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## Key Findings: International Fact-Finding Mission to Defend Indigenous Land and Human Rights against Palm Oil Expansion in Southern Philippines, May 6-10, 2012

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### I. History of the land and peoples

The Higaonon tribe have lived and occupied the lands in Opol since pre-Spanish colonization. The lands used to be forest land. Their ancestors lived by farming, maintaining portions of agricultural land. They also hunted animals and gathered honey. They practiced their indigenous culture, carrying out rituals in certain areas that they consider sacred.

In the 50s, a certain Capt. Jose Carry, a pilot from Albay, transformed 520 hectares of land into pasture. When Carry arrived, members of the Higaonon tribe were displaced by harassments to make way for the pasture ground. In the 60s, some of the Lumads reclaimed portions of the land. The remaining lands were then taken over by Victor Paras, who started logging operations. Around 1965, houses of the Lumad community were strafed and burned by armed personnel of Paras. This was also the period when the non-indigenous personnel of Paras started to settle in the area.

According to the Department of Environment and Natural Resources (DENR), a Forest Land Grazing Lease Agreement (FLGLA) No. 614 was granted to Paras Machinery Works Corp., represented by Victor Paras in November 1991. This agreement will expire in December 31, 2016.

In 2002, farmers reclaimed more land. At that time, Paras was no longer active in the area. Around 200 families went in but only 45 successfully reclaimed the land because General Alexander Noble, owner of a security agency hired by Paras, threatened them. These 45 households eventually founded the Sarahogon Bagooboc Farmers Association (SBFA). In the same year, DENR facilitated the formation of Kahugpongong sa Mag-uuma sa Barangay Tingalan (KMBT) and granted them CBFMA, but this group never became active.

By 2003, SBFA was successful in making the area productive for agriculture and by 2005, the area had become a thriving community.

On April 6, 2008, Gilbert Paborada, chairperson of SBFA, filed a request for stewardship with the Provincial Environment and Natural Resources Office (PENRO) as measure of further establishing their rights over the lands once the Paras lease agreement expires in 2016. However, authorities told them they did not need to file a petition because they were already tilling the land.

In 2010, DENR revived KMBT and the CBFMA. In that same year, DENR conducted meetings with A. Brown along with KMBT to facilitate the entry of a palm oil plantation in the area.

In February 2011, the DENR informed members of the SBFA that Victor Paras had already issued a Special Power of Attorney to Raffy Magbanua of Nakeen Corporation, a subsidiary of A. Brown. However, no documents were presented. In the same month, the DENR convened a meeting with Barangay Tingalan officials, A. Brown representatives, members of KMBT, and other Lumads. It was declared that a palm oil plantation will be developed in the sloping areas



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Melikin

It was their native customary land until palm oil companies came and claimed it as their own. Fences were put up, barring indigenous peoples from entering their own ancestral land. This is the story of Melikin. The story of many indigenous peoples in Sarawak.

Women Reclaim Our Seeds

This short video from Green Foundation captures the roles

Senior Lumads, it was decided that a palm oil plantation will be developed in the sloping area in Tingalan. It was emphasized that those individuals or groups who will not consent, will not be forced. The company also offered to pay the farmers with P9,000 per hectare for a 25-year lease, and promised them a better life.

Many members were surprised by this announcement as they had expected their land rights to be recognized and protected by the DENR. They realized that their rights have been violated with the approval for the entry of A. Brown's subsidiaries - Nakeen Corporation and ABERDI to start palm oil plantation operations.

Furthermore, CENRO released an assessment report stating their area covers 5.18 hectares only. Paborada and SBFA members did not agree to this as it was clear that the land they petitioned was already waived to A. Brown.

## II. Human rights violations

Several human rights violations were committed by the company and state authorities against the farmers, especially those who refuse to give their lands to the plantation. The following are incidents reported to the IFFM:

- March 10, 2011 shooting incident

Eight farmers, including a minor, who refused to plant palm oil and leave their land were shot at by more than 20 members of the NBI and A. Brown security guards. One of the farmers (Raul Magpulong) hid for more than 12 hours and was traumatized by the incident. Another farmer suffered a gunshot wound on his left knee area. Two were illegally arrested, charged with direct assault, and detained for two weeks.

