorm and push forward with solutions. In response to the situation and calls of the farmers of Bondoc Peninsula, a working team called the Inter-Agency Committee on Bondoc Peninsula led by the Department of Agrarian Reform met several times and created a template for pursuing agrarian reform in the haciendas that through hired goons and exploitation of legal loopholes have obstructed reforms for years. It was this template that guided the installation of farmers in a leasehold in 2010.

As for Balatukan, the provincial government of Misamis Oriental already adopted BBP in 2009 and institutionalized the Conflict Management Cluster of the Provincial Peace and Order Council (PPOC) as a venue to resolve major issues and concerns. It was here where the harmonization of the National Integrated Protected Areas System (NIPAS) and the Indigenous Peoples’ Rights Act (IPRA) was discussed and resolved. In 2010, the Misamis Oriental PPOC went further and invited the BBP to join the team that will draft the new training manual of the security sector after the handover of the internal security operations in the province from the Philippine National Police/ Armed Forces of the Philippines to the PPOC.

BBP stakeholders have come from being dialogue partners to governance partners. It is the strength of these partnerships that will sustain the changes in the communities. The vision of the architects of BBP is coming alive with the construction of all stakeholders of new ways to work and govern together.

One partner in local government put the opportunity and challenge before the stakeholders in a nutshell, “BBP: Puso ng matinong pamahala.” (BBP: The heart of effective governance.)
BONDOC PENINSULA, QUEZON
1 Template, 1716 Hectares & A Whole Lot of Shaking Up
Deepening reform and social change on the ground
by Danny T. Carranza

When the Building Bridges for Peace (BBP) project started in 2009, farmers were still vigorously campaigning to extend the Comprehensive Agrarian Reform Program or CARP which completed its 20th year in 2008. When the CARP Extension with Reform (CARPER) was finally passed, farmers knew they had little time to lose. Much had to be done until June 2014 when CARPER expires. Not least in Bondoc Peninsula where the failure of CARP has kept a feudal system in place.
On the sidelines of the BBP multi-stakeholder dialogues, participants came together to draft a template for the coverage and distribution of contentious lands. The template agreed upon after several meetings of what is called the Inter-Agency Committee on Bondoc Peninsula defined the roles of agencies involved in CARPER implementation, procedures and coordination mechanisms.

The first test case of the template was in the hacienda of Matias in Brgy. Butanguiad and Don Juan Vercelos in San Francisco, Quezon. The case involves 7 titles covering 1,716 hectares of contiguous coconut lands. A survey for individual beneficiaries commenced on 2 December 2010.

“We have made the Matias Case the model of agrarian reform under the CARPER. Guided by the Template, we proceeded with the coverage for the eventual distribution of the hacienda, even while there is a pending protest on the coverage of the property,” said DAR Assistant Secretary Dominador B. Andres during the 14 December 2010 year-end public presentation of the BBP.

Maribel Luzara, president of the Kilusang Magbubukid ng Bondoc Peninsula and one of the farmer-beneficiaries, praised the developments.

“Nagpapasalamat kami sa DAR sa pagtugon sa aming kahilingan. Reinstatement lang ng napaalis na mga magsasaka ang una naming hiling. Pero pinalawak ito ng DAR at itinuloy na ang pagsusukat ng 1,716 ektarya na nakabinbin noon pang 2005 dahil sa protesta ng may-ari.” (We thank DAR for responding to our demand. We initially asked that tenants evicted in 2005 be reinstated but DAR went further. They pursued the survey of the 1,716-hectare property that was stalled in 2005 because of the landowner’s protest.)

But this is only one of the approaches farmers and other stakeholders use to push for reforms in an area that to this day remains one of the poorest and most conflict-ridden in the Quezon province.

**Bondoc: still in feudal bondage**

Bondoc Peninsula is a strip of land that juts out of mainland Luzon. It is close to several provinces of Southern Tagalog region like Mindoro and Marinduque, and the provinces of Camarines Sur and Masbate of Bicol region.

Bondoc Peninsula continues to experience armed insurgency despite repeated official pronouncements that insurgency has been reduced...
to an insignificant level. Continuing poverty, concentration of land ownership in a few hands, and the strategic location of the area in the conduct of “people’s war” of the armed left movement are among the major reasons for the persistence of unrest and armed conflict.

Genuine agrarian reform is a crucial element in waging peace in Bondoc Peninsula. Elsewhere, agrarian reform has reduced the marginalization of communities and considerably changed the quality of life of previously landless tenants. CARP, when successfully realized, paves the way for the evolution of new communities with schools, farm-to-market roads, health centers and other government services.

In spite of more than 20 years of implementation, however, the existence of big haciendas in Bondoc Peninsula stand witness to an unfinished agrarian reform program. Bondoc Peninsula officially has more than 80,000 hectares of agrarian land with 47,418 hectares of a target of 71,643 hectares distributed through CARP. Haciendas have persisted, the biggest of which is about 8,000 hectares. In the haciendas, landless tenants are continually mired in extreme poverty and excluded from basic government services.

A reform-oriented peasant movement called Kilusang Magbubukid ng Bondoc Peninsula (KMBP) formed in the mid-90’s, continues to work for the redistribution of the hacienda lands. They have managed to make peasants’ claims for land rights through peaceful means a viable option through creative mass actions and dynamic engagements with the government. They face a conservative landowning class that have thwarted land reform through various physical and legal means. The hold of the hacienda system is not helped by the perception that the government is not truly committed to pro-poor land policies and that agencies are beholden to the local landlord elite.

The farmers are also confronted by an armed left movement that opposes state-sponsored land reform because it weakens the conditions for revolution. The New People’s Army exerts various efforts to frustrate agrarian reform, at times even aligning their actions with those of the hired goons of the haciendas.

The dynamics of these actors result in violence and the denial of the human rights of reform-oriented landless tenants. In the course of their struggle, five peasant leaders have been killed,
scores wounded and a number of families displaced. More than 300 peasants had been jailed because of the criminalization of their assertion of land rights.

**Re-directions in 2009**
The extension of CARP through Republic Act 9700, more commonly known as the Comprehensive Agrarian Reform Program Extension with Reform (CARPER), provided organized tenants a favourable policy environment in sustaining their land rights claims through peaceful means, including through the BBP project.

BBP interventions in Bondoc Peninsula are anchored on the democratization of governance and the empowerment of conflict-affected communities; the observance of human rights and international humanitarian law; and the assertion of an effective implementation of agrarian reform.

BBP gains and commitments in 2009, as enumerated below, provided the foundations for the current work:

- **Sustaining the coverage of the remaining balance of land distribution under CARPER.** KMBP members, with the support of the Quezon Association for Rural Development and Democratization Services (QUARDDS) and the Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS), have been campaigning for the distribution of some 10,000 hectares of contentious private and public lands in the area. The DAR committed to distribute the balance when CARPER was approved.

- **Ending exploitative sharing system through leasehold implementation** to stop the feudal exploitation still prevailing in the area where farmers get 30-40 percent of the gross. The DAR committed to end share tenancy through leasehold system implementation to tilt the balance in favour of poor tenants who should get 75% of the net produce under leasehold.

- **Installation of evicted Matias tenants.** The evicted farmers in this conflict are symbols of the setback of peaceful claim-making. Twenty-four farmers who were evicted in 2005 were
unable to benefit from their crops, blocked from implementing the leasehold system, and uprooted from their source of livelihood. With the erosion of their confidence in the government’s agrarian reform program, they became vulnerable to recruitment in the armed left movement. BBP processes undertaken established that there is no legal impediment to the reinstatement of at least nine of the tenants. DAR committed to install the tenants.

