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## THEMATIC PROTECTION **BULLETIN** **BUKIDNON INDIGENOUS PEOPLES’ RIGHTS AND PROTECTION RISKS**

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### Situation Background

Bukidnon is considered the food basket of Mindanao. It is a landlocked plateau in North Central Mindanao where plantation and agro industrial economy is thriving. The Bukidnon Indigenous People (IPs) or lumads comprise eight tribes; Bukidnon, Higaonon, Manobo, Matigsalog, Tigwahanon, Talaandig and Umayamnon and Sub-tribe Manobo Pulangion, and account for about 24% of the total population of the province. More than half of the whole province is the ancestral domains of the indigenous peoples (IPs).

In Bukidnon, huge tracks of lands are used by large corporations such as Dole Philippines, Bukidnon Sugar Milling, Crystal Sugar Milling, Monterey Farms, San Miguel Corporation, Swift Foods and Valencia Rubbertex. These large firms have plantations for production and processing of agricultural products within the province itself. Many mining companies in the Philippines are also in areas with large indigenous populations. These large-scale farming and extraction projects often cause conflict and displacement. This is a particular concern in Bukidnon’s IPs ancestral land.

From lack of investigations and prosecutions of extrajudicial killings of IPs to the laws that provide a mechanism for IPs to regain their land, the law is often not adequately enforced for the protection of the rights of IPs and the protection of their ancestral lands. This highlights the apparent lack of effective rule of law in this part of Mindanao. Witnesses are afraid to provide evidence of criminal acts, including killings, threats and forcible land grabbing which exposes a system that is unable to protect IPs rights and provide for peace and security in the region.

According to public attorneys, human rights monitors, and IP representatives, a person or organization supporting IP rights are being labeled as a leftist and supporter of the New People’s Army (NPA), creating a risk to their lives.

According to local sources, the local authorities, businessmen, corporations and the Armed Forces of the Philippines (AFP) are selectively arming IPs making one clan more powerful than the other. Some members of an IP group are influenced by wealthy farmers to lease or sell portions of their land that has been identified and awarded a CADT (Certificate of Ancestral Domain Title) or provided through the National Agrarian Reform programme, even if contrary to the law. This divides IP communities as some do not want to give up their land but rather live and plant on it themselves. IPs struggling to keep their land is often considered as leftist or NPA sympathizers. In the remote IP communities often the NPA substitute’s government services such as clinics through their medics or they train local people as health workers, and organize IPs through awareness raising and education, even establishing alternative schools. The NPA resists agribusinesses, mining and logging companies and other large development projects in areas where the IPs have not given up their land. The NPA’s actions increase the human rights and protection risks for IP communities as they are often viewed as enemies by the AFP and local businessmen with interests to control and use IP land. IP leaders report that the lack of adequate availability of social services and education for IPs living in rural areas has led to increased child recruitment by the NPA as there are few activities for children and adolescents in rural IP communities.

### Issues Affecting IPs in Bukidnon

- Economic interests of National and Multi-national companies (Agro-industrial and Mining), including influential local landlords and businessmen to the mineral-rich soil of IPs ancestral lands;
- Presence of NPA, paramilitary groups like the New Indigenous Peoples Army Reform (NIPAR), Alamara, and the counter-insurgency activities of the Armed Forces of the Philippines that cause extrajudicial killings (EJKs), conflict, displacement, and divide amongst IP groups;
- Aside from armed conflicts between NPA and AFP, issues related to Ancestral Domain claims are among the most prominent challenges in the province affecting the Indigenous Peoples. The Commission

on Human Rights (CHR) Region 10 affirmed that overlapping laws complicates land claims of IPs. Laws governing the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR) often contradict the Indigenous Peoples Rights Act (IPRA Law), the main legal basis of IPs to claim ancestral lands. Lands being claimed by IPs are often covered either under the Comprehensive Agrarian Reform Program (CARP) of DAR, or the non-arable and protected area under DENR supervision adding to the difficulty for IPs to claim their lands;

- IP representatives and CHR officers raise concerns on the role and effectiveness of the National Commission on the Indigenous Peoples (NCIP).



UNHCR engages a Matigsalog tribe in Butong village in a consultation in Quezón, Bukidnon. A tribal chieftain seen here recounting their group’s experiences of harassment back when they were still contending for their land. © PJ Tanghal/UNHCR 2015

**DISCLAIMER**

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Below are three examples of the complex situations IPs face to access and use their ancestral lands that have recently been identified. These are only examples as there are many more IP communities whose ancestral claims in Bukidnon remain under threat.

**Example 1: Ancestral Domain Land Issues in Quezon, Bukidnon**

(TINDOGA ‘to stand or make a stand’ group of Manobo-Pulangihon tribe of Barangay Butong, Quezon, Bukidnon land claim)

Eight-head claimants of Manobo- Pulangihon tribe with around 350 household members and beneficiaries filed their ancestral domain claim for 623 hectares of land in 2008.

