

Parallel Report

THE RIGHT TO ADEQUATE FOOD IN THE PHILIPPINES

Reference: Second to fourth periodic reports of the Philippines UN Doc.
E/C. 12/PHL/4 submitted to the ESCR, 41st session



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Acronyms

A&D	Alienable and Disposable	GNP	Gross National Product
ADB	Asian Development Bank	ICCPR	International Covenant on Civil and Political Rights
AFMA	Agriculture and Fisheries Modernization Act	ICESCR	International Covenant on Economic, Social & Cultural Rights
AFMA	Agriculture and Fisheries Modernization Act	IPs	Indigenous peoples
AHMA	Accelerated Hunger-Mitigation Program	IRA	Internal Revenue Allotment
AHMP	Accelerated Hunger Mitigation Program	LBP	Land Bank of the Philippines
APP	Ahon Pamilyang Pilipino	LPI	Lafayette Philippines Incorporated
ARBs	Agrarian Reform Beneficiaries	MAFARMPUCO	Manggulod Farmers Multi-Purpose Cooperative
ARMM	Autonomous Region in Muslim Mindanao	MANACAFA	Manggulod-Nagbagang-Cabibi-an Farmers Association
BAS	Bureau of Agricultural Statistics	MCBCI	Mampising CARP Beneficiaries Co-operative Incorporated
CA	Compulsory Acquisition	MMDA	Metro Manila Development Authority
CALTs	Certificates of Ancestral Land Titles	MOA	Memorandum of Agreement
CARL	Comprehensive Agrarian Reform Law	MPSA	Mineral Production Sharing Agreement
CARP	Comprehensive Agrarian Reform Program	MTPDP	Medium-Term Philippine Development Plan
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	NCIP	National Commission on Indigenous Peoples
CESCR	Committee on Economic, Social & Cultural Rights	NCR	National Capital Region
CHR	Commission on Human Rights	NEDA	National Economic Development Authority
CLOA	Certificate of Land Ownership Award	NFA	National Food Authority
COA	Commission on Audit	NGO	Non-Governmental Organization
DA	Department of Agriculture	NNC	National Nutrition Council
DAO	Department of Environmental and Natural Resources Administrative Order	NPA	New People's Army
DAR	Department of Agrarian Reform	NSCB	National Statistical Coordination Board
DARAB	Department of Agrarian Reform Adjudication Board	PARRDS	Partnership for Agrarian Reform & Rural Development Services
DENR	Department of Environmental and Natural Resources	PD	Presidential Decree
DSWD	Department of Social Welfare and Development	PHP	Philippine Pesos
ECC	Environmental Certificate of Compliance	PMG	Provincial Mobile Group
EO	Executive Order		
EPs	Emancipation Patents		
FIAN	Food First Information & Action Network		
FNRI	Food and Nutrition Research Institute		
GDP	Gross Domestic Product		
GMA	Ginintuan Masaganang Ani		

QUEDANCOR

Quedan & Rural Credit Guarantee Corp

RMG Regional Mobile Group**ROD** Register of Deeds**SACI** Sarangani Agricultural Corporation,
Incorporated**SARBCO** Sarangani Agrarian Reform
Cooperative**SDO** Stock-Distribution Option**SEC** Securities & Exchange Commission**SMFI** San Miguel Foods Incorporated**SMSC** Association of Peasants in Centro San
Vicente**SOP** Standard Operating Procedure**SWS** Social Weather Station**TVPI** Tortuga Valley Plantation Incorporated.**UNICEF** United Nations Children's Fund**UWLU** United Luisita Workers' Union**VLT** Voluntary Land Transfer**WEARBAI**WADECOR Employees Agrarian Reform
Beneficiaries Association, Incorporated

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1 Introduction

This Parallel Report¹ looks into the “fundamental right of everyone to be free from hunger” and the “right to adequate food” as provided for in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The report analyzes the causes of hunger and poverty in the Philippines as well as looking at the role played by the Philippine Government in right to food violations. It provides clear recommendations for the Government in order for the right to food of every citizen to be guaranteed and violations of that right to be either avoided or stopped.

The report’s basic framework is based on the ICESCR, General Comment 12 of the Committee on Economic, Social and Cultural Rights (CESCR) and the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food. Many of the areas outlined in the Voluntary Guidelines such as the role of democracy, human rights and good governance, economic development policies, access to resources, nutrition, safety nets, and national financial resources in realizing the right to food are tackled in great detail in this report. There is however, a special focus on access to resources.

Despite the fact that the Philippine Government was supposed to have submitted two reports on the right to food between 1995 and 2008, the first one was not submitted until 2006 – 11 years after the Government’s last report and FIAN International’s parallel report “Violations of the Right to Food (Article 11) Related to the Question of Agrarian Reform in the Philippines” was submitted during the 20th Session of the CESCR.

As a consequence, the Philippine Government has failed to comply with its obligations and FIAN hopes that the Committee will closely evaluate what has been done by the Philippine Government to deal with the two specific concerns highlighted in the 1995 report. In the 1995 Concluding Observations of the CESCR, it was noted that the Philippine Government’s agrarian reform program suffered due to major loopholes, a lack of funding, lack of implementation measures and a lack of political will. In Paragraph 21, the Committee also stated its concern that “a greater proportion of the national budget is devoted to military spending than to housing, agriculture and health combined.”

As is outlined in the concluding remarks and recommendations, FIAN requests the Committee to encourage the Philippine Government to pass and fully implement short and long-term measures to adequately address the ever-increasing number of poor and hungry citizens, the high price of rice, the government’s very inadequate financial resources for basic social and economic services and the culture of impunity reigning in the country that encourages violence against right to food defenders.

¹ This report was written by FIAN Philippines with the support of FIAN International.

