



## PHILIPPINES: CASES OF CRIMINALIZATION OF PEASANTS AND LAND RIGHTS MOVEMENTS

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Human rights violation report addressed to the following United Nations Special Procedures mandate holders:

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## **Introduction and Context**

The struggle for agrarian reform and land rights in the Philippines continues to face numerous challenges that threaten Filipino peasants' basic human rights, physical safety, and livelihoods. Among the tools being used to systematically dismantle rural communities and human rights defenders is the criminalization of their land rights movements.

Criminalization appears to be on the rise as landlords, transnational corporations and influential claimants aggressively position themselves to control farmlands and elude agrarian reform coverage. Besides criminalization, various other legal and extra-legal forms of harassment are also on the rise.

The just and equal distribution of land is a fundamental demand of rural communities, highly needed to advance in the protection and fulfillment of their human rights. In this framework, the criminalization of these demands has to be seen as part of a strategy of dominant political and economic elites to protect their interests and profits, at the expense of the human rights of the most vulnerable and marginalized. This situation is at the root of growing inequalities and poverty within rural areas in the Philippines.

For criminalized peasants, the main concerns, among others, are:

- The high cost of bail (normally costing way more than the amount of money that was supposed to have been stolen or misappropriated), and economic dislocation caused by imprisonment.
- Fear of arrest and imprisonment.
- Anxiety and mental anguish of those directly charged as well as the family of criminalized peasants.
- Sustaining legal struggles (lawyers' fees, food and transportation for attending hearings, etc.)
- Addressing policy reforms and procedural gaps in the criminal justice system.
- Incapacity to enjoy proper conditions of work to sustain their livelihoods, thus facing poverty.
- Violation of their fundamental human rights, and in particular their rights to land and to an adequate standard of living, a decent livelihood and means of production, as enshrined in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), adopted by the UN in 2018.

This is illustrated by the following cases:

### **1. CASE OF SANAMABASU OF BRGY. SUMALO, HERMOSA, BATAAN**

The victims of the recent human rights case include Fe Andulan, Ma. Levy Andulan, Magdalena Sanchez, Josefina Pasquil, Elizabeth Mesina, Elvira Gamit, Lorna Favorito, Mila Dejan, and Roland Martinez. They are members of Samahan ng mga Nagkakaisang Mamamayan ng Sumalo (SANAMABASU), a peasant organization aiming to advance their right to land as enshrined in the agrarian reform law. To this end, the organization engages in dialogues with the government, creates social pressure through community organizing and mobilization, undertakes knowledge and capacity building to defend basic rights, and builds alliances with other land rights defenders, peasant organizations, agrarian reform advocates, and human rights organizations.

The Sumalo peasants' case is a long-standing land dispute between around 300 poor peasants and a wealthy landowner family. The Litton family, owner of the Riverforest Development Corporation (RDC), acquired 213 hectares of land located in Brgy. Sumalo, Hermosa, Bataan through a Sales Patent Scheme for P 11,285.54

pesos in 1979. The peasants of SANAMABASU claim historical occupancy and were already farming and occupying the land prior to the takeover of the Litton family.

In 1988, following the implementation of the Comprehensive Agrarian Reform Program (CARP), the national agrarian reform program, the Sumalo peasants formally petitioned to the government for the coverage of the property and its redistribution to its actual peasant-tillers. RDC responded by seeking exemption from agrarian reform coverage and petitioning for land-use conversion.

In 2007, the Supreme Court ruled in favor of the RDC, enabling them to undertake land-use conversion and property development, in line with the emerging special economic zones in the province. Despite the ruling, the RDC failed to introduce substantial developments within the five-year reglementary period prescribed by law for land-use conversions, thus placing the said farmlands under the compulsory acquisition scheme of the CARP. This also enabled the peasants in Brgy. Sumalo to foster new claims and engage in a new round of legal battles against the RDC.

Since then, RDC has been using various tactics to evict and displace the peasants from their homes and the land. This includes the erection of enclosures to prevent access to tillages in an attempt to induce economic sabotage. Armed private guards have also been installed in strategic areas to assert control over the disputed farmlands. It is at this stage that incidents of intimidation and harassment have worsened, alongside the flagrant threats of lawfare against those who would resist the developments made by the RDC in the area. In 2014, cases of “grave coercion” were filed by the RDC against a group of senior citizen peasants for allegedly harassing an armed security guard. The RDC’s armed guards have also blocked and stalled several lawful attempts by the Department of Agrarian Reform to survey the property for land reform. In response, the Sumalo peasants, organized as SANAMABASU, filed a petition in 2015 for the inclusion of the land under the government’s agrarian reform program.