Since the incident, some community members were forced to leave their lands.

- Sometime in November 2011, the house of Victoria Tabubo, 64, who was amongst those who were forced to leave by the shooting incident earlier, was burned down by A. Brown security guards. They took her coconuts and planted palm oil on the land.
- The cassava planted by Catalina Atayde, were uprooted by company personnel who planted palm oil trees on her land instead.
- On February 11 and 12, 2011, security guards of A. Brown pointed their guns at Gilbert Paborada, leader of Pangalasag, because he was asserting their rights over the land. One of the guards even threatened Paborada that he will be shot if the farmers do not leave.
- Sometime in September/October 2011, Kagawad Jimiterio Sharot along with plantation laborers and armed security guards when to the farm of Amadeo Payla, 66, and uprooted and destroyed his crops with chemicals while holding the latter at gunpoint. Sharot is the principal manpower provider of A. Brown.
- Leoncito Mabao, 34, was held at gunpoint by around 20 armed security guards while his crops (e.g. bananas, cassava, corn and coconut) were being uprooted and destroyed with chemicals.

## III. Social, cultural, economic, health and environmental impacts

### *Social and cultural*

Two traditional sacred areas of the Lumads were desecrated and destroyed. A balet tree that marked their burial ground and ritual area was cut down by A. Brown personnel. A sacred hill was quarried for A. Brown's road construction.

The entry of the plantation also destroyed community spirit, with the company using divide-and-rule tactics, bribing and deceiving villagers.

### *Health and environmental*

Ever since A. Brown started operations, a stream that served as a water source for cooking and washing became contaminated with agrochemicals. They have since stopped using the stream because they noticed that people were getting sick with abdominal pains and diarrhea.

Residents around the plantation experienced an increase in incidences of cough and colds and various skin diseases. During spraying of chemicals in the plantation, residents also experience nausea and headache. Residents have reported the use of highly hazardous

played by small and marginal women farmers from Kamataka, South India in their quest to save the source of food - the soil, water and genetic resources.

pesticides carbofuran (insecticide) and glyphosate (herbicide), which are known to be carcinogenic, neurotoxic, and destroys the immune system.

Trees are also being cut in remaining wooded areas in Sitio Migdaha (Tingalan) to make way for the plantation's expansion.

Laborers in the palm oil plantation are being exposed to pesticides, and are not provided protective equipment while spraying.

#### *Economic*

Since many of the farmers could no longer return to their land, they have lost their means of livelihood and cannot properly feed their families. Their livelihood is also severely affected by pests and diseases that have afflicted their crops, which is due to the use of agrochemicals in the plantation.

Some laborers, who were promised regular jobs in the plantation, were only given contractual work or work on a piecemeal basis. Laborers are also paid below the minimum wage (P247/day, while the minimum wage for agriculture work in Opol is P264).

#### *Women and children*

The plantation is reported to have employed minors as laborers, one of which died in an on-the-job vehicular accident in April 29, 2011. Children are most vulnerable to the harmful effects of pesticides. Women are also doubly burdened by the lack of food with which to feed their families.

## **IV. Calls and Demands**

### *Calls of the community and the IFFM team*

**End land grabbing!**

**Pull-out A. Brown from Opol and other places in Northern Mindanao**

**No to land use conversion! Uphold food sovereignty!**

**Return the lands to the peasant, respect the right to ancestral lands!**

**Justice for victims of human rights violations (HRVs)**

### *Specific demands for government units/agencies*

**The NCIP must investigate violations on the FPIC process and destruction of sacred sites!**

**The DENR must produce the necessary documents to clarify status of the area, and compel A. Brown to clean up contaminated areas!**

**The LGU (Local Government Unit) must immediately address the loss of livelihood of displaced families and provide relief, punish perpetrators of HRVs, indemnify**

## victims of HRVs!

*"Our vision is a society that is truly democratic, equal, just, culturally diverse, and based on food sovereignty, gender justice and environmental sustainability."*

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