2 General Environment for the Right to Food

The Philippines has a population of 88.57 million at present. Around 37% of the total population live in 3 regions on the island of Luzon – National Capital Region (11.55 million), Central Luzon Region or Region 3 (9.72 million) and CALABARZON Region, or Region 4-A (11.74 million). In 2000, 48.3 million or 60% of the total population lived in urban areas compared with 33.5 million in rural areas.²

The country's total land area is more than 30 million (m) hectares. Forestland covers 15.84 million, while the alienable & disposable (A&D) land³ covers 14.17m hectares and about 13m hectares of land are devoted to agriculture.⁴ According to the Department of Agriculture (DA), 4.01m hectares or 31% of the 13m hectares of agricultural land is devoted to food grains (rice and corn); 8.33m hectares or 52% is for food crops and 2.2m hectares or 17% for non-food crops. Land used for growing rice is 3.31m hectares; corn, 3.34m hectares; coconut, 4.25m hectares; sugarcane, 673,000 hectares; industrial crops, 591,000 hectares; fruits, 148,000 hectares; vegetables and root crops, 270,000 hectares and pasture land, 404,000 hectares.⁵

For 2008, the Department of Agriculture expected the palay (rice grain) harvest to reach 17.3 million metric tons, which is equivalent to 11.26 million metric tons of rice. The annual rice requirement of the Philippines is 12.19 million metric tons or 33,000 metric tons daily. Therefore, the rice deficit is 930,000 metric tons.⁶ According to the Government, the rise in food prices is a worldwide phenomenon, which is due to a production shortfall in other rice producing countries and the strong demand for rice in China and India. Other economists, agricultural experts and farmer-leaders, however, point out that the neglect of the agricultural sector, the very inadequate funds for agricultural research and development, the flooding of the market with imported rice, the prohibitive price of chemical fertilizers and the lack of support for the rice farmers are major internal factors for the Philippines' rice deficit.

A surge in rice prices began in March 2008. From Philippines Pesos (PHP) 22-24 (\$0.48 – \$0.52) per kilo, the price of commercial rice ballooned to PHP32-38 (\$0.70-\$0.83) per kilo. The sudden increase in prices forced many residents, especially in urban centers, to buy the PHP18.25/kilo government rice being sold by the National Food Authority (NFA), a government agency under the Department of Agriculture. NFA rice had few buyers before March 2008 because it did not have as much flavor as commercial rice. Suddenly, people were queuing up for NFA rice even in the scorching heat of the sun, and the Government had to limit the rice to 2-3 kilos per day/person. The Philippine Government immediately bought rice in large amounts from Vietnam, Thailand, the US and other rice-producing countries, driving up the price of rice on the international market even further. Later on, the Government implemented a "Family Access Card" whereby families with cards were the only ones who could buy NFA rice. The government-subsidized rice was pulled out from private rice retailers selling at public markets and was then resold back to them at a cost of PHP25/kilo.

The increase in the price of rice, a basic staple food for the Philippines, hit the urban poor residents, farm workers, coconut farmers, public utility vehicle drivers, factory workers and fisherfolk the hardest. The Asian Development Bank (ADB) noted that poor families allocate about 60% of their income for food items.⁷ 18% of the poor's income is spent on rice alone.⁸ The 40% hike in the

2 Asian Development Bank, "Country Environmental Analysis for the Republic of the Philippines", <http://www.adb.org/Documents/Reports/CEA/phi-jan-2005.pdf> (accessed May 2, 2008).

3 Alienable and disposable (A&D) lands are those lands of the public domain which have been the subject of the present system of land classification and declared as not needed for forest purposes.

4 Food & Fertilizer Technology Center for the Asian & Pacific Region, "Agriculture in the Philippines", <http://www.agnet.org/situationer/philippines.html> (accessed May 2, 2008).

5 The Government of The Philippines, "Profile of Philippine Agriculture", http://www.gov.ph/cat_agriculture (accessed May 2, 2008).

6 "DA needs P10B to boost rice harvest", Philippine Daily Inquirer, April 22, 2008.

7 Asian Development Bank, "ADB's Response to the Food Crisis" (2008), <http://www.adb.org/Documents/Policies/ADB-Response-Food-Crisis/IN185-08.pdf> (accessed May 5, 2008).

8 Hyun H.Sun, "Has Inflation hurt the poor? Regional analysis in the Philippines", ERD Working Paper No.112; (Manila: ADB, 2008), http://www.adb.org/Documents/ERD/Working_Papers/WP112.pdf (accessed May 5, 2008).

price of rice will mean more people going hungry. The ADB estimates that a 10% increase in food prices will possibly add 2.7 million individuals to the total number of poor; a 20% increase will mean that an additional 5.65 million individuals are classified as poor, while a 30% increase will translate to 8.8 million more impoverished Filipinos.⁹

The levels of malnourished people might also increase with the high prices of basic food items, as more and more people are forced to skip meals. According to Dr. Nicolas Alipui, the head of the UNICEF Philippines Office, child malnutrition had remained at 30% for over a decade.¹⁰

3 Monitoring the Right to Food in the Philippines

3.1 Democracy, Good Governance, Human Rights and the Rule of Law

The Philippines has ratified quite a number of international treaties on human rights such as the International Covenant on Economic, Social & Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In the 1987 Constitution, which was adopted after a nationwide plebiscite, there are provisions which pertain to human rights and human dignity. Section 9, Article 2 (Declaration of Principles and State Policies), for instance, states “The State shall promote a just and dynamic order that will...free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all.” In Section 11 of the same article, it stipulates “The State values the dignity of every human being and guarantees full respect for human rights.” Section 18, Article 2 calls for the promotion and protection of the rights and welfare of workers. The promotion of “comprehensive rural development and agrarian reform,” which is crucial for the rural population to fulfill their right to food can be found in Section 21, Article 2.

Article 3 is the Bill of Rights which lays down the civil and political rights of the people. In Article 13 (Social Justice and Human Rights), one will find provisions on labor rights, agrarian reform and rural development, urban land reform, health, women and the role of people’s organizations.

Killings of Peasant, Labor and Indigenous People’s Leaders

While human rights are supposed to be guaranteed by the 1987 Constitution and the international human rights treaties that the Philippines has signed as a State Party, the reality is different. In the process of asserting or defending their economic, social and cultural rights, leaders of peasants, indigenous peoples (IPs) and workers’ organizations have been killed. Since President Gloria Arroyo came to power in 2001, there has been a dramatic increase in the number of killings and abductions of human rights defenders, especially of right to food defenders. In his report submitted to the United Nations, Professor Philip Alston, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, pinpointed the military and non-state actors (vigilante groups, landowners, goons, and alleged rebels) as the perpetrators of the murders.

9 Asian Development Bank, “Soaring Food prices. Response to the Crisis”, <http://www.adb.org/Documents/Papers/soaring-food-prices/soaring-food-prices.pdf> (accessed May 5, 2008).