- **Mainstreaming of referral system.** In the last decade, the criminal justice system was ruthlessly used as a weapon to criminalize peasants asserting agrarian reform. Advocates and the Bondoc Peninsula tenants successfully lobbied in reforming the law by introducing the referral system under Section 19 of CARPER. Effective mainstreaming of referral system required the issuances of implementing rules and regulations from criminal justice agencies. The BBP together with IDEALS, QUARDDS, Rural Poor Institute for Land and Human Rights Services (RIGHTS), and KMBP initiated several meetings and was able to get the commitments of the Supreme Court and the Department of Justice for the issuance of their respective IRRs for the judges and prosecutors nationwide.

- **Documentation of problematic public lands.** More than half of the lands targeted by KMBP and QUARDDS are gray areas, neither exclusively private nor public lands because of ownership claims even in inalienable lands. The documentation of these landholdings is an important step in the redistribution of these lands. The Department of Environment and Natural Resources (DENR) committed to pursue the demands of the farmers and initial delineation activities were conducted on the ground.

- **Support of the Armed Forces of the Philippines and the Philippine National Police** in the enforcement of agrarian reform laws, respect for human rights and protection of tenants’ physical safety in agrarian hotspots. In all the multi-stakeholders dialogues BBP conducted in 2009, the security forces committed to support the government’s agrarian reform program.

**Intensifying agrarian & governance reforms**

For the year 2010, BBP in coordination with the stakeholders initiated bilateral meetings and
follow-up consultations including with the DAR and the DENR; monitored and followed up the commitments made by duty bearers including the Supreme Court; supported legal clinics and lawyers' consultations to strategize on the referral system; co-organized a public land conference; and, undertook other activities leading up to and following the main multi-stakeholders dialogue.

The advances made in 2010 are the result of the commitments made by stakeholders who have participated in various ways to fulfill action plans agreed upon during the dialogues and follow up meetings. People’s organizations (POs) played a crucial role as major stakeholders in the dialogues. The POs are led by the KMBP and its various chapters in the conflict-affected communities and the Kilusan para sa Katarungang Panlipunan at Repormang Pansakahan (KATARUNGAN). Civil society participants include the Agrarian Justice Foundation (AJF), IDEALS, QUARDDS, and RIGHTS, Inc.

Individuals who continue to inspire the dialogues and peaceful settlement of land conflicts include Bishop Buenaventura Famadico, DD of the Diocese of Gumaca, and former Congressman Oscar “Ka Oca” Santos.

Major agencies that participated in the various undertakings of BBP include the DAR, DENR, Land Registration Authority (LRA), Register of Deeds of Quezon, Philippine National Police (PNP) of Quezon, and the Southern Luzon Command – Armed Forces of the Philippines (AFP). The representative of the Office of the Governor formally opened the multi-stakeholder dialogue.

The results and impact of the dialogues and joint actions are the following:

1. **Mainstreaming of the referral system**

1.1. Implementing Rules and Regulations. An important process to mainstream referral is the issuances from the Supreme Court and the Department of Justice which proved faithful to their commitments with the following issuances:

- Supreme Court Office of the Court Administrator Circular No. 62-2010 issued on 28 April 2010;
- Department of Justice Circular No. 40 “Guidelines on the Investigation and Referral of Cases to the Department of
Agrarian Reform Pursuant to Section 19 of RA 9700,” which was issued on 7 June 2010;
• The DAR earlier issued Administrative Order No. 4, Series of 2009, entitled “Rules and Regulations Implementing Section 19 of RA 9700,” on 15 October 2009.

1.2. Ground-testing of referral system. Through legal clinic/strategy sessions with farmers and their lawyers, the referral system was tested on the pending cases with very positive results. In 2010, cases of qualified theft involving 68 farmers of Matias were dismissed. Cases against two Municipal Agrarian Reform Officers (MAROs) of San Francisco, two tenants of Villa Reyes and 32 farmers of Zoleta-Queblar in San Francisco, Quezon were also dismissed.

1.3. QUARRDDS lawyers have filed for referral several other pending criminal cases. The farmers affected by these cases are anticipating that the trumped up cases against them will be referred and eventually dismissed by the handling judges.

2. Leasehold Implementation. Leasehold petitions of KMBP members have been revived and were more actively attended to by the DAR. The push for leasehold focused on the more contentious landholdings where implementation has been frustrated by years of resistance by the landlords. Initial positive gains in leasehold include the following:

• Seven Uy tenants cultivating around 20 hectares succeeded in implementing leasehold in January 2010. The immediate impact reported was an increase in the income of beneficiaries. One leaseholder said he was able to send his two children to college from his growing income.
• 32 of the leaseholder-applicants of the San Andres Realty and Development Corporation (SARDC) started to implement leasehold in November 2010. Each one of the beneficiaries immediately ordered a sack of rice for every delivery of copra which guaranteed a higher degree of food security in the household.
• Some 500 hectares more with 200 family-beneficiaries are being anticipated to be placed under leasehold by the middle of 2011. Some procedural issues need to be addressed to make leasehold implementation efficient and time-bound.1

3. Coverage of private lands. The fulfilment of peasant’s constitutionally guaranteed right to
own the land they till, which will directly address the poverty and exploitation of thousands of landless tenants, is under borrowed time as the CARPER will end by 2014. The DAR and the other stakeholders were able to regain momentum on private land reform through the following:

- Formulation of a template for the coverage and distribution of contentious lands. This was achieved through the able guidance of DAR Assistant Secretary Andres with the active participation of agencies such as the Land Bank of the Philippines (LBP), the DENR, PNP, AFP, LRA, NGOs and peoples’ organizations.
- Putting the template into practice in Matias. The survey commenced on 2 December 2010 and was able to complete two out of seven lots before the Christmas break with 159 and 357 hectares, respectively. The survey will resume on 18 January 2011. By the end of 2010, more than 500 families were identified as farmer-beneficiaries. DAR allocated PhP 2.5 million for the survey.
- Continuation of coverage of the other big haciendas in Bondoc Peninsula. The commitment of the DAR is to continue the process of coverage of the remaining biggest haciendas, including thousands of hectares of Reyes properties in Buenavista and San Narciso-San Andres.

4. Public land reform. Unlike in private lands, progress in this area is perceived to be more of a result of the persistent pressure action by the affected tenants/occupants than the voluntary action of DENR employees to fulfil the obligation to resolve public land conflicts. Nonetheless, some progress seen in 2010 include:

- Delineation of timberlands and alienable and disposable lands. This is an important step in settling private claims. Actual plotting of these delineation into maps is the next step in the process.
- Ground verification of farmers’ location in some contested lots that are claimed to be privately owned. Results reveal that some farmers occupy timber/public land and will be the basis of implementing the Community-Based Forest Management Program Philippines (CBFMP). Alienable and disposable lands will be further documented.
- Filing of reversion proceedings to declare questionable titles in timberland null and void. According to the DENR, one case has been forwarded to the Office of the Solicitor General for filing.
- Revocation of free and homestead applications involving 12 out of 104 lots covered by Lots 2808 and 2881 in the uplands of San Narciso with a total land area of 1,000 hectares, more or less.

5. Security sector support to agrarian reform implementation. A good indicator of the continuing shift towards social justice process involvement of the police and the military
was their support for agrarian reform implementation as was seen in the protection they provided during the installation of Matias and other tenants, and the survey of land covered under CARP. On criminalization, police know that complaints against reform-oriented tenants are trumped up. One San Francisco police flatly refused to admit a complaint of theft being filed against reinstated Matias tenants after their first harvest.

Moving further forward means taking on other challenges while sustaining the gains thus far. Already stakeholders are pointing to other imperatives, including the reform of leasehold. Despite being considered secondary to actual land distribution, leasehold makes a difference. There is a need to review and clarify the leasehold procedures and set in motion time-bound processes. Leasehold implementation is a transition reform (towards land redistribution) as well as an important replacement of share tenancy and a far better arrangement than the “tersyong baligtad” promoted by the armed left as a revolutionary justice scheme even when tenants get only 2/3 of the gross of harvest.