Historically, these lands are owned by the Manobo tribe. Wealthy families including Fortich and Montalban borrowed the land from them for cattle production and sugarcane plantation dating back to the 1960s-70s. Later another businessman filed an Agro Forestry Leasing Agreement (AFLA) with the DENR for a 25-year contract that ended in 2009. The indigenous group moved far from their ancestral lands, while most of their ancestral land was under a leasing agreement between large businessmen and the government/DENR.

The IPs started their claim a year before the expiration of contract with the AFLA and eventually the IPs were granted their rights to the land by the NCIP. Now with the legal access to their land the IPs have been divided into two rival groups, known in the area as Team A and Team B. Team A are IPs who want all their claimed land to be leased again by the original farmer who previously leased the land, while the other group (Team B) is firm not to allow the lease-back of their land and they prefer to till their claimed land on their own and be self-reliant.

Team B, also known as the TINDOGA group, has experienced a series

of harassments with gunfire allegedly perpetrated by armed guards working for a well-known farmer/lessor in the area. They believed that the series of harassments were part of the farmer’s strategy to pressure them to lease their portion of the land.

Some Team A members are going over to the Team B side because of complaints that their leaders are not sharing the lease money with all community members that is paid by the farmer. The value of the lease is one thousand pesos per month per one hectare. According to Barangay Captain of Butong, the usual market land lease rate in the area is 18-20 thousand pesos per hectare, per year.

The Provincial Governor has intervened and sent the Philippines National Police (PNP) to provide security in the community. According to the Butong barangay captain, the provincial government also spent 600,000 Php to sustain the presence of 50-70 security forces for two months; however no more resources currently exist to provide armed security guards for the Team B IP community.

At present, a complaint has been filed by Team B against the farmer/lessor and his private armed guards. The Provincial Governor and Barangay Captain of Barangay Butong are supportive of the TINDOGA IPs to ensure their security and a fair outcome for all of the IP community in Butong. According to the TINDOGA leaders (Team B), it is an uphill battle for them because the farmer/lessor is “influential and has a lot of contacts and friends in the bureaucracy”.

**Example 2: Higaonon Farmers’ Land Claim in Sumilao, Bukidnon**

Prior to the enactment of IPRA LAW in October 1997 that recognizes the ancestral land rights of the indigenous peoples, the government had already begun implementing the CARP, starting in the late 1980’s.

One hundred sixty - three (163) Higaonon farmers had been selected as beneficiaries of the 147 hectares - historically part of the Higaonon ancestral land—and later came to be owned by a prominent settler farmer in the region. The farmer allegedly influenced the provincial board to pass a resolution converting agricultural land into agro-industrial, effectively removing it from the CARP coverage and was able to retain ownership of the land. Then, in 1995, the national government under then President Fidel V. Ramos supported the provincial resolution for conversion to agro-industrial status. Other large agro-industrial companies took advantage of the national decree in support of the provincial resolution and were also able to obtain land previously under the CARP.

The Higaonon farmers in Sumilao had a long struggle before they were able to access the land under the CARP program. In 1997, they staged a more than 20 days hunger strike in Manila and Cagayan de Oro; and in 2007, they walked from Bukidnon to Manila to protest and to invoke their rights on the land. The land conversion was eventually lifted and the land was made available again under the Agrarian Reform Program and for distribution.

The original 147 hectares of land was then awarded to 163 Sumilao farmers of which 97 hectares are now communal land registered under an organized Cooperative. Fifty (50) hectares were divided into 150 square meters home lot and .25 hectares as farm land for each family.

*But now, Sumilao farmers and the cooperative are threatened with their land being taken by the government for non-payment of taxes. They were billed 2.5 million for Real Property Tax by the Local Govern-*

*ment Unit (LGU) of Sumilao. At the start, they were paying taxes but stopped after learning that Cooperatives are tax exempt. Their tax bill ballooned. IP Farmers are confused about the law and policy and they are in the process of seeking clarity from the Land Bank of the Philippines (LBP) and Bureau of Internal Revenue (BIR).*

The Panaw-Sumilao Cooperative is having difficulty with their LGU. Since the start of their struggle, they were not able to get support from their LGU officials with their application for real property tax exemption. The tax amount that they have been billed is based on an agro-industrial tax base or based on high value crops like pineapple. They believe that the LGU officials are not acting in their interests but instead are cooperating with large companies such as San Miguel Corporation and Del Monte who are trying to get back the land for agro-industrial purposes.