In 2019, a young peasant leader was killed by RDC’s head of security in an altercation in RDC’s checkpoints. In the same year, the Office of the President (OP) of the Philippines, in response to the appeal filed by RDC on the inclusion of the said lands under CARP, reaffirmed the decision of the DAR for the coverage of the disputed lands under the said program. Despite the growing human rights concerns against the corporation, the RDC increased its pressure to evict the peasants from the community by filing new rounds of criminal and administrative cases against movement leaders and even DAR personnel attempting to survey the area. The DAR eventually decided that only 155.6 hectares of the 213-hectare property will be covered under the agrarian reform; with the remaining portions of 57.4 hectares (that includes the residential portion for peasants), to be excluded from coverage as the “retention area” for the Litton family.

SANAMABASU made sustained representations at the DAR Central Office in Quezon City for the survey of the property, a necessary step for the generation and registration of peasants’ individual titles. The OP ruling has also resulted in the placement of the 155.6 hectares under government (public) titling and the cancellation of the Litton family’s titles. The survey, however, dragged on for years because armed guards and pro-Litton community members blocked the government’s effort to survey the property. In 2022, members of La Via Campesina who came for a solidarity visit to the area have witnessed how pro-Litton groups and security have blocked attempts to survey the area.

As a result of the slow-paced agrarian reform implementation, peasants from SANAMABASU often find themselves at the receiving end of sustained harassment employed by the corporation, including the filing of criminal charges and other cases that undermine their most basic rights. They have also been subjected to virulent attacks in the local media.

In October 2022, 76 families, including 52 peasant-members of SANAMABASU, were rendered homeless after their houses were demolished consequent to an ejectment case filed against them by RDC. Ejectment cases have been subsequently filed against 12 other members of SANAMABASU. Those who lost their homes now seek shelter in a covered basketball court of the barangay. Even so, the Municipal Mayor has been insisting that those taking refuge at the covered court should move out and resettle in a temporary shelter in Dinalupihan town, which is around 10 kilometers away from Brgy. Sumalo. The homeless peasants feel that this is an effort to force them totally out of their community and livelihood.

Moreover, the Barangay Chief Rolando Martinez, who is the main leader of SANAMABASU, has been the constant target of sustained filing of administrative charges by local officials and pro-Litton group that are mobilized to remove him from office and to support the purported RDC project for progress in the area. The Sangguniang Bayan recently ordered his suspension for nine months — starting this January 2023 — for alleged abuse of authority. This has effectively barred him from serving and defending his constituents.

Overall, the peasants said they have faced more than forty (40) criminal and civil cases to harass and force them to give up their land claims, to include charges for coercion, grave threats, damages, estafa, among others. All cases were filed by the Litton family, through RDC, or by pro-Litton community members.

On July 18, 2022, individual complainants from the community filed a case for syndicated estafa — a non bailable offense, against nine SANAMABASU members. Filed before the Office of the Provincial Prosecutor of Bataan Province for allegedly collecting P148,000 (around US\$ 2,700) for more than a decade from various families in exchange for being included as qualified agrarian reform beneficiaries. This is the latest criminal case to confront SANAMABASU where nine (9) peasants were charged – eight women with four of them senior citizens aged 72, 69, 68 and 61.

The complainants, all pro-corporation, claim that the nine accused conspired to collect money, allegedly with a promise that the accused would secure the implementation of agrarian reform in the area and the inclusion of complainants as agrarian reform beneficiaries. The complainants also alleged that the respondents have collected amounts ranging from PHP 100 to PHP 500, once or twice a month, for a total of almost PHP 50,000 per month, as well as additional amounts of PHP 1,000 to PHP 1,500 for other expenses, without issuing receipts.

The peasants from SANAMABASU deny the allegations. They assert that the SANAMABASU, of which they are members, is a legitimate organization and that while they did collect membership contributions, the amounts collected were used for the organization's activities and not for personal gain. Thus, contributions were used for necessary expenses including those for transportation and food required during pertinent activities such as dialogues with the government agencies in pursuit of their land rights claim.