The experience of the stakeholders in Bondoc Peninsula in the past two years demonstrate their capacity to meet the challenges. One template, 1716 hectares and counting for leasehold, decriminalized assertion of land rights and other measures may just be the jumping points for genuine socio-economic transformation for which landless tenants have been struggling.

ENDNOTE
1 Six leaseholders of the reinstated Matias farmers were unable to effectively implement leasehold yet because the goons of the landlord continue to harass them, harvesting their coconuts in violation of their leasehold right. The government has yet to devise a more effective intervention to secure the beneficiaries.
## Summary of BBP-assisted Land Claims of the Kilusang Magbubukid ng Bondoc Peninsula

### Private Land Distribution

<table>
<thead>
<tr>
<th>Landholding</th>
<th>Location</th>
<th>Area (in hectares)</th>
<th>Number of Potential FBs</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Matias properties</td>
<td>4 barangays, San Francisco</td>
<td>1,873</td>
<td>710</td>
<td>On-going survey of 1,716</td>
</tr>
<tr>
<td>2. Reyes properties</td>
<td>6 barangays, in 3 municipalities</td>
<td>1,423</td>
<td>400</td>
<td>For survey</td>
</tr>
<tr>
<td>3. Other landholdings</td>
<td>Spread out in the 5 municipalities</td>
<td>750</td>
<td>200</td>
<td>For survey</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>4,046 hectares</strong></td>
<td><strong>1,310 families</strong></td>
<td></td>
</tr>
</tbody>
</table>

*FB-farmer beneficiary*

### Leasehold Areas

<table>
<thead>
<tr>
<th>Landholding</th>
<th>Location</th>
<th>Area (in hectares)</th>
<th>Number of Potential FBs</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bienvenido Tan, et al</td>
<td>2 barangays, San Francisco</td>
<td>300</td>
<td>63</td>
<td>For confirmation by the PARO</td>
</tr>
<tr>
<td>2. Matias (portions)</td>
<td>1 barangay, San Francisco</td>
<td>100</td>
<td>27</td>
<td>At various stages of leasehold process</td>
</tr>
<tr>
<td>3. Reyes properties</td>
<td>1 barangay, San Narciso</td>
<td>200</td>
<td>43</td>
<td>For computation</td>
</tr>
<tr>
<td>4. Vicente Uy</td>
<td>1 barangay, San Andres</td>
<td>300</td>
<td>50</td>
<td>New target</td>
</tr>
<tr>
<td>5. Hilarion Tan</td>
<td>1 barangay, San Andres</td>
<td>200</td>
<td>35</td>
<td>New Target</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>1,100</strong></td>
<td><strong>218 families</strong></td>
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</tr>
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## Public Land Reform Areas (CBFMP)

<table>
<thead>
<tr>
<th>Landholding</th>
<th>Location</th>
<th>Area (in hectares)</th>
<th>Number of Potential FBs</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1114 (PSU 223084)</td>
<td>Camflora and Tala, San Andres</td>
<td>1,402</td>
<td>300</td>
<td>Validation of occupants; need for DAR-DENR to meet to settle legal issues</td>
</tr>
<tr>
<td>SIFMA Area</td>
<td>Camflora, San Andres</td>
<td>1,240</td>
<td>250</td>
<td>For nullification and implementation of CBFMP</td>
</tr>
<tr>
<td>Usufruct Area (DENR employees)</td>
<td>Camflora, San Andres</td>
<td>300</td>
<td>100</td>
<td>For CBFMP implementation</td>
</tr>
<tr>
<td>Lot 2424</td>
<td>Vigo Central and Villa Reyes, San Narciso</td>
<td>1,000</td>
<td>100</td>
<td>For CBFMP process continuation</td>
</tr>
<tr>
<td>Lot 2808 and 2881</td>
<td>Vigo Central and Villa Reyes, San Narciso</td>
<td>1,000</td>
<td>100</td>
<td>For nullification of pending applications; DAR-DENR to meet to settle legal issues</td>
</tr>
<tr>
<td>Untitled land (PSU 119807, Lot 2576)</td>
<td>San Vicente, San Narciso</td>
<td>133</td>
<td>27</td>
<td>For plotting of overlap</td>
</tr>
<tr>
<td>Untitled land</td>
<td>Boundary of San Vicente and San Juan, San Narciso</td>
<td>186</td>
<td>60</td>
<td>For documentation</td>
</tr>
<tr>
<td>Untitled land</td>
<td>San Vicente, San Narciso</td>
<td>40</td>
<td>15</td>
<td>For processing of H/F Patent</td>
</tr>
<tr>
<td>Titled timberland</td>
<td>Cambuga, Mulanay</td>
<td>291</td>
<td>50</td>
<td>For filing of reversion proceedings</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>5,592</strong></td>
<td><strong>1,002 families</strong></td>
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## Summary of Land Reform Areas with On-going Conflicts

<table>
<thead>
<tr>
<th>Type of Land Tenure Improvement</th>
<th>Area (in hectares)</th>
<th>Number of Farmer-Beneficiaries</th>
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<td><strong>A. Private Land Reform (DAR)</strong></td>
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<td>1. Land Distribution</td>
<td>4,046</td>
<td>1,310</td>
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<td>2. Leasehold Implementation</td>
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<td>210</td>
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<td><strong>B. Public Land Reform (DENR)</strong></td>
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<tr>
<td>1. Community-Based Forest Management Program (CBFMP)</td>
<td>4,592 (est.)</td>
<td>700</td>
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<tr>
<td>2. Homestead/Free Patent</td>
<td>1,000 (est.)</td>
<td>300</td>
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<td><strong>T O T A L</strong></td>
<td>10,738 hectares</td>
<td>2,520 families</td>
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**The right to information**
*(The following are excerpts from an intervention at the BBP forum, 14 December 2010.)*

It is an important part of our advocacy in building bridges for peace to recognize the weaknesses of our laws and established rules of procedure...

One reason for conflict are cases filed by landlords at the justice department where the farmers are not recognized as parties of interest even though they have titles or have leasehold rights. The farmers cannot fight the cases because they are not allowed access to case documents. Lawyers who are helping the farmers have seen adverse consequences; in fact, loss of title on the part of the farmers. This situation has to change.

There is a need to further empower farmers in the governance process. Part of the immediate challenge is amending the Department of Agrarian Reform’s Memorandum Circular No. 25, Series of 1995 to ensure that farmer-tenants’ right to access public information and to due process are protected. The memorandum prohibits access to vital case documents such as field investigation reports and recommendations to exempt lands from agrarian reform coverage. The documents are classified as internal documents accessible only to personnel of the Department of Justice. The right to information has to be implemented instead.

Even in terms of the referral system used in dealing with criminalization of farmers engaged in agrarian reform, there is one small provision on the referral of possible agrarian disputes by the courts or prosecutors to the Department of Agrarian Reform (DAR) first. But that one provision gained so many different interpretations. We have an interpretation from the civil society. The Department of Justice (DOJ) has its interpretation on how to guide the prosecutors. The Supreme Court issued a general circular interpreting it. The DAR has its own interpretation. There are a lot of gaps and loopholes up to now.

The processes determine how particular cases are decided. In the appeal process, the law does not specify the timetable. It is up to the court and the DOJ and the DAR to interpret. And all their issuances do not deal with the matter of appeal. The DAR administrative order does not seek to treat the 15-day period as directory. So its procedure. What is written is that the DAR has to resolve the referral within 15 days. The period could exceed 15 days. In the DOJ circular, it is as if the 15-day were mandatory such that if the DAR does not return a resolution of that referral within 15 days, then the DOJ fiscal could proceed. We need to work on reconciling and harmonizing these procedures.