10 UNICEF, “UNICEF tells National Nutrition Conference: ‘Window to reverse malnutrition is small’ ” <http://www.unicef.org/philippines/archives/news/060403.html> (accessed May 6, 2008).

According to the Partnership for Agrarian Reform & Rural Development Services (PARRDS) and FIAN International, which submitted reports to the Human Rights Council before the Universal Periodic Review of the Philippine Government in April 2008, more than 40 peasant leaders have been killed nationwide since 2001 while fighting for land reform.¹¹ Today, it is not only the police or military who are involved in committing violence against peasants, but non-state actors such as landowners and their hired thugs and even alleged members of the New People's Army (the armed wing of the Communist Party of the Philippines) are involved in cases of violence against persons and groups who are asserting their right to have access to land.

60 labor leaders, union members and advocates have died since 2001 while defending the welfare of their union members.¹² Also, 123 Indigenous leaders have lost their lives due to their defense of their ancestral lands against mining and logging companies. Professor Rodolfo Stavenhagen, the UN Rapporteur on Indigenous Peoples, said that "The pattern of human rights violations continues and there has been an increase of these incidents... Even more worrisome is that ... current economic policies favor the dispossession of indigenous lands and resources for the benefit of a handful of international corporations or other private interests."¹³

In May 2006 the Government formed the Usig Task Force, which was ordered to investigate and help prosecute those suspected of killing political activists and journalists. In its August 2007 report, the Usig Task Force claimed that it had filed 56 cases and 60 cases were under investigation. Out of the 56 cases filed, 24 involved alleged members of the New People's Army, 7 cases involved military elements and the rest civilians.¹⁴

Corruption

The public funds for economic and social services that could boost food production, establish rural industries, provide credit and introduce appropriate technologies are not only inadequate, they are also dissipated due to corruption which deprives the poor of much-needed basic services. Funds that could have been used to build farm-to-market roads (roads from farms to the towns/cities), repair or establish irrigation facilities, implement food safety nets, provide farmers with seeds and fertilizers, build classrooms or give credit to women for livelihood projects have been pocketed by public officials.¹⁵ The Office of the Ombudsman, a government body which investigates and prosecutes public officials suspected of corruption, claimed that in the last 20 years, \$48 billion has been lost to corruption. The Commission on Audit (COA) placed the value lost to corruption at PHP2 billion per year or \$46.51 million at the current exchange rate of PHP43 per \$1.¹⁶

- 11 Eric Cabanit, the Secretary General of UNORKA and a former Board member of FIAN-Philippines, Edwin Vender, Roding Romero, Felizardo Benitez and Deolito Empas of Quezon province, Pepito Santillan of Negros Occidental, Joseph Matunding of Iloilo, Barangay Captain Butchoy Vale of Masbate are just a few of the peasant leaders who have been brutally killed by landowners.
- 12 Some of the union leaders killed were Rogelio Concepcion, Union President of Solid Development Corp.; Diosdado Fortuna, Chairperson of Nestle Philippines Union; Romeo Legaspi of Honda Workers Union; Tirso Cruz of the United Luisita Workers Union and Ricardo Ramos, the former chairperson of Central Azucarera de Tarlac Labor Union. "RP now 2nd most dangerous for labor unions", *Philippine Daily Inquirer*, March 4, 2006.
- 13 Bulatlat, "UN Rep says killings hurting Arroyo's credibility abroad", www.bulatlat.com (2007) (Accessed May 6, 2008).
- 14 Task Force Usig, Philippine National Police, Task Force 'Usig' Accomplishment Report, as of August 5, 2008, http://www.pnp.gov.ph/about/content/offices/spl_units/tf_usigupdates/usig_jun08/pdf%20files/usig_updates_asof/executive%20summary%20TF%20USIG%208%20August%202008.pdf (on May 7, 2008).
- 15 Corruption has also discouraged investments which could have provided much-needed jobs to the people. Mr. John Forbes, President of the American Chamber of Commerce and Industry in the Philippines, said that corruption in the Government is the "biggest stumbling block" in attracting investments. He claimed that the \$2.3 billion foreign direct investments (FDI) that went to the Philippines is less than a third of FDIs going to Malaysia, Thailand and Vietnam. He added that much-needed funds must be poured into infrastructure and basic services to capture more investments that would provide jobs to Filipinos: "Corruption a drag on competitiveness", *Malaya Newspaper*, 27 October, 2007.
- 16 Vinay Bhargava, World Bank Philippine Office, "Combating Corruption in the Philippines", (2000), [http://wbln0018.worldbank.org/eap/eap.nsf/Attachments/Combating+Corruption+Summary/\\$File/combating+corruption+summary.pdf](http://wbln0018.worldbank.org/eap/eap.nsf/Attachments/Combating+Corruption+Summary/$File/combating+corruption+summary.pdf) (accessed May 7, 2008).

Some of the agriculture-related corruption cases uncovered during the Arroyo Administration include the following:

a. The PHP728 million Fertilizer Scam involving former Agriculture Undersecretary for Finance Jocelyn “JocJoc” Bolante. The funds to purchase liquid fertilizers were released in February 2004 and given to 105 Congressmen/women, 53 Governors and 23 Municipal or City Mayors. According to the COA, the price of the liquid fertilizers supplied by Feshan Philippines Inc. was too high. Moreover, Mr. Jose Barredo Jr., a “runner” for Feshan, who became a Senate witness, said that the quantity of the liquid fertilizer they were supposed to deliver was reduced from 3,333 liters to 1,000 liters. The Congressmen/women, Governors and Mayors also received 30% of the allotted funds as their “Standard Operating Procedure” (SOP).¹⁷

b. The PHP5 billion Swine Scam

The Quedan & Rural Credit Guarantee Corp (QUEDANCOR) started a PHP5 billion Swine Program for farmers in 2003. The 2005 COA report revealed that the outstanding loan balance was PHP755.76 million and PHP663.77 million were outstanding receivables. Senator Ping Lacson exposed the fact that based on the COA report, only 4 firms were given the bulk of the funding as suppliers and were not able to completely fulfill their contracts to provide hogs, among others. Senator Lacson said this was not surprising because the 4 firms only had PHP1 million in authorized capital and were not accredited by the Bureau of Animal Industry. Professor Harry Roque of the College of Law of the University of the Philippines also commented that some borrowers listed as beneficiaries did not receive any hogs and were paid PHP200-P300 to sign a piece of paper that supposedly said they had received hogs.¹⁸