On September 7, 2022, SANAMABASU filed their Joint Counter-Affidavit refuting the allegations of complainants. Nonetheless, on October 18, 2022, the Office of the Provincial Prosecutor of Bataan found probable cause for the filing of the case against them. Consequently, on January 6, 2023, SANAMABASU received a Resolution on the case. Despite presenting no credible evidence, the prosecutor resolved the issue in favor of the complainants. This has been causing a lot of fear and anxiety among the accused peasants since such a paltry sum could render them jailed for a long period until they are acquitted of the charges against them. And in a country where the justice system grinds excruciatingly slow, it could mean decades of imprisonment which the accused dread.

The nine peasants evacuated the area for an undisclosed location because they fear they could be arrested anytime and be detained interminably. Since the warrant for arrest was issued, pro-corporate media personalities in the province of Bataan and their supporters have intensified their vilification campaign thru social media by branding the accused peasants as fugitives, even as their case is still under review by the Department of Justice (DOJ). A cash for informants who can tip off the whereabouts of the accused amounting to P 100,000.00 each, has also been put up allegedly by anonymous powerful people in the province. Given this situation, the accused, as well as their families who have been left behind, are extremely worried, unable to sleep and many of them cry out of fear that they will be imprisoned.

In their defense, with the assistance of two private lawyers whose services were tapped relative to the syndicated estafa charge against the concerned SANAMABASU peasants, the following pleadings were filed:

- a Motion to Quash the Information and Hold in Abeyance the Issuance of Warrant (filed January 17, 2023 at the Regional Trial Court (RTC));
- a Petition for Review filed at the Office of the Secretary, DOJ (filed January 23, 2023).

Overall, the situation in Brgy. Sumalo, Hermosa, Bataan is getting worse due to the following:

- Many people in the area, particularly the land rights petitioners, are now rendered homeless due to the demolition; their number is expected to rise;
- Peasants have long been economically displaced when they were forcibly evicted; the land they cultivate was fenced off;
- There is reign of terror from the combined impact of sustained harassment, presence of armed guards and the fear of arrest due to criminalization;
- Anxiety and lack of peace of mind due, among others.

Under such circumstances, the peasants urgently need the following:

- Psycho-social intervention/counseling
- Medical support/services
- Food relief
- Legal support for the various legal needs of the members and leaders; and,
- Assistance in efforts/campaigns to: (a) oppose the ongoing criminalization of peasants; and (b) exhort concerned agencies of government to fast track the implementation of agrarian reform.

Exacerbating these conditions in the community, on February 1, 2023, the Office of Municipal Mayor of Hermosa, Bataan sent a letter to the Office in Charge-Barangay Captain of Sumalo to inform the families currently residing in the barangay covered court to leave the premises, stating that the facility is for public purpose and that they have received complaints from community members. The said families are those who lost their homes in 2022 through demolition due to the efforts of RDC in harassing the land rights claimants.

While awaiting the decision of the assigned RTC Judge on the matter of the issuance of an arrest warrant in the syndicated estafa case, the Court of Appeals (CA) issued a decision dated December 28, 2022, in favor of RDC, reversing the decision of the OP to include the contested land under the agrarian reform program. The CA decision is unquestionably a setback to the peasants' cause, as it puts the fulfillment of their land rights back to a state of uncertainty, despite the earlier favorable decisions from the DAR and the OP.

During a dialogue held between the peasants and the DAR on February 23, 2023, Undersecretary Napoleon Galit of the Legal Affairs Office implied that due to the decision of CA, DAR cannot proceed with its land acquisition and distribution processes. On the same day, SANAMABASU received information that arrest

warrants were already issued against the nine peasants accused of syndicated estafa. The warrants, however, were issued on February 21. In the case of two accused peasants, they were informed by family members that police officers had paid visits at their respective residences on February 27 and 28, asking for the accused's whereabouts.

The situation can only get worse if the government will not intervene decisively to stop the abuses against the peasants.

In an effort to resist vilification and to assert their innocence, the SANAMABASU peasants decided to "surrender" on March 8, 2023, to the DOJ during the global celebration of the International Women's Day. Enjoined by various civil society groups, human rights, peasant rights and women's rights advocates, the "surrender" aimed to highlight the relentless oppression of rural women, as well as various forms of repression and the alarming trend of criminalizing women human rights defenders. The "surrender" pushed the DOJ to promptly study the syndicated estafa case. However, the peasants still face a legal quandary; they are not yet in jail, but they are not totally free because the standing warrant is still enforceable.