We are bound to have different interpretations but we must do our best to come to agreements. It is a good thing that this BBP project has become a very good venue to facilitate discussions about it. So, even if there are inconsistencies or lack of details in the procedures, we have a starting point for further discussions.

**ATTY. MARIBEL ARIAS**
*Director for Legal Services*
*Initiatives for Dialogue and Empowerment through Alternative Legal Services (IDEALS, Inc.)*
MT. BALATUKAN, MISAMIS ORIENTAL

Higaonons Negotiate for Ancestral Domain Rights

by Lina Sagaral Reyes and Ving O. Dilla

Gatherings facilitated by the Building Bridges for Peace in 2010—consisting of consultations, dialogues and workshops—became the metaphorical equivalent of the ancient tribal tulugan, the tribal communal house and gathering place, where the Higaonon leaders can authentically and fearlessly express their views and where they solve problems collectively as well as celebrate their joys and victories.
As the Higaonon leaders were working on their campaign plan in August 2010, Datu Sulogoon of the historied village of Lantad, expressed his dissatisfaction with what was generally perceived as dilly-dallying tactics of the National Commission on Indigenous Peoples (NCIP).

He was dismayed at an update given by the NCIP provincial head. He said, “Unsa man gyud ang rason sa NCIP ngano wala pa nasugdan ang pag proceso sa CADT (Certificate of Ancestral Domain Title). Katulo na na-postpone ang schedule sa Lantad. Hangtud karon wala pa naka adto ang NCIP. (What are the reasons for NCIP not to pursue the CADT process? The schedule of the social preparation activity in Lantad was postponed three times. Until now, NCIP has not been to Lantad.)”

The social preparation activities are the first set of steps in the processes to be taken before a CADT is awarded. It consists of the formation of the provincial delineation team and the constitution of elders; IEC on the Indigenous Peoples Rights Act (IPRA); the testimonies of elders; genealogical survey/IP census; boundary conflict resolution; and the validation of proofs. The expectation was high that, with the unity achieved by groups cooperating in BBP activities from the previous year, the processing of the ancestral domain claims of the Higaonon of Mt. Balatukan will move forward substantially.

Major stumbling blocks were moved out of the way in 2009. Those participating in the BBP formulated a Memorandum of Understanding entitled “To Pursue Higaonon People’s Ancestral Domain Claims” which spells out the management of overlapped protected areas and/or their buffer zones in the ancestral domain in Mt. Balatukan. The declaration of 9,645.653 hectares within the total 57,870 hectares of ancestral domain had been a sticking point in the ancestral domain claim until the harmonization of the two laws. Among the salient features of the MOU was the recognition of the Free and Prior Informed Consent (FPIC) of the Higaonons and the right of indigenous peoples to manage overlapped areas in accordance with a Plan (Protected Area Management Board and Ancestral Domain Sustainable Protection Plans or ADSPP).

Those who pledged support were seen to be putting their money where their mouths were. The provincial government released funds (PhP 300,000.00) to facilitate work on the CADT
processing and the NCIP national office similarly allotted a budget for the work to be done (PhP 1.642 M). A DENR Memorandum outlined assistance in the preparation of ADSDPP to CADT awarded and approved lands (14 December 2009). DENR further invited the BBP to discuss the project and the ancestral domain claim of the Higaonon in Mt Balatukan, harmonizing the IPRA and NIPAS in the area with the Protected Areas Management Bureau.

**Tracking and making progress**

With the momentum of the work in 2009, the Higaonon community expected big strides forward in the processing of their CADT in 2010. The delay was not seen as just a delay in months but as a delay in action that should have started over a decade earlier, in 1997, when the Higaonons first filed their CADT claim over the 57,870 hectares of their ancestral domain with the NCIP. (They first filed a claim in 1987 with the Office of Southern Cultural Communities, and then in 1993 with the DENR. The claim was endorsed to the NCIP in 1997. The application was not given attention because of budgetary constraints. Instead, in 2007, Presidential Proclamation 1249, declared part of Mt. Balatukan as a natural park in spite of the resistance of the Higaonons, and notwithstanding the pending CADT application.)

BBP staff who assisted NCIP in data gathering also raised their concern at the snail’s pace progress of the work in some areas. While recognizing some limitations of the workforce in the area, it became clear that work completed in other areas was not dependent on the number of staff but on the political will to work with local communities.

The negligence in moving the claim forward was almost incomprehensible to the Datu. He spoke his mind, without fear of the officials of the government agency that holds some power over the future of their people’s ancestral domain claim. The preparatory meeting for another multi-stakeholder dialogue became a dialogue in itself. More importantly, the difference to the *tulugan* was clear. The community was talking to those not usually part of the *tulugan* and claiming their power in arenas once closed to them.

His new sense of self-trust was palpable. He and the other tribal leaders had done the work. They had undergone trainings on human rights and on IPRA. They had engaged civil society and government. They had mastered the courage...
Through ‘kurambos’ or convergence

The entry of the Building Bridges for Peace Project of the Philippine Coalition for the International Criminal Court in the Province of Misamis Oriental was just in time when the Provincial Peace and Order Council (PPOC) was reinventing itself to embrace a paradigm shift in development and peace building.

It has been a challenging journey together. The path to peace, justice and development may be long, winding and sometimes daunting, but the PPOC is committed more than ever to pursue its journey to lasting peace together with our partners.

We acknowledge that “our journey to peace embraces the much needed paradigm shift in peace building…transcending from the comforts of reactive, sometimes passive paradigms and approaches, towards a pro-active council…advancing social equity through land distribution, empowering people through livelihood assistance, paving roads and building bridges towards lasting peace, and expanding access to the best possible social services”.

We also believe that “through ‘kurambos’ or convergence, synergy of ideas and actions, through multi-stakeholder confidence and institutional support systems…through humble, yet sustained peace building efforts…we try to help construct new environments and cultures for peace and development at the grassroots level…trying to help transform deficient structures and rectify ineffective approaches…helping strengthen existing democratic institutions, bringing the government closer to the hearts and minds of the people”.

As the co-chair of the PPOC-Misamis Oriental, I look forward to walk with you again in our journey. Together, let us continue to break walls and barriers. Let us build highways and bridges for peace. Let us learn our lessons well as we continue to embark the challenging journey to peace and transformation.

Sa kalinaw ug kalambuan padayon kitang mag-uban!

NORRIS C. BABIERA
Provincial Vice Governor
Co-Chair, PPOC-Misamis Oriental
to find their voice and speak on behalf of their people, relying on their own inner resources.

The young datu’s candor brought results. Even before the multi-stakeholder dialogue held in Cagayan de Oro City, a new schedule for the processing was agreed upon. All the steps on the social preparation stage are now expected to be completed in early 2011. The NCIP provincial office is preparing for the submission of the final documents to the NCIP Central Office.

The Higaonon leaders of Mt. Balatukan also agreed to pursue the representation of the Higaonon in the legislative bodies in every municipality, city and province for the preservation, protection and recognition of their rights as a people and tribe, while continuing the processing of their CADT claims and ADSDPP in Balatukan and other areas.

They also resolved to launch a legislative advocacy and education campaign on harmonizing the IPRA and NIPAS laws in selected areas where conflict of the two laws exists. A special target for promoting the harmonized laws are the government agencies tasked to implement the laws.

Spreading resources for peacebuilding

Time was when the Higaonons of Mt. Balatukan had given up on claiming their rights under the laws of the land. In the 70s, the area claimed by the Higaonons was a rebel stronghold. Lantad was the Regional Headquarters of the Northern Mindanao Revolutionary Committee of the Communist Party of the Philippines-New People’s Army-National Democratic Front and the site of the First Municipal Revolutionary Government of the North Central Revolutionary Committee. Disenfranchised of their rights and always marginalized in receiving government services, the Higaonons supported and took part in the insurgency. The numbers of those joining the rebels grew fast as the NDF gave out papers that promised titles to ancestral domain when they come to power.