c. PHP3.1 billion Irrigation Scam

The Kilusang Magbubukid ng Pilipinas (KMP) reported that the Department of Agriculture released the PHP3.1 billion funds for irrigation in January and March 2004 for 37 focus provinces. However, according to the National Irrigation Administration (NIA), some of the provinces listed have not even started the project.¹⁹

d. The COA also discovered that around PHP120 million of the PHP3 billion funds for the Ginintuan Masaganang Ani (Golden, Bountiful Harvest) Program were given to private foundations with questionable records. The Gabaymasa Foundation, for instance, received PHP23.1 million to buy farm inputs (for example, fertilizers, pesticides, and seeds) from Quezon, Marinduque and Palawan provinces and Paranaque City, Metro Manila. Gabaymasa, according to Securities and Exchange Commission (SEC) records, is registered as a center carrying out rehabilitation work in natural and man-made disaster areas. Another is the Aaron Foundation, which is listed with the SEC as operating livelihood projects and managing day-care centers. A check worth PHP5.2 million was released to the Aaron Foundation for agriculture projects in Batangas and Palawan. Another one, the Magsasaka Foundation, was not registered with the SEC, but received PHP6,5 million from the Department of Agriculture to implement farm projects in Palawan Province.²⁰

One common denominator in the above cases is that the funds were released prior to the May 2004 Presidential elections. This has led many to believe that public funds were deliberately used to buy votes for President Arroyo. Another common denominator is the involvement of former Agriculture Undersecretary for Finance Jocelyn “JocJoc” Bolante. Former Undersecretary Bolante is a member of the “Circle of 10”, an informal group of trusted friends of First Gentleman Mike Arroyo and also one of the first appointments made by President Gloria Arroyo. Jocelyn “JocJoc” Bolante snubbed the Senate hearings and went to the USA to escape the Senate inquiry. His visa was cancelled by the US Government and he was later arrested.

17 “LGUs linked to P728M mess”, *Manila Standard Today newspaper*, May 2, 2006.

18 “Senate to summon Quedancor Chief over Swine Loans”, *Philippine Daily Inquirer*, April 9, 2008.

19 “Farmers group seeks probe into P3.1B Irrigation Scam”, *Philippine Daily Inquirer*, Sept.9, 2007.

20 Luz Rimban, “Billion in farm funds used for Arroyo campaign” (Philippine Center for Investigative Journalism, 2005), <http://www.pcij.org/stories/2005/farmfunds.html> (accessed May 8, 2008).

3.2 Economic Development Policies

The Arroyo Administration formulated two development plans: the Medium-Term Philippine Development Plan (MTPDP) 2001-2004 and MTPDP 2004-2010. The MTPDP 2001-2004 claims that “poverty and unemployment are the greatest problems” facing the country and “does not accept increasing poverty and inequality as necessary costs and results of development.” Under Part 2 of the economic plan entitled “Agriculture and Fisheries Modernization with Social Equity”, the targets are: the creation of 1 million new jobs by implementing the Agriculture and Fisheries Modernization Act (AFMA), the improvement of the flow of credit to the rural areas, self-sufficiency in rice and corn through the Ginintuan Masaganang Ani (GMA) or Golden, Bountiful Harvest program, the commercialization of biotechnology, the expansion of food subsidy, the building of irrigation systems for 473,000 hectares and the distribution of 781,122 hectares under agrarian reform. The MTPDP 2004-2010, on the other hand, states that the “basic task is to fight poverty by building prosperity for the greatest number of Filipinos.” Its targets are: the creation of 10 million jobs by 2010; support²¹ for 3 million entrepreneurs; the development of 2 million hectares for agribusiness; the deployment of 1 million workers overseas, and producing food at competitive prices .

The gross domestic product (GDP) of the country grew from 4.7% in 2003, 6% in 2004, 5.1% by 2005, 5.4% in 2006 and 7.2% in 2007. However, based on the latest data from the National Statistical Coordination Board (NSCB), the absolute number of poor Filipinos has increased, while the percentage figure shows at best a status quo despite growth:

Year	Poverty Incidence
2000	33% of population or 25.47m
2003	30% of population or 23.83m
2006	32.9% of population or 27.61m

Source: National Statistical Coordination Board, Philippines: “Annual Per Capita Poverty Thresholds, Poverty Incidence & Magnitude of Poor Population: 2000, 2003, 2006”, (2006), http://www.nscb.gov.ph/poverty/2006_05mar08/table_2.asp.

Similar trends can be observed for hunger and malnutrition. Indeed, hunger is also being experienced by a growing number of the population. The food-poor or those living below the subsistence level/food threshold also increased after three years from more than 10 million individuals to more than 12 million.

Year	Number of Food Poor Individuals
2000	12.2m individuals (15.8%)
2003	10.8m individuals (13.5%)
2006	12.22m individuals (14.6%)

Source: National Statistical Coordination Board, Philippines: “Annual Per Capita Food Threshold, Subsistence Incidence & Magnitude of Subsistence Poor Population: 2000, 2003, 2006”, (2006), http://www.nscb.gov.ph/poverty/2006_05mar08/table_4.asp

According to Former Director General of the NEDA (National Economic Development Authority) Cielito Habito, what the Philippines experienced is a “jobless growth” and “puro-poor growth” (meaning “many are poor”) instead of a pro-poor growth. He is also of the opinion that “not only has the supposed brisk growth of the economy in recent years not been felt by the majority of the people in the Philippines, it has actually pushed an additional 700,000 families or 4 million Filipinos into poverty. Job numbers grew by only 11.9% between 2001-2007, while real GDP grew more than 3 times that amount by 38.4%.”²²

²¹ For example, credit, technology, training, marketing assistance.

²² “Puro-poor growth”, *Philippine Daily Inquirer*, March 10, 2008.