## **2. CASE OF GLENDA LAPE AND VINCENT GANTALAO OF SMBTC, SAN ANDRES, QUEZON**

On Christmas Day, December 25, 2022, at around 3:00 - 4:00 p.m., members of the Philippine National Police - San Andres, Quezon, arrested a farming couple, Vincent A. Gantalao, 38 years old and Glenda B. Lape, 33 years old, on trumped charges of qualified theft.

In the incident, a Warrant of Arrest was read but not furnished to the accused during the arrest. Local police official however claims that the officers handling the case was not on duty when the members of the Samahan ng Magsasaka ng Brgy. Tala and Camflora (SMBTC), where Glenda is an active leader, requested the case documents. There were also no summons for preliminary investigation that should have given them the opportunity to file their counter-affidavits to refute the allegations prior to their arrests.

SMBTC has a pending petition with the Department of Environment and Natural Resources (DENR) for the implementation of Community-based Forest Management Program (CBFMP) in a total of 240 hectares of timberland. The said petition is still not being acted upon by the DENR, enabling the private claimant to continue harassing the peasants despite the fact that it is inalienable public land and, therefore, not subject to private ownership.

The Reyes family, a powerful landed family previously claimed this land as part of their more than 10,000-hectare estate that spans across the borders of San Andres and San Narciso in the province of Quezon. Later on, peasants-occupants discovered that the land was part of a timber/forest area that cannot be privately owned. As they organized a petition for land reform, they also boycotted the payment of agricultural production shares (then 66-33 in favor of Reyes) as a part of a larger step to stop public land grabbing and to demand tenurial security from the government.

Two groups of petitioners subsequently applied for the implementation of the CBFMP to the DENR. However, the agency failed to implement the program citing various technicalities, the most recent being that the survey for the area covered under the CBFMP was incorrect.

Emboldened by the reduced power and influence of the Reyes family over the land, a new claimant emerged. This claimant has aggressively threatened the actual residents by asserting ownership over the property. He started meeting with the actual occupants informing them that the land would be sold to others. As a

consequence, the peasants have not been able to work normally as they were constantly on guard against the possible entry of the claimants.

On the day of their arrest, Glenda and Vincent were preparing for a simple Christmas celebration. Glenda has three (3) young children ages 17, 13, and nine (a child with special needs). The children were left under the care of Glenda's mother and other members of the organization. The bail set for the couple is at P80,000 (USD 1,600.00).

Due to poverty, the family struggled to raise the bail money. With the help of members of SMBTC, they were able to get the support of the Public Attorney's Office (PAO) who helped them file for the motion to reduce bail. The Court granted the motion by lowering the bail by half or P 20,000 each. KATARUNGAN helped them raise the required bail. They were released on bail last January 9, 2023.

Criminalization is not new in the Bondoc Peninsula. Since 1998, more than 200 peasants have been charged with more than 300 counts of various criminal offenses after the intensification of their land reform initiatives. The reform in the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) through the referral system (Sec. 19, RA 9700) was instrumental in the dismissals of these past cases. A period of relative peace was enjoyed by the peasants from 2012 until 2017, when 36 peasants in another hacienda in the town of San Francisco were again charged for qualified theft. The cases were dismissed after a dialogue with the Secretary of Justice.

Aside from criminalization, the land rights movement also endured physical attacks. In Bondoc Peninsula, 13 peasants were killed from 1998 to 2014.

In 2013, one of Glenda's co-petitioners for land reform in public land and also a leader of SMBTC, was killed over the said land dispute. While walking with her husband and four-year-old daughter, she was shot at close range by a man who was identified as a trustee of an alleged land grabber in the area. This incident highlights the long history of violence and constant threats in the Bondoc Peninsula. There are currently about 100 farming families who are fighting for their land rights in Glenda's community who may also face harassment criminal cases in the future.

### **3. CASE OF RONIE AND MARIVIC BANQUILES IN SAN NARCISO, QUEZON**

Prior to Glenda and her husband's arrest, last October 3, another farming couple, Ronie Banquiles, 50 years old, and his wife, Marivic Banquiles, 46 years old, were arrested by law enforcers of San Narciso, Quezon, for qualified theft of coconut in violation of Articles 308 and 310 of the Revised Penal Code.

According to the information gathered by KATARUNGAN, the accused spouses "willfully, unlawfully and feloniously, with intent to gain, harvested, take away coconuts at the coconut plantation, without the owners of the property, to the damage and prejudice of the heirs of Teodula Medenilla in the amount of P2,732.00 (roughly USD 50)". The bail for temporary release was set at P40,000 each, or a total of P80,000 (roughly USD 1,500)..