Lantad has gained relative peace since then but the area still gets its share of non-state armed groups coming in and out of the area and recruiting those who still deem the realization of ancestral domain to be farfetched.

Thus, beyond increasing the capacity of the Higaonon to assert their rights, the BBP on its second year also stressed the essential need to build, heal and nurture “relationships both in and
across the lines of division in the context of protracted conflict,” as espoused by peacebuilding theorist John Lederach.

The insurgency is not the problem but a symptom of the problem. For those pursuing the BBP agenda, the focus is on working together to realize social justice legislation like IPRA and observance of the rule of law. The executive director of the Provincial Peace and Order Council particularly reminds those in government that this is the work they should be doing. “Conflict means we are not doing our job,” he says.

Meanwhile, the BBP project has provided hope and a measure of success in implementing IPRA. The processes for pursuing CADT claims are in place and the weaknesses in the implementation of IPRA are for the partners in the dialogue process to address together.

Through dialogues, for instance, Higaonon tribes, who used to be divided by the ideological debate that consumed the area for decades, became united, particularly in claiming their ancestral domain.

The BBP experience in Mt. Balatukan was shared with Higaonon leaders in other areas. An Inter-Provincial Higaonon Tribal Leaders’ Forum gathered the leaders and movers of Odiongan, Linugos and Baliguihan (ODLIBA), the Taladukan Tribal Council (TATRICO), and other communities in a meeting in Cagayan de Oro on 23 June 2010. Together, the leaders held rituals and ceremonies of friendship and cooperation, and shared the histories of their parallel struggle for land. (See page 44).

Also, tribe leaders from other conflict-ridden areas where the Higaonons are predominant, like in Barangay Sio-an in Gingoog City, and its neighbouring communities, have been able to participate in the meetings of the Provincial Peace and Order Council (PPOC) and discuss their priority peacebuilding needs with provincial leaders, with the intercession of the BBP.
Prayer for peace

Higaonon Datus and Baes share this prayer thanking their God, the “Magbabaya” and asked Him that BBP not leave them until their CADT has been issued.

As the prayer goes, “Ag sampiton day su Hari Hu MAGABABAYA daw su Mabantay Hu Batasan ha tag pasalamat kay inyo labion su tigbaya hu Ibabasuk, su tigbaya hu Pamumulakaw lagkus en su Talabugta daw su Palayag ha tag pasalamat kay amin day en naaha ha pasiuna ha bulig puon ta Building Bridges for Peace or Tulay Hu Kalinaw daw Provincial Peace and Order Council daw duma en daan sa NCIP, NGO’s ha migbulig kanay sa mga Higaonon ka Balatukan, Tatrico-Odliba. Sa kanay ha hangyo duon ku amay day ha MAGABABAYA hinaut saina sa pag bulig dan kanay hari duon mataman hu pag proseso hu Bugta Ha Kaliwatan ku hari iyan gayud so makab-ot day sa pinangandoy day ha magtima kay ha malinawon daw maka barog isip mga kautawan ha nangan-doy hu tingosbawan hu pangoinabuihian.”

“We ask the presence of GOD ALMIGHTY “MAGBABAYA,” we thank you dear Lord particularly the spirit of Ibabasuk, the guardian of the crops, Talabugta,—the ruler of the land, the spirit of Pamumulakaw, the ruler of the water, and the spirit of the Pamalayag, the owner of the Honey Bees for having the partial gains of the project of Building Bridges for Peace, Provincial Peace and Order Council, NCIP, and NGOs who help the Higaonon tribe of Balatukan, and Tatrico-Odliba.

We hope that their support would not end only with the processing of the Certificate of Ancestral Domain Title (CADT) but respond also to the needs of the Higaonon to live in peace and economically sound community.

We also pray that the vision of PCICC-BBP will be achieved through the facilitation of Magbabaya in order to assist not only in Misamis Oriental but also the other Higaonon communities in Bukidnon, Agusan del Sur and West Misamis Oriental realize their right to Ancestral Domain and Self-Governance.

We again ask that the PCICC-BBP not leave us until the existing project realizes its goals in the Higaonon community.
Perspective in preserving ancestral domain and protecting the land from development aggression have deepened with continuing information and education trainings on human rights as embodied in the IPRA.

“We, tribal leaders who participated in the project, have become vigilant on the importance of the free, prior and informed consent (FPIC) on projects and other forms of development activities that would be implemented on our ancestral land,” Datu Salanghiran of Bangabang, Medina, Misamis Oriental said in one meeting.

The tribe leaders engaged in their struggles the different government agencies. The Higaonon tribe in Barangay Mananum Daan in Medina sent a resolution to the Commission on Human Rights (CHR), urging the latter to investigate the alleged approval of the Integrated Forestry Management Agreement (IFMA) application by the Department of Environment and Natural Resources (DENR) even without the FPIC. The Higaonons asserted that the area to be logged by the IFMA holder is part of their ancestral domain. The CHR has referred the letter to the PPOC for further investigation.

At gatherings that BBP facilitated, the Higaonons found a venue for articulating their priorities, what is essential to them, what matters in their lives. Their collective concerns stand side by side with their personal concerns, with man and woman given equal opportunity to speak.

A roundtable discussion with the security sector on September 21 has improved the lines of communication between Higaonon leaders, government agencies like the NCIP, the PPOC, the military/security sector and other development partners, and resulted in actions to resolve existing issues like extrajudicial killings and the employment opportunities of IPs within the security sector. The stakeholders being addressed responded immediately to shed light on the issues raised.

Once again one gets a feel of the ancient tribal tulugan.
A woman rose to speak during a discussion with the local military leaders and asked if Higaonons could become soldiers or enlisted personnel. Another woman sought help in finding her missing son.

Another had the voice to tell of forest trees being harvested in Medina town by a company that was given permit by government but without getting any consent from the forest dwellers who are Higaonons.

On the sidelines, one young datu spoke of trying one more time to win their ancestral domain before resorting to armed conflict when all else have failed. An old woman countered that too much blood has already been spilled on sacred ancestral lands and it is time to give dialogue a chance.

These concerns may sound like local woes to some, but the peacebuilding perspective connects these to the wider concerns of the nation: the problematic relationship between the military and the masses, the protracted insurgency, the slow implementation of the Indigenous Peoples’ Rights Act and the impact of integrated forest management agreements over forests that are parts of ancestral domains.

Whatever the challenge, the Higaonons have ancient tribal traditions to fall back on and new arenas for participatory governance to fulfil their quest for a future that is in their hands.
Barangays and Sitios in Balatukan CADT Claim

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<th>Barangay</th>
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<tr>
<td>2</td>
<td>Bantaawan, Gingoog City</td>
</tr>
<tr>
<td>3</td>
<td>Pigsaluhan, Gingoog City</td>
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<tr>
<td>4</td>
<td>Mananum Daan, Medina</td>
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<tr>
<td>5</td>
<td>Mananum Bag-o, Medina</td>
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<td>6</td>
<td>Bangbang, Medina</td>
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<td>7</td>
<td>San Isidro, Medina</td>
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<td>8</td>
<td>Pahindong, Medina</td>
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<td>Umagos, Lagonglong</td>
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<td>Banglay, Lagonglong</td>
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<td>12</td>
<td>Kibanban, Balingasag</td>
</tr>
<tr>
<td>13</td>
<td>Quezon, Balingasag</td>
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<tr>
<td>14</td>
<td>Sitio Lantad, Kibanban</td>
</tr>
</tbody>
</table>

**Taking the BBP journey**

The first time I met BBP people in Balingasag, Misamis Oriental is still fresh in my mind. The experience is worth reminiscing. I did not think the activity was that crucial as I was not oriented on its purpose. I only received a phone call from the Provincial Office of the National Commission on Indigenous People (NCIP) and was tasked to discuss the salient features of the Indigenous People’s Rights Act (IPRA) of 1997. I got to know the people behind BBP after the activity when I hitched a ride with them to Cagayan de Oro. As a community development officer of NCIP, I really felt shame on the failure of NCIP to present concrete data on all pending applications for Certificates of Ancestral Domain Title (CADT) within the Province of Misamis Oriental. I was also dismayed at the wasted opportunity. The delays in implementing IPRA might have been addressed in the meeting more fully if the BBP group had been provided all the data they needed. I just wished I would be able to meet the group again for me to be able to air-out the problems that our office encounters in relation to delineation and titling of CADT.
The second time I met BBP people was during their preparations for activities in support of the Balatukan CADT processing. That was when I felt their sincerity and resolve to help communities, especially those threatened by armed conflict.