The Bureau of Agricultural Statistics (BAS), which is under the supervision of the Department of Agriculture (DA), conducted a survey between April and June 2006. 12,857 households were interviewed. 18.6% of the interviewees answered that they suffered from hunger.²³ The findings of the BAS are similar to the findings of the Social Weather Station (SWS), a non-stock, non-profit social research institution founded in 1985, that has been conducting surveys on hunger since 1998. It interviewed 1,200 respondents from the islands of Luzon, Visayas, Mindanao and Metro Manila. SWS asked the respondents whether they had gone hungry at least once in the previous 3 months. From 8.9% of the population in 1998, the number of Filipinos going hungry has gone up to 16.3% of the population or 14.5 million individuals as of June 2008.²⁴

To summarize, the Government's economic plans succeeded in achieving growth but the benefits did not trickle down to the marginalized groups. The number of poor and food-poor families increased between 2000 and 2006 as a percentage of the total population and the absolute number.

3.3 Access to Resources and Assets

"The root cause of this problem is well-known. It is the relentless greed of a few families who, from the beginning of time, have always controlled the wealth of our country."²⁵

The country's resources (land, water, public land, capital), wealth and income continue to be owned and/or controlled by a small number of families. This is a basic reason why many people, especially in the rural areas, are poor, hungry and cannot afford to buy adequate and nutritious food. On the Negros Island, for instance, only 1,761 sugar planters out of the 20,425 planters own more than 25 hectares. These 1,761 planters control 119,100 hectares while 14,952 small sugarcane planters, on the other hand, whose land does not exceed 5 hectares, only control 32,274 hectares.²⁶ Data from the Philippine Coconut Authority showed that in the coconut areas, 16,905 owners whose land totals 20 hectares or more control 1,485,000 hectares. Those owning less than 5 hectares, on the other hand, total 777,587 but they control only 1.089 million hectares.²⁷

Ownership and control over land resources has widened the income gap between the rich and the poor. Without productive resources like land, coupled with a lack of jobs, millions of rural families find it extremely difficult to earn a decent income to buy essential commodities. The richest 1.74 million families out of 17.4 million families earned 36% of the total family income of over PHP3 trillion in 2006. 50% of families or about 8.7 million families had a total income of only PHP571 billion.²⁸

Land Distribution

Section 4 of Article 13 of the 1987 Philippine Constitution deals with agrarian reform and stipulates that "The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farm workers, who are landless, to own directly or collectively the lands they till or in the case of other farm workers, to receive a just share of the fruits thereof." In the Philippines, the enactment of social and economic laws that would supposedly result in social justice and greater equality has not succeeded in improving the lives of those in the basic sectors. For example, the Philippine Government enacted the Comprehensive Agrarian Reform Law (CARL) or Republic Act 6657 in 1988, but failed to immediately distribute the private agricultural lands owned by the economically powerful and politically connected families such as the Cojuangcos, Floirendos, Yulos, Uys and other local families. Out of the 5.16 million hectares of land being targeted by the

23 "Hunger hasn't fallen enough", *Philippine Daily Inquirer*, July 28, 2007.

24 "Second Quarter 2008 Social Weather Survey: Hunger goes to 16.3%; Severe hunger rises to 4.2%", <http://www.sws.org.ph/pr080721.htm> (accessed July 25, 2008).

25 This apt observation was spoken by the Hon. Reynato Puno, the Chief Justice of the Philippine Supreme Court in a speech before the Philippine Bible Society. Reynato Puno, Chief Justice of the Philippine Supreme Court, (speech before the Philippine Bible Society). In: "Survey: Rich-Poor Gap Widens", *Phil. Daily Inquirer*, Jan. 13, 2008.

26 The Philippine Legislators Committee on Population and Development Foundation, "CARP at 18: Vying for More Time", Fact Sheet Series 2007, 4.

27 Menchie Obanil, "AR in Coconut Areas: Development Prerequisite", *FARM Bulletin*, 2/2007(Centro Saka Inc.): 21.

28 National Statistics Office, "Highest income earners continue to contribute more than one third of the income of all families. Final Results from the 2006 Family Income and Expenditure Survey", <http://www.census.gov.ph/data/pressrelease/2008/ie06frtx.html> (accessed May 10, 2008).

Department of Agrarian Reform (DAR), 3.96 million hectares have been distributed, yet around 1203 million hectares of mostly private agricultural land remain to be distributed.²⁹

Most of the private agricultural land that has not yet been distributed is used for sugar and coconut plantations owned by powerful families. Among the provinces, Negros Occidental, the bastion of influential sugar landowners, has the largest amount of agricultural land that has not yet been acquired and distributed. About 18% of the backlog of the DAR that must be distributed is in Negros Occidental.³⁰ Another area is Masbate Province where only 58,527 hectares (41%) out of the 141,154 hectares within the scope of the CARL have been distributed.³¹ The strong opposition from landowners in Masbate to land reform has resulted in four killings of peasants by unidentified armed men from December 2007 – July 2008 alone. Three of the four peasants killed were from Batuan town. They were petitioning for the coverage of more than 1,000 hectares of coconut land owned by the family and relatives of Senator Gregorio Honasan. The other peasant killed from Monreal town was leading his co-farmers in demanding the distribution of 490 hectares of coconut land owned by Ticao Agro-Industrial Development Inc.³²

FIAN-Philippines has documented a number of cases of large private landholdings that are still not covered under the agrarian reform law. One of these is the 2,800 hectares of coconut land owned by the Matias family in the municipality of San Francisco, Quezon. Share tenancy, which was declared illegal by Republic Act 3844 40 years ago, is still being practiced on this landholding. Another is the 3,500-hectare Uy hacienda in the towns of San Narciso and San Andres where share tenancy still occurs. Between 1998 and 2008, 5 peasant leaders demanding for the distribution of the Uy property have been killed.³³

Most of the private land distributed by the DAR was not through the Compulsory Acquisition (CA) scheme, in which land is expropriated by the Government and the landowners are given just compensation, but through the questionable Voluntary Land Transfer (VLT) scheme of Republic Act 6657 (see below). The DAR is supposed to distribute 3.093 million hectares of private land from 1988 – 2008. As of 2005, it claimed that it had distributed 2.065 million hectares of private land. In reality, however, 650,910 hectares of private land were distributed by the DAR through VLT, while only 276,963 hectares of private land were acquired through Compulsory Acquisition.