Ronie and Marivic Banquiles argued that they inherited the land from their ancestors, who have been tilling for more than 50 years and relied mostly on the harvest of coconuts for their livelihood. They also claimed that the criminal case brought against them is a form of harassment used to coerce them into giving up their land ownership.

Moreover, the spouses asserted that the claimant's ownership is highly questionable, with certifications from the Community Environment and Natural Resources (CENRO) attesting that the land is not private property, as well as the recent decision of the Court of Appeals which cited the findings of the CENRO as evidence of the public land nature of the contested property.

Ronie and Marivic were temporarily released upon posting of the bail bond with assistance from KATARUNGAN and allied civil society organizations.

Outside of the hearing that they have to attend in the regular court, the accused couple have also been obliged to attend a mediation at the province's capital which is five hours of travel from their residence. In the said mediation, the accused are being offered P 3.3 million (around USD 60,000) to vacate the area so that the case against them can also be dismissed. This offer glaringly suggests that the criminal case is nothing, but a pressure point to force the couple into surrendering their land rights claim.

Thereafter, 11 other peasants in the community of the Banquiles couple were also subsequently charged with qualified theft. The cases are at Preliminary Investigation level at the prosecutor's office and is anticipated to rule against the peasants by finding probable cause. The issuance of warrants is expected soon thereafter.

#### **4. CASE OF ANIBAN IN HACIENDA DOLORES, PORAC, PAMPANGA**

Aniban ng Nagkakaisang Mamamayan sa Hacienda Dolores (Aniban) is a group with a longstanding land right claim to a property owned by LLL, a company partnering with Ayala Land, one of the largest real estate developers in the country, in developing the land into mixed-use (high-end residential and commercial use). The controversial areas involved at least 754 hectares of the 2,099-hectare Hacienda Dolores near the interchange of the Subic-Clark-Tarlac Expressway in Porac, Pampanga.

Since Aniban filed their petition for the said land to be covered under agrarian reform program, various human rights violations occurred in the said community. These include several cases of violence against key leaders of the community, such as the case of the main leader of the group. Since April 16, 2014, he has been in jail for non-bailable trumped-up charges of kidnapping, carnapping, and frustrated homicide. Five of his sons were also named in the carnapping charge and are still at large. His case has been dragging on for nearly a decade and is still being heard at the Regional Trial Court. He is an elderly person, diabetic, and suffering from hypertension.

The year 2014 marked a tragic loss to the struggle of Aniban for land rights, with the assassination of their secretary general on May 2. Another killing occurred on January 12, 2014, when peasants were blocked by armed guards on their way to their respective farms. The "encounter" led to the killing and serious injuries of the peasants.

As Barangay Captain (village chief) then, Aniban's main leader merely responded to the distressed call by the peasants. They were able to capture one of the armed guards and two motorcycle vehicles of the guards, which were the same reasons used to file cases of carnapping and kidnapping on him.

Moreover, more or less 300 peasant families were forcibly evicted from the lands they tilled as the violence spiraled. They are physically and economically dislocated until today. The petition for land redistribution under the Comprehensive Agrarian Reform Program (CARP), the root cause of all the violence against peasants, remains pending in the Supreme Court.



## 5. CONCLUSION

In light of the above, we ask the Special Rapporteurs to intervene with the government of the Philippines so that it proceeds to:

- the respect of its international commitments in terms of human rights, and in particular the respect and implementation of the UNDROP and its article 16 (right to an adequate standard of living, a decent livelihood and means of production) and 17 (right to land);
- to put an end to the criminalization of peasants claiming their human and land rights and to release with immediate effect all of those detained in the context of the aforementioned land conflicts;
- simplifying and accelerating the process of land reform and of acquiring proof of land ownership by proposing land laws and policies that are favorable to peasants and marginalized and low-income family peasants;
- preventing land grabbing by proposing a fair implementation of land use planning, especially in light of the implementation of peasants' rights. In sum, a clear policy of land allocation and distribution must be put in place for peasant producers, with all the accompanying measures (public security, drinking water and irrigation supply, and the establishment of all public equipment to ensure the development of land by individuals) based on a reasoned and national spatial planning tool.

Finally, we ask the Special Rapporteurs to visit the area in order to investigate more closely the above-mentioned situation.