The BBP activities I attended and witnessed made me eager to talk to the group given the right time and place. I wanted to put before them the unsolved problems in my area of jurisdiction as a staff of the NCIP, the agency tasked to implement IPRA, and to find a way to pursue my aspirations for the indigenous people (IP) of Gingoog.

My prayers were heard when representatives of the Tatrico-Odliba unified CADT application and Baliguihan CADC were invited during one of the forums sponsored by PCICC-BBP, the PPOC of Misamis Oriental and the Office of the Presidential Adviser for the Peace Process (OPAPP) in June 2010. IP leaders were able to relay their situation to the sponsors through the Honorable Loretta Ann Rosales who was then the BBP Project Director and Mr. Teodoro Sabuga-a Jr., the Executive Director of Provincial Peace and Order Council, Misamis Oriental. I was very glad that the two very credible people gave ample time to listen to every word that the tribal leaders wanted to impart to them. I was requested to act as translator. This gave me the opportunity to present in detail some aspects of the miserable plight and struggles of the IPs in claiming their ancestral domains. I was very satisfied and thankful for the attention given us. From then on, I have great conviction that the aspirations of the IPs will be realized.

The time devoted by BBP to the IPs did not end there. The positive energies and cooperation for the project continues under the direction of the new project head, Ms. Rebecca Lozada. I became comfortable with the group and began to grasp the vision of the special project. The activities opened my eyes that there is hope for everything no matter how seemingly impossible the goals are.

I now feel a part of the project. The trust I felt bestowed in me in our problem solving meetings motivated me to be more enthusiastic in my work in spite of budgetary limitations and other weaknesses of the NCIP. The long quest of the tribes for their ancestral domain rights is definitely shared by BBP.

I know this journey we have embarked on will reach its destination and will help banish the long-time agonies of the tribes in my region. I cast my hopes and prayers for the success of the present and future endeavors of BBP.

KENJIE BADUCO
Community Development Officer
Gingoog Service Center, National Commission on Indigenous Peoples
### MILESTONES IN 2009-2010

- Participation and commitment of key stakeholders in multi-stakeholder dialogues directed at addressing root problems of conflict in project areas through upholding social justice and effective governance.
- Structures working on specific commitments made with and among key partners from people’s organizations, non-governmental organizations and government agencies: notably, the BBP agenda was adopted by the Provincial Peace and Order Council of Misamis Oriental; and, an Inter-Agency Task Force led by the Department of Agrarian Reform (DAR) was formed and worked with stakeholders in creating a template for land reform implementation.
- Substantial engagement with the security sector on matters of human rights, human security and peace-building with more frequent interactions in open dialogues through BBP activities and other venues.

### LAND RIGHTS IN BONDOC PENINSULA
**Quezon Province**

- De-criminalization of agrarian struggles through the mainstreaming of a Referral System. Commitments to strengthen policy made in 2009 have resulted in the following:
  - The Supreme Court through the Office of the Court Administrator issued Circular No. 62-2010 on 28 April 2010;
  - The Department of Justice through Department Circular No. 40 “Guidelines on the Investigation and Referral of Cases to the Department of Agrarian Reform Pursuant to Section 19 of RA 9700”, issued on 7 June 2010;
  - The DAR through Administrative Order No. 4, Series of 2009, entitled “Rules and Regulations Implementing Section 19 of RA 9700”, issued on 15 October 2009.

- More than 100 counts of criminal case pending at the regular courts have since been referred to the DAR for certification as to whether or not cases are fit for trial; and,
- Dismissal of the following cases: qualified theft case against 68 tenants of Matias landholding; qualified theft cases against 70 persons (68 tenants and 2 DAR officials); dismissal of qualified theft cases filed at the Provincial Prosecutor; and dismissal of referral against 32 farmers in Zoleta-Queblar property.

- Advances in Private and Public Land Reform as reflected in work done on the ground to secure the land rights of farmers and fund allocations for such work.
• On private land reform, State laws have prevailed over hacienda laws with the reinstatement of nine Matias tenants; Actual segregation survey of Matias properties; Start of individual survey in 2010 involving 1,716 hectares for distribution to some 600 beneficiaries; and, Continuing process of coverage of lands with protest or exemption
• On public land reform, State Mapping and delineation of public lands in Villa Reyes covering Lots 2808 and 2881, identifying in the process lots that should be turned over to the DAR and lots to be processed by the Department of Environment and Natural Resources; Verification of actual occupants of alienable lands and of timber/forest lands; and, Continuing orientation and documentation of areas to be subjected to the Community-Based Forest Management Program (CBFMP)
• On Leasehold Implementation, Continued processing of leasehold applications of tenants in about 500 hectares of land; Actual leasehold implementation in five haciendas; and Provision of PhP 2.5 million additional fund from the DAR for the survey of Matias properties.

Promotion of Law Enforcement with the active role of the security sector in dialogues and implementing agreements: Actual assistance of police and military in the enforcement of agrarian reform law (such as their assistance in the survey in Matias and reinstatement of farmers); Actual security provision in land surveys

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ANCESTRAL DOMAIN RIGHTS, BALATUKAN
Misamis Oriental

Formulation of a memorandum of understanding on harmonizing the application of two laws, the Indigenous People’s Rights Act and the National Integrated Protected Areas System (NIPAS) Act in Mt. Balatukan based on a joint resolution earlier released by the Department of Environment and Natural Resources (DENR) and the National Commission on Indigenous Peoples (NCIP) and thus clarifying perceived problems in processing the ancestral domain claim of Higaonon communities in Balatukan which includes 8,423 hectares more or less of the protected area. (Total CADT claim is 57,870 hectares.)

Fund allocations for the processing of the Certificate of Ancestral Domain Title (CADT) from the NCIP and the Provincial Government of Misamis Oriental. Released thus far are PhP 310,845.00 from NCIP and PhP 300,000.00 from the Provincial Government of Misamis Oriental for the social preparation activities for the Balatukan CADT claim. NCIP has committed to download PhP 1,140,355.00 more.
Translations of major documents and production of materials needed to pursue ancestral domain claims in Mt. Balatukan

Social preparation activities (Phase 1 of the CADT claim) completed in the 13 covered areas namely Bantaawan, Pigsaluhan, kibuguing, in Gingoog City; Mananum Daan, Mananum Bag-o, Bangbang, Pahindong, San Isidro, in Medina, Mis. Or.; Calawag, Quezon, Kibanban and Sitio Lantad, of Kibanban, in Balingasag Misamis Oriental

Institutionalization of the Conflict Management Cluster of the Provincial Peace and Order Committee of the Provincial Peace and Order Council, an off-shoot of the discussions on and adoption of the BBP agenda

Collaboration among stakeholders in the training of law enforcers and Municipal Peace and Order Councils after the Handover of the internal security operations from the security sector to the local government in September 2010

**ANCESTRAL DOMAIN RIGHTS, TATRICO-ODLIBA COMMUNITIES**

Misamis Oriental & Agusan del Norte Provinces

Unity of the Tatrico and the Odliba ancestral domain claims under a unified claim, that now encompasses over 30 barangays.