A bigger portion of the private land reported by the DAR as having been distributed was through VLT - 650,910 hectares out of the total 3.093 million hectares. The VLT is a questionable scheme because under it the landowner and the peasants negotiate the price of the land and the landowner has the right to choose the beneficiaries of the land. In most cases, the landowner selects his/her relatives or farmers who act as dummies or decoys and there is no real transfer of ownership. A good example is the 212 hectares of land owned by Jose de Leon in the village of Tinang, Concepcion Municipality, Tarlac Province. The 77 farmer-beneficiaries chosen and approved by the DAR were children and grandchildren of the landowner who were residing in Metro Manila, nowhere near the land being transferred.³⁴ This is contrary to the CARL's provision requiring beneficiaries to directly manage or till the lands awarded to them.

29 Republic of the Philippines, Department of Agrarian Reform, "Dept. of Agrarian Reform Accomplishment Report, January – December 2007", http://www.dar.gov.ph/pdf_files/planningservice_2007/2007%20DAR%20accomplishment%20report.pdf (accessed May 10, 2008).

30 Sabangan, A., "CARP fails to end farmers' woes in rural RP", *GMA News*. (Television Broadcast, viewed June 10, 2008).

31 Dabet Castaneda, "A Reversal of Fortunes for Masbate Farmers: Losing the Battle for Land", *Bulatlat* no.8 (2008), <http://www.bulatlat.com/2008/01/reversal-fortunes-masbate-farmers-losing-battle-land>, (accessed May 12, 2008).

32 Fact sheet prepared by the Masbate Center for Rural Development & Empowerment (MACARADE), an NGO working in Masbate Province.

33 Information on these cases can be found in section 4. of the report.

34 Luz Rimban, "Land Reform ridden with Loopholes", (Land Research & Action Network, 2004), <http://www.landaction.org/display.php?article=235>, (accessed May 12, 2008).

The Philippine Government, through the DAR, has also been reducing the original scope or target for land acquisition and distribution without any logical explanation. The original number of targeted hectares of land (public and private) in 1988 was 10.3 million hectares. However in 1995, the Government said only 8 million hectares would be included in the land distribution scheme. By 2001, the 6.61 million hectare target was reduced to a “working scope” of 3.96 million hectares. The DAR even has a category called “others” wherein 1.077 million hectares of land were deducted from its coverage. It has no explanation why more than 1 million hectares was taken away from its target.

National Summary of Deductions Based on Legal Grounds, 1998

Legal grounds	Hectares	% share
18 degree slope & undeveloped	167,883	6.6
Watershed/timberland/rivers	351,486	13.8
Used for infrastructure	120,082	4.7
Eroded/Silted	34,866	1.4
Areas zoned/classified as non-agricultural prior to 1988	21,455	0.8
With Order of Retention & Exemption	318,496	12.5
EO 447/448 Non-CARPable Portion	148,021	5.8
Alienable & Disposable after 1984	253,125	9.9
Fishponds/CFC/for Leasehold	43,556	1.7
“Others”	1,077,898	42.2

Source: Saturnino M. Borras Jr., *Pro-Poor Land Reform. A Critique*, (Ottawa: Univ. of Ottawa Press, 2007), 152

The Philippine Government has not decisively acquired commercial farms for distribution, especially those located on the island of Mindanao. From 1988-1998, the law on agrarian reform was deferred on banana, pineapple, palm oil and other cash-crop plantations. When 1998 came, the Government allowed leaseback arrangements or joint ventures that do not genuinely transfer ownership of the land to the agricultural workers, but rather control over the land remains with the corporation. For example, the 3,500 hectares owned by the Floirendo family on the Davao Peninsula, Mindanao were sold to the agricultural workers for PHP92,000/hectare. However, there was an agreement that the workers would lease the land back to the Floirendo family for 30 years at PHP5,000/hectare per year. The workers are owners merely on paper but do not have actual control over the land or the decision-making.³⁵

Another example that was documented by FIAN-Philippines is the 5,000 hectares of land in Negros Occidental Province owned by Mr. Eduardo “Danding” Cojuangco, a crony of the late President Marcos and one of the most powerful businessmen in the country. The land was “sold” by Cojuangco to the rural workers but a joint venture was immediately formed wherein Mr. Cojuangco would still manage the plantation. The manager of the cooperative of farm workers was chosen by Mr. Cojuangco. The farm workers remained owners on paper but actual control over the land and income of the farm remained with Mr. Cojuangco.³⁶

The Philippine Government has also allowed many big landowners to escape the provisions of the agrarian reform law by either allowing them to convert their land for other uses or exempting their land from coverage. This is especially true in Regions 3 (Central Luzon region) and 4-A (CALABARZON region) where many industrial estates, residential subdivisions, malls, resorts and golf courses were being built by big real estate corporations. From a farming area of 703,256 hectares in 1991, Region 4-A’s farming area had decreased to 588,516 hectares by 2002, a net loss of 114,740 hectares.³⁷

35 Saturnino Borras and Jenny Franco, “Struggles for Land & Livelihood, Redistributive Reform in Agribusiness Plantation in the Philippines. Redistributive Reform in Agribusiness Plantations in the Philippines”, *Critical Asian Studies*, 37:3 (2005): 331-361, http://www.icarrd.org/en/ref_doc_down/ruralid_Borras%20Franco%20CAS%20article%202005.pdf, (accessed May 12, 2008).

36 Information on this case can be found in Section 4 of the report.

37 Philippines National Statistics Office, “Index of Agriculture and Fishery Statistics”, <http://www.census.gov.ph/data/sectordata/dataagri.html> (accessed May 13, 2008).

A good example of land converted to non-agricultural use is the 3,981-hectare Hacienda Looc in Nasugbu Municipality, Batangas Province. It was covered under the agrarian law and 24 collective Certificate of Land Ownership Awards (CLOA) were given to 1,301 farmer-beneficiaries. However, in 1995 the Manila Southwest Development Corp. filed a case to cancel the CLOAs awarded to the farmers and sought to convert the land into a residential village. The DAR Adjudication Board (DARAB), a quasi-judicial body headed by the Secretary of the DAR, ruled in favor of the real estate firm.

