

Philippines - Land reform suffers reversal in Sariaya

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SARIAYA, Quezon—What the government gave to these farmers, it will take away 11 years after.

Next month, 12 land reform awardees in Sariaya, Quezon, expect to be evicted from their property at the foot of Mount Banahaw under a 1982 municipal zoning plan, which reclassified most of the farmlands there as “nonagricultural” and, thus, not covered by the Comprehensive Agrarian Reform Program (CARP).

This could be a prelude to a wider dispossession as former landlords try to retake CARP lands all across Sariaya on similar grounds, according to a Germany-based international human rights organization.

“The government wants us to leave our land which it has already given to us. Where is justice here?” Romeo Clavo, president of the more than 200 affected residents of Barangays Tumbaga 1 and 2, lamented.

He showed two copies of a Certificate of Land Ownership Award (Closa) issued to his late father Mariano by the Land Registration Authority on June 17, 1998, for 14,033 square meters (1.4 hectares) of land.

The land is part of 22 hectares that its former owner, the Cabuñag family, somehow managed to regain from its 44-hectare estate.

Landowner's petition?

Clavo believes that the Cabuñags, one of the rich clans of Sariaya, filed a motion at the Office of the President to exempt the estate from the CARP, and that Malacañang has decided on the case.

“The land is still a subject of a pending case before the Darab (Department of Agrarian Reform Adjudication Board),” he said, showing a Darab certification dated April 14, 2009, and signed by one Enrique Sumogba, officer of the day.

On June 9, however, the 12 Closa holders received a notice of eviction from the Darab, through its sheriff Luz Durante, in promulgation of a writ of execution dated May 29, 2009. It ordered them to leave the property and remove all houses and other developments within 30 days from receipt of the order. (The deadline falls on Aug. 9).

“The (eviction) order would not only rob us of our material possessions, [but] it will also rob us of our lives and strip us of our dignity as humans,” Clavo said. “We’re appealing to all concerned government officials to help us in this fight to retain ownership of the land.”

“We will oppose the eviction,” he said, adding that the farmers had begun putting up “No Trespassing” signs in the area.

Disturbance fee

The Darab resolution also ordered the Cabuñags to pay P195,050 as “disturbance compensation” to the Cloa holders. Of this amount, only P9,750 will be paid to Marianito Clavo’s heir.

Rhoderick de Villa, a son of another Cloa holder, said his elder brother had spent P700,000 for the construction of their new house. “And now, we are being ordered to leave?” he asked.

Clavo blames Agrarian Reform Secretary Nasser Pangandaman for the mess. He showed a copy of Sariaya Mayor Rosauro Masilang’s letter to Pangandaman dated June 10, 2008, requesting a dialogue to thresh out the conflict.

“Up to the present, the DAR secretary has not bothered to spare some time to accommodate us,” Clavo said.

Armando Valenzerina, DAR-Quezon II paralegal officer, said that if the order was final and executory, “there’s nothing more that we can do.”

Even if his office wanted to help the villagers, “we just can’t argue against the decision of our officials at the central office,” he said.

DAR presumption

When asked why, in the first place, did the DAR award the land to the farmers despite the ownership issue, Valenzerina said the agency “presumed that the area was disposable because its actual usage was agricultural.”

“But the landowner found a legal basis to reclaim the land, subsequently filed an exemption, and exhausted all legal remedies and procedures,” he added.

He recalled that the Cabuñags once offered a “win-win” solution—a relocation site and other benefits—to the Cloa holders in a conference attended by both parties. “These were rejected,” he said.

The Inquirer tried to contact the Cabuñags but was told by the farmers that the landowners reside in Manila.

Valenzerina said the farmers could also be blamed for their dilemma. “From what I remember, the Cloa holders did not heed the advice of their lawyers on what course of legal actions to take.”

Corrective action

The municipal government was doing everything to prevent the dislocation of the farmers, said Councilor Alex Tolentino.

It has adopted a resolution “that aims to correct the zoning plan,” Tolentino said. “We already forwarded it to (officials of) the DAR central office for their guidance, but unfortunately, we have yet to hear their response.”

Valenzerina said he was “not privy” to the complaints of Sariaya officials and the Cloa holders against Pangandaman.

In a letter to the DAR secretary in February, FIAN International said the case of the Tumbaga farmers was an ominous warning of more illegitimate dispossession of farm lands in Sariaya.

Former landlords are now trying to reclaim 2,074 hectares of land distributed under the CARP across Sariaya, the human rights group said in the letter.

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