Profiling of the 28 areas namely: Barangays Kalipay, Kamanikan, Sangalan, Malinao and Odiongan. Sitios Sio-an, Natundag, Kidigmit, Baboy-baboy, Butay, and Kidahon in Barangay Malinao, all of Gingoog City; Barangays Pangasiihan, Kabulawan, Artadi, Abunda, Kibunsod, Katipunan, Kandiis, Mahayahay, Consuelo, Tama, Bonifacio, Talisay, Tinaan and Mindulao, all of Magsaysay, Misamis Oriental; Barangay Kamagong, Sitios Malahuni, Mimbahandi and Hinandayan in Kamagong, Nasipit, Agusan del Norte; and Barangay Manulingao in Carmen, Agusan del Norte.

Filing of CADT claim book (partial social preparation activities outputs/papers) with the NCIP

Consultations and capability building training sessions of the tribal leaders and stakeholders which resulted to a commitment of the partners to assist the Tatrico CADT claim

Coordinative meetings with the Provincial Government of Agusan del Norte which resulted to a presentation of the BBP agenda and Tatrico CADT claim at the Sangguniang Panlalawigan and Provincial Peace and Order Council
REACHING OUT TO MORE COMMUNITIES:
The Tatrico-Odliba unifies their CADT claims

by Claudette V. Arboleda

The Building Bridges for Peace Project gained the support of new partners in communicating its work and laying down the conditions for dialogues in two new areas characterized by land disputes and social tensions.

The Office of the Presidential Adviser on the Peace Process (OPAPP), after hearing of the BBP work in Quezon and Misamis Oriental, supported a communications project that culminated in a gathering...
of 39 Higaonon leaders coming from barangays in Misamis Oriental, Agusan del Norte and Bukidnon in the Regional Indigenous Peoples Leaders Consultation on June 22-24.

The Higaonon leaders talked about the various issues and concerns of their communities – from the encroachment of mining interests, peace and order problems, budgetary constraints in the implementation of the Indigenous Peoples Rights Act (IPRA), the intrusion of lowlanders or migrants, dismal social services and even leadership struggles within tribal councils. They further discussed the need for a common workable framework for asserting their rights which can be shared by all stakeholders. Governor Oscar Moreno and other representatives from local government and line agencies were on hand to listen and respond to concerns.

The German Technical Cooperation (GTZ) was then approached with the concrete proposal coming from one Higaonon community that took part in the inter-provincial leaders’ forum. Datu Cabilay of Sio-an and the Taladukan Tribal Council (Tatrico) sought the intervention of the various groups gathered to help with Tatrico’s CADT application which has been pending since 2005. A two-month project started and focused on activities meant to empower the communities in negotiating their rights claims.

Dialogue partners, including the National Commission on Indigenous Peoples (NCIP), were apprised of the progress of the Tatrico application as well as another claim being made by the IPs representing the areas of Odiongan, Linogos, and Baliguihan (ODLIBA) which had claims that overlapped over portions of the Tatrico-claimed areas. With the assistance of partners, including leaders of Balatukan, an internal factional conflict was resolved and the claim was unified.

The major activities of the two-month project included a paralegal and lobby training assisted by the Legal Rights and Natural Resources Center, the Commission on Human Rights and the NCIP Service Center in Gingoog City; and coordinative meetings with representatives of the provincial governments and line agencies of Misamis Oriental and Agusan del Norte and civil society leaders.

Through this short-term project, the claim that initially involved 10 barangays expanded to a claim of more than 30 barangays in Misamis Oriental and Agusan del Norte that unites two applications in areas of Mt. Sio-an. The Tatrico-Odliba unified claims cover a total land area of 50,000 hectares.

Both the PPOC of Misamis Oriental and Agusan del Norte, as well as civil society groups such as Balay Mindanao, have articulated and provided their support for the Tatrico-Odliba claim.
Datu Abundio Cablay of the Tatrico claim and Datu Latogue Lutad of the Odliba claim stood up at the multi-stakeholders consultation on October 28, thanked the partners and expressed their communities’ concern for all those present at the consultation to keep pressing for the prompt processing of their unified claims.

Datu Tony Lumandong, who facilitated the project, assessed the developments in the light of the political and governance structures introduced with modernization. “Tribal territories were divided due to political boundaries which deeply affected their relationship with each other. A new ideology spread and resulted in bloody disagreements that pushed aside the value of family and community. The IPRA Law, if not supported with the culture and tradition of the Higaonon in family relationship, will not be able to reconcile the divisions of the tribe,” he told BBP team members.

He added that the “BBP is an effective mechanism to unite Higaonons. The unification of the Tatrico-Odliba CADT claim and the eagerness of the other tribes to participate in the project give a chance to overcome the disagreements and heal broken relationships. The painful experience of the past can be reflected as a bad dream. If ‘Building Bridges’ connotes reconnecting and progress, then, it’s not only for Tatrico-Odliba and Balatukan but with other Higaonon tribes, too!”

A second OPAPP-supported communications project has been stalled by flooding that rendered the roads to the project area in Aurora province impassable for a good part of the last quarter of 2010. The project will be continued in 2011.

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Ma. Zherwina Mosqueda of LRC-KSK leads the paralegal training for Tatrico-Odliba tribal leaders
The spirit of Bayanihan is being evoked in the new Internal Peace and Security Plan (IPSP) unveiled by the Armed Forces of the Philippines (AFP) on 21 December 2010 during its 75th anniversary celebrations.

The term Bayanihan is rooted in the word bayan and bayani, meaning people or nation and hero, respectively. Bayanihan is the practice of neighbors helping those who are moving to carry their house, usually a nipa hut, and bringing the structure to a new location. Nowadays, bayanihan is used to rally communities to
champion big projects. The spirit of bayanihan is gloriously evident in times of national calamity when people do not count the cost of rescue efforts and share what they have. The Filipino people’s response to Typhoon Ondoy and other disasters is a testament to this. The bayani or hero in the Filipino rises to the challenge when the bayan cries out in pain.

In the Bayanihan IPSP, the need for such a collective feat is recognized and urged by the AFP itself. The new plan replaces Oplan Bantay Laya (OBL) 1 and 2, the failed internal security plans enforced in 2002 to 2010. OBL 1 and 2 aimed to end insurgency but are notorious for the alarming rise of human rights violations, especially the extralegal killing and enforced disappearance of hundreds of political activists and journalists.

In a summary paper on the Bayanihan, the AFP admits to a problem with its operations. “While the military is well equipped with guerilla and jungle combat due to its training in warfare - the very reason why it is tasked to go after the insurgents - the warfare ethos of ‘seek, neutralize and destroy’ is obviously not consistent with the civil rights and due process ethos of civilian life... To a large extent, the Internal Security Operations (ISO) creates the condition for AFP members to commit lapses – in action and in judgment. Given its ISO assignment, some members of the military become embroiled with political and even parochial concerns of the locality they are assigned to. This creates an unfortunate situation where military personnel becomes not only party to partisan political exercises, but may also become involved in favoring/protecting certain political leaders.”

They note that the AFP’s involvement in internal affairs of the state also facilitates the politicization of the ranks and leads to military adventurism.

The AFP is seeking to “reform” and “rectify excesses” of the past under the Bayanihan. The new six-year campaign plan, 2011-2016, boasts of leaving the sordid past and embracing a “bold paradigm shift.” According to the abridged version of the AFP’s Bayanihan paper, it will promote “a people-centered security within the frame of human security (that) puts people’s welfare at the center of its operations. ‘(I)n human security operations, the protection of civilians, not defeating an enemy, is an end in itself.’ (Homan 2008) It puts primacy to human rights – a feature that may not be true in traditional security framing that privileges state protection.”