FIAN-Philippines also documented a case in the town of Calatagan, Batangas. The 500 hectares of rice and corn land were covered under Presidential Decree 27 (the land reform law during martial law) and Emancipation Patents (land titles) were issued to 312 tenants between 1989 and 1990. Nevertheless, after 10 years, the DAR ordered the cancellation of the titles issued to the farmers on the grounds that the new landowner had applied for a Mineral Production Sharing Agreement, allowing him to explore and mine the area for lime.³⁸

Currently, peasants and farm workers are concerned about the failure of the House of Representatives and Senate to extend and provide additional budget for the Comprehensive Agrarian Reform Law, which expired on June 10, 2008. Republic Act 6657 was implemented from 1988 – 1998 and was extended for 10 more years. The members of the Committee on Agrarian Reform of the House of Representatives, who are at the same time large landowners such as Congressmen Pablo Garcia and Iggy Arroyo (the brother of First Gentleman Mike Arroyo), have said that they would extend the law but are not keen in providing funds for the Land Acquisition and Distribution (LAD) component. They claim it would be better to provide funds to make the lands that have already been distributed productive. If this happens, more than a million private pieces of land will no longer be covered under the agrarian program.

The same sentiment can be found in the Senate where Senators Juan Ponce Enrile and Miriam Santiago are leading the assault against land reform. In fact, the Senate Committee on Agrarian Reform chaired by Senator Gregorio Honasan has not issued a report on whether it is recommending the extension of the agrarian law. The family and relatives of Senator Honasan have 1,200 hectares of agricultural land in Batuan Municipality, Masbate Province that has still not been distributed to the tenants.

While President Arroyo has described the bill extending the agrarian reform program as an urgent matter, it is difficult to gauge the seriousness of the executive branch to push for a law that would have a LAD component. The family of the First Gentleman owns large landholdings in Negros Occidental Province. Moreover, many of the President's political allies are big landowners whose lands have not yet been covered by the agrarian program.

³⁸ Information on this case can be found in Section 4 of the report.

Control over Public Lands

Other people, such as big businessmen and politicians may not own the land, but they have had effective control over public and forestlands for a long period of time and they use it for logging concessions or for cattle ranching. Their control over this public land has given them great wealth and deprived upland farmers and indigenous peoples of access to land. As of 2005, for instance, there were 14 Timber License Agreements (TLAs) covering 684,524 hectares that had been approved by the Department of Environment and Natural Resources (DENR). Integrated Forest Management Agreements (IFMAs), on the other hand, totaled 169 covering 674,000 hectares. Listed below are some of the TLAs and IFMAs per province:

Timber License Agreements		
Province	# of TLAs	# of Hectares Covered
Kalinga/Apayao	1	74,500
Isabela	1	25,887
Aurora	2	56,254
Quezon	1	50,000
Western Samar	1	95,770
Surigao del Sur	3	145,169

IFMAs		
Province	# of IFMAs	# of Hectares Covered
Apayao	1	13,658
Pangasinan	4	6,654
Isabela	14	48,353
Aurora	7	92,991
Tarlac	4	5,634
Zambales	6	8,983

Sources: Forest Management Bureau, Department of Environment and Natural Resources, Philippines, "Status of Timber License Agreements (TLAs) as of December 31, 2005", <http://forestry.denr.gov.ph/Stat05/05-203-Status-of-TLAs-as-of-Dec-31-2005.xls> and "Industrial Forest Plantation Management Agreement/Industrial Tree Plantation Lease Agreement (IFMA/ITPLA), by Province: 2005", <http://forestry.denr.gov.ph/Stat05/05-205-ifma-itpla.xls>.

A number of people who were given TLAs or IFMAs are/were very influential politicians and/or comes from elite families. Current Senator Juan Ponce Enrile, the former Defense Minister during martial law and the Aquino Administration, owns Dolores Timber, San Jose Timber, Casilayan Softwood Development Corp. and JJ Tirador Lumber Industries which log at Western Samar, Agusan del Norte and Agusan del Sur provinces. Congressman Junie Cua of Quirino Province was one of the owners of FCA Timber and Luzon Loggers, which operated on 23,620 hectares from 1973-1997 in Quirino Province. Sarmineto Industries Inc. may cut down trees on 11,862 hectares in Sultan Kudarat and South Cotabato provinces until 2016. The Sarmientos, Lorenzo Sr. and Rogelio, are both former members of the House of Representatives.³⁹

This control over large tracts of public lands by a few families and companies has deprived upland farmers and indigenous peoples of access to land where they can plant food crops and has resulted in the destruction of the country's forests with deadly consequences. In 1991, more than 5,000 people died when flashfloods swept through Ormoc City at Leyte province. 600 people died and thousands were left homeless when flashfloods hit the towns of Nakar, Infanta and Real in Quezon Province in 2004. Aside from the loss of lives, millions of dollars worth of crops were destroyed by the flashfloods, depriving small-scale farmers of income.

³⁹ Marites Vitug, "Power from the Forest: The Politics of Logging", (Philippines: Philippine Center for Investigative Journalism, 1993): 95-98.

Access to Employment

Lack of access to regular jobs, especially in the rural areas, has deprived millions of Filipinos of the means to purchase basic food items such as rice, fish, fruit and vegetables. According to the National Statistics Office website, in October 2007 the country had a labor force of 35.9m. The unemployment rate was 6.3% or about 2.2m while the underemployment rate was 18.1% or 6.1m individuals. Most of the underemployed are in agriculture.

The main reason for this condition is the failure of past and present administrations to pursue a genuine industrialization program that would create jobs and enable the country to process its raw materials into semi-finished and finished goods needed by the industrial, agricultural and service sectors. In their article, Edward Deveza, Henry Ramos and Giovanni Tapang explain that “The industries present in the Philippines are only light manufacturing, construction, public utility and mining enterprises ... The country does not have an industry for capital goods. Heavy and basic industries are non-existent, except for copper processing. Machine tool industries, basic metal and chemical industries and engineering industries are yet to be established.”⁴⁰

Most of the employed people are in the agriculture and service sectors and only a small fraction in industry. While the number of employed people in the agricultural sector has been decreasing in Malaysia, Indonesia, Thailand and South Korea as they industrialize, a large share of Filipinos remain in agriculture. The number of people working in the manufacturing sector actually decreased between 1997 and 2007, as can be seen below:

Sector	% of Labor Force Employed/Sector 1997	% of Labor Force Employed/Sector 2007
Agriculture	39.9%	36.1%
Industry	16.8%	15.1%
Services	43%	48.8%

Source: National Statistics Office, Philippines, “Index of Labor Force Statistics”, <http://www.census.gov.ph/data/sectordata/data1fs.html>.