A Panaw-Sumilao representative expressed concern that their community is now being closely monitored by unknown people visiting their villages. In 2009, Renato “Ka Rene” Peñas, Panaw-Sumilao leader and co-founder, together with his two companions, were ambushed in Barangay San Vicente, Sumilao around midnight of June 5, 2009. His companions survived the ambush while “Ka Rene” died on the spot. According to relatives of the victim, they are trying to find ways to re-open the case. However, the lack of witnesses who are willing to testify continue to hamper their quest for justice.

The cooperative leaders are now making their best efforts to establish a dialogue with Land Bank of the Philippines and the Bureau of Internal Revenue for their tax exemption issue. According to the IPRA Law Rule VI; Part 1; Sec 2b,c, the NCIP is the primary agency who oversees the protection of the rights of the IPs. However, the farmers said they have not sought support from the NCIP. They are being supported by a human rights lawyers group.

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**Example 3: Armed Conflict Situation in San Fernando, Bukidnon**

Indigenous Peoples from Barangay Dao of San Fernando, Bukidnon and adjacent barangays are frequently harassed and threatened by the para-military group NIPAR. The group is being led by well-known persons called “Butchoy” and his Father “Nono” Salusad, former NPA members who surrendered to the AFP. The NIPAR is known to be supported by the 8<sup>th</sup> Infantry battalion assigned to the area in their joint efforts against the NPA and IP leaders and groups opposed to mining companies in the region.

In 2012, a barangay captain and respected tribal leader and anti-mining activist, Jimmy Liguyon, was allegedly killed by NIPAR. Liguyon was firmly opposed to large scale mining to operate in their barangay. Prior to his death, a group of tribal leaders or DATUs in San Fernando had organized San Fernando Tribal Datus Association (SANMATRIDA) supported by a man named Estrella, an Ilonggo settler from Valencia City.

The organization led the filing of a Certificate of Ancestral Domain Claim (CADT) for 52,000 hectares of land. SANMATRIDA is in favor of large scale mining to operate in their municipality and they are campaigning to other tribal datus/chiefdoms to join them and support the entry of Mining Companies.

It is assumed that Liguyon was killed by NIPAR because he refused to sign and join SANMATRIDA. NIPAR publicly admitted to the killing through a press release circulated in the media, and a NIPAR leader publicly stated that anybody who is opposed to them will also be killed.

The presence of NIPAR and other para-military groups, such as Alamara, and their activities have caused the displacement of families from Barangay Dao and adjacent barangays.

The Rural Missionaries of the Philippines (RMP) and Karapatan said that from October 2014 to present, they have documented and reported 23 cases of Extra Judicial Killings. Most of the victims are IP leaders and suspected sympathizers of the New People’s Army (NPA).

In the Municipality of Cabanglasan, Bukidnon, a total of seven Higaonon civilians have been killed by alleged members of Alamara, a group of IP tribal warriors believed to be supported by the AFP and used as frontline combatants during military operations against the NPA. The seven Higaonons were supposedly killed because they were identified as sympathizers of the NPA.

As of this report, 30 families who are relatives and supporters of the victims fear to return to their communities in Cabanglasan. They are currently staying in the premises of Malaybalay Provincial Capital where they are protesting and calling for justice in response to the killings happening in their community. Cases have been filed in court and almost every day they are making a “noise barrage” in front of the Provincial Hall of Justice attempting to pressure the authorities to issue warrants of arrest to the suspected perpetrators of the killings.



Through help from the CHR and other human rights groups in the region, members of a Matigsalog tribe in Quezon, Bukidnon was able to reclaim their land from a plantation owner.  
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**Recommendations**