**New Dimensions**

From the “body count syndrome’ the AFP will re-focus on non-combat dimensions of security with the aim of reducing the level of armed threats so that the safety and well being of the people are within the capabilities of civil authorities. The AFP will also gradually abandon internal security matters to the hands of the Philippine National Police (PNP) and rightly devote its attention to external security.
The shift will be done with a “whole of nation” and “human security” approach that is anchored on two requirements: adherence to human rights, international humanitarian law and the rule of law; and, the involvement of all stakeholders in the pursuit of internal peace and security.

The paradigm shift may not yet be accepted by all but the AFP leadership are in the driving wheel of the reforms.

The Commander in Chief, President Benigno Aquino III, was presented the Bayanihan paper during the AFP anniversary. In his speech he told the troops: “If we can stop poverty, then we can stop the war and the shooting.”

The top brass are putting their weight behind the plan. AFP chief of staff General Ricardo A. David Jr. wrote on the Bayanihan paper “More than just defeating the enemy, we shall perform our constitutional mandate with the end in view of winning the peace for the Filipino nation.” Military area commander Lieutenant-General Gaudencio Pangilinan said the strategy was aimed at eliminating the conditions that breed rebellion.

Weighing in on the new IPSP
Some say, however, that there is nothing new in the Bayanihan. That it is the old scheme of winning the hearts and minds of the people, a more sophisticated form of Oplan Bantay Laya and other previous ISOs.

The words of caution is understandable given continuing problems experienced in many parts of the country. In the roundtable on the Bayanihan sponsored by the PCICC-Building Bridges for Peace project just four days before the formal unveiling of the Bayanihan, human rights groups and other organizations cited current practices that put in question that reforms are being ushered in, including areas where the military go around in plazas announcing the names of enemies of the state and the problems experienced with para-military groups. Extralegal killings and enforced disappearances have abated from the numbers of the early 2000 but the crimes have not been eliminated.

As the saying goes, God or the devil is in the details. Bayanihan is a good plan but must be measured by its practice and implementation.

However, one can be too cautious. Leading up to the launching of Bayanihan, the AFP invited civil society organizations, especially human rights groups, to participate in its strategic planning sessions to help formulate the new plan. Only a handful of those invited made it a point to join the meetings. Those who did, including some from PCICC-BBP, learned a lot from the discussions and were able to contribute in workshops on concepts and mechanisms important for IPSP.
Doubtless a lot of the ideas in the open exchange in formulating the new plan made the Bayanihan what is it – very good on paper. The task now is translating the words into actions. In this endeavor all hands are needed to get the Bayanihan off the ground.

Bayanihan is the change human rights and international humanitarian law advocates have been pushing the security sector to make since martial rule was dismantled. The “whole of nation” approach is vital in this re-direction since human security and development are competences yet to be institutionalized in Philippine society.

Civil society has to take the openings provided for in Bayanihan. Those who have engaged in the strategic planning of the AFP have stressed the importance of constant dialogue and exchange, and mechanisms to monitor the observance of Bayanihan and departures from the plan.

Armed Forces deputy chief for operations Maj. Gen. Emmanuel Bautista has time and again given the assurance that Bayanihan aims to involve all sectors. The AFP “will continue with the consultations to improve the campaign plan.” It is now up to all stakeholders to hold the AFP true to the plan.

Some would say that in military operations nothing goes as planned. But with over 40 years of armed conflicts suffered by our people, it is imperative that we, as a people, find our way to new paths and resolutions.

It is the involvement of human rights groups, people’s movements, academe, religious groups, media and various sectors in the process that will make the difference from a purely cosmetic IPSP to a sustained and thorough reform. Bayanihan only provides the broad strokes of the internal peace and security strategy. The indicators and mechanisms that will realize the plan, the ways to address impunity and the building of a new culture of accountability has to be worked out by stakeholders.

In the December 17 BBP roundtable discussion (RTD) on Bayanihan facilitated by Professor Jennifer Oreta of the Ateneo Political Science Department, the need to forge a social covenant on the Bayanihan concluded the discussion. Some in the RTD saw it fit to symbolically sign a pledge of commitment. The following text reflect the work needed to get this Bayanihan to its desired destination:

We, security sector stakeholders, both rights-holders and duty-bearers, gathered in a continuing dialogue, commit to uphold a people-centered human security paradigm. We commit to espouse the centrality of human rights and international humanitarian law in all security engagements. We further commit to work together to pursue security sector reform and development in all relevant institutions of the state and civil society, and to continuously engage the different security sector stakeholders to improve the peace and security situation in the Philippines.
For Civilian Supremacy Over the Military

Since 1986, the military has always been regarded as an integral, if not a key player in major political events in the country. Intentionally or not, planned or otherwise, most often the military is the ‘swing vote’ that directs the course of events. This realization may have emboldened some factions within the institution to directly intervene in the political process by inserting and presenting themselves as the alternative/ the savior of the social-political malady inflicted by bickering and self-motivated politicians upon the people. While seemingly a selfless sacrifice, the political adventurism of some military personnel cannot and should not be allowed at all cost in a democracy. Military personnel in political institutions simply don’t add up in a democratic state.

Unfortunately, the factionalism in the military is exploited by scheming politicians. By fueling their sense of adventure, by coaxing them to believe that only the military can address the political ills of the country, we have witnessed the rise and fall of good and respected military leaders who mistakenly undermined the commitment of Filipinos to democracy.

It is therefore a challenge for the military to rally its troops towards the fundamental/ bedrock principle of any democratic state: civilian supremacy over the military. Many democratic states in fact are now moving towards this direction.

The AFP prides itself to be an institution that is seriously attempting to correct its past mistakes. With all its flaws and faults, this effort has to be recognized, alongside the acceptance that it is still an evolving institution, just as most of our democratic institutions are. The martial law era has bastardized and corrupted almost all of our democratic institutions, but perhaps the greatest damage inflicted is on the military. Martial law almost destroyed the military’s democratic ethos – if not for the defiance of discerning professional soldiers – hence, the institution now requires a serious review of its institutional norms and practices within the frames of democracy, human rights, and humanitarian laws.

As it embarks in this journey in framing the strategic security direction of the country, some points must be raised:

1. While the internal security operation (ISO) remains to be the biggest concern of our security forces, the bigger challenge for the institution is to look at the bigger picture: What should be the role of the military in a democratic state? What should be its role in regional security? How can it address the emerging security threats brought about by the increased interdependence and border-less community of nations, like transnational crimes, proliferation of arms, human trafficking, encroachment of non-state groups in territorial boundaries, protection of overseas workers, among others.

2. The engagement of civil society in security framing confirms the military institution’s commitment to the democratic paradigm. While this approach is very new, and very bold, it remains a challenge how far the institution – traditionally perceived as secretive and rock-solidly close – will allow participation from civil society, without compromising the necessary limitations it needs to impose as part of its nature.

3. Moreover, the move to engage the civil society is very fresh, and maybe the first of its kind in Southeast Asia. Will the military rise to the challenge of presenting itself to be the ‘benchmark’ (not only in SEA, but) in Asia; to be the model of a democratic armed forces that regards democratic norms, civil engagement, human rights, and humanitarian laws as bedrocks of its security efforts.

Finally, the Armed Forces is an integral part of a democratic state. While they possess the legitimate use of coercive force, the fact remains that they play a key role in “enabling a security environment that allows us to enjoy the inalienable rights and freedoms to which we are all entitled as human beings. As representatives of the state structure, armed forces personnel are bound to respect human rights and international humanitarian law in the exercise of their duties. But only when their rights are guaranteed within their own institution will armed forces personnel be likely to uphold these in the discharge of their tasks – both when in the barracks and during operations.” (2008. Handbook on HR and Fundamental Freedoms of AF Personnel. OSCE/ODIHR)

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