The high unemployment and underemployment rates in the Philippines have been aggravated by trade liberalization policies implemented since 1995, when the country became a member of the World Trade Organization. Many local industries and small agricultural producers have been displaced and jobs lost with the lowering of tariffs and the lifting of quantitative restrictions on imported commodities.

Agricultural employment decreased from 11.29 million in 1994 to 10.85 million in 2001, a net loss of 440,000 jobs. Hardest hit were onion farmers in Nueva Ecija and other provinces, vegetable growers in the Cordillera region, corn farmers from Mindanao and rice farmers. From a mere \$1.6 billion of agricultural imports, this figure ballooned to \$3.1 billion in 1997 and \$2.7 billion in 2000. Vegetable imports amounted to a minimal 10,000 kilograms in 1999. By 2002, it had reached 2 million kilograms, prompting vegetable growers and local government officials in Benguet, Mt. Province and other areas to vehemently complain to the national government. Corn imports grew from 208,000 metric tons in 1995 to 462,000 metric tons after 5 years. Corn farmers in Mindanao suffered tremendously from the very low price of their produce.⁴¹

The local industries like shoe, garment and textile companies were also affected by imports from China, South Korea and other countries. The Federation of Philippine Industries (FPI) reported that 56 companies in its organization went bankrupt between 1995 – 2001. More than 80,000 workers lost their jobs. The FPI claimed that the increase in imports and smuggling were the main factors for the closures. This claim is reiterated by the Department of Labor and Employment (DOLE), which said that 6 firms a day closed between 1995-2004, resulting in 164 workers losing their jobs daily.⁴²

40 E. Deveza, H. Ramos, and G. Tapang, “Science and Tech Development Hinges on Industrialization”, *The Sunday Times*, March 30, 2008.

41 Walden Bello, “Multilateral Punishment: The Philippines in the WTO, 1995-2003”, <http://www.apl.org.ph/ps/multilateral-punishment.pdf>, (accessed May 14, 2008).

42 Ibon Foundation, “164 RP Workers Lose their Jobs Daily under 10 years of WTO”, November 23, 2005, www.junk.wto.blogspot.com (accessed May 14, 2008)

The Philippines used to have a vibrant shoe industry. In the city of Marikina, for example, more than 500 shoe factories existed in 1994, employing more than 104,000 employees. With the unlimited entry of imported shoes, the number of shoe manufacturers had dwindled to 188 by 2003 with only 42,000 workers. The Textile Mills Association regretted that out of the 33 textile mills that existed before 1995, only 7 mills are still operating today. Imports and smuggling have gradually, but surely, been killing the textile industry.⁴³

Moreover, policies that could stimulate the creation of jobs are not implemented by the Government because they would violate WTO regulations or foreign companies would strongly oppose the policies. Professor Walden Bello, for instance, said that Executive Order (EO) 259 was issued which would have required Procter & Gamble and Colgate Palmolive to use coconut-based materials in making soap and detergents instead of the oil-based materials. The EO would be a big boost to the local coconut industry, prevent water pollution and save the country foreign exchange. However, the order was never implemented.

Other policies that could have generated jobs and saved the country more foreign revenue but were never implemented due to opposition from foreign firms and foreign governments were the Motor Vehicle Development Program, which required foreign car manufacturers to gradually increase the local content of vehicles; the law that required foreign retailers to purchase a percentage of their stocks from the Philippines and an Executive Order requiring foreign drug firms to buy semi-synthetic antibiotics from a Filipino firm.⁴⁴

Access to Municipal Waters

Section 7 of Article 13 of the 1987 Constitution says that “The State shall protect the rights of subsistence fishermen, especially of local communities, as well as the right to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources.”

One of the poorest sectors of the population is the fisherfolk. In 2003, they numbered 1.009 million nationwide. According to the National Statistical Coordination Board (NSCB), 43.6% or 440,579 out of the 1.009 million fisherfolk were living below the poverty threshold. Three regions with a very big number of poor fisherfolk are the following:

Region	# of Fisherfolk	% of Fisherfolk below the poverty level
Region 5	78,899	58.4%
Region 10	38,560	61.1%
CARAGA	34,164	72.9%

Source: National Statistical Coordination Board, Philippines: “Poverty Incidence & Magnitude of Poor Population by Sector & Region 2000 & 2003”, http://www.nscb.gov.ph/poverty/2000-2003/pov_inc_00_03.asp.

Comparing 2000 and 2003 data, the reduction in the levels of poverty among fisherfolk was very small. In 2000, 450,020 or 50.8% out of the total 885,272 fisherfolk were considered poor. This went down to 43.6% after 3 years. From 2000 to 2003, the level of poverty among fisherfolk was reduced by a mere 7.2% or 2.4% per year. If the average decrease of poverty per year were 2.4%, it would take at least 18 years or until 2021 before the 43.6% poverty incidence is wiped out.

One of the major problems for fisherfolk is the lack of full access to the municipal waters. Republic Act 8550 or the Fisheries Code of 1998 states that municipal waters (15 kilometers from the shoreline) should be used primarily by municipal fisherfolk and cooperatives/organizations. However, this is true only on paper. Trawlers and commercial fishing operators continue to operate

43 Tess Bacalla, “Smuggling is killing Shoe, Garments & Textile Industries”, (Philippine Center for Investigative Journalism, 2004), <http://www.pcij.org/stories/2004/smuggling3.html>, (accessed May 16, 2008).

44 Walden Bello, “Multilateral Punishment: The Philippines in the WTO, 1995-2003”, <http://www.apl.org.ph/ps/multilateral-punishment.pdf>, (accessed May 14, 2008).

in municipal waters, depriving small-scale fisherfolk of their means of subsistence. In 2003, FIAN-Philippines documented the intrusion of commercial trawlers at Polillo Island, Quezon Province. Their use of dynamite and cyanide/chlorine have destroyed the fishing grounds, depriving small-scale fisherfolk of their means of subsistence. The Philippine Coast Guard did not implement protective measures despite the complaints made by the fisherfolk. As a result, the fisherfolk's catch and