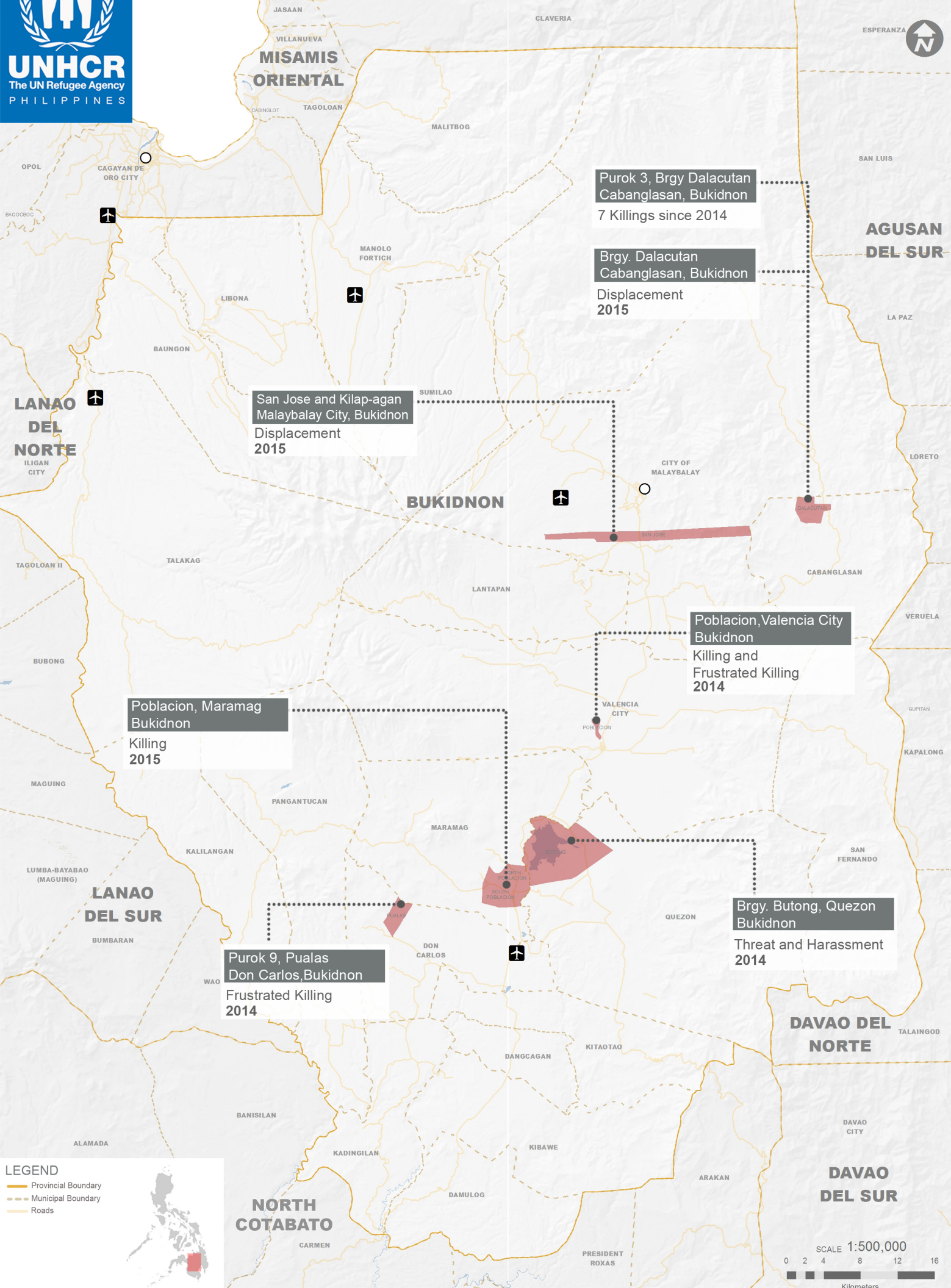
1. The Commission of Human Rights (CHR) and the National Commission on Indigenous Persons (NCIP), supported by the UNHCR, to provide an analysis of the IP situation to be shared to the protection actors in Mindanao regions with significant numbers of Indigenous Peoples.
2. Support OHCHR to conduct training on minority and IP rights to IP leaders involving other stakeholders such as the DENR, Department of Agrarian Reform (DAR), National Commission on Indigenous Peoples (NCIP), Organization/CSOs working in IP areas. Involve other UN agencies such as UNICEF to ensure protection of IP children.
3. Develop consistent advocacy points with OHCHR, the Government and NGO actors to support, protect and promote the rights of Indigenous people in according to Republic Act 8371, IPRA.
4. Support the CHR to facilitate dialogues among IP leaders and Duty Bearers with the main objective of obtaining a clear mechanism and support systems among stakeholders to attain relationships to protect Human Rights.
5. Support the CHR and local NGOs to establish monitoring and reporting mechanisms to identify violations and abuses of human rights emanating from Land Issues, Ancestral Claims, physical threats to communities and individuals, including extra judicial killings (EJK) and to share information with the appropriate government bodies.
6. Support the CHR and the Public Attorney Offices (PAOs) with advocacy efforts to increase the rule of law to ensure human rights violations, are investigated and prosecuted.

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# UNHCR MINDANAO: BUKIDNON INCIDENTS



Purok 3, Brgy Dalacutan  
Cabanglasan, Bukidnon  
7 Killings since 2014

Brgy. Dalacutan  
Cabanglasan, Bukidnon  
Displacement  
2015

San Jose and Kilap-agan  
Malaybalay City, Bukidnon  
Displacement  
2015

Poblacion, Valencia City  
Bukidnon  
Killing and  
Frustrated Killing  
2014

Poblacion, Maramag  
Bukidnon  
Killing  
2015

Brgy. Butong, Quezon  
Bukidnon  
Threat and Harassment  
2014

Purok 9, Pualas  
Don Carlos, Bukidnon  
Frustrated Killing  
2014

**LEGEND**

- Provincial Boundary
- Municipal Boundary
- Roads

SCALE 1:500,000  
0 2 4 8 12 16  
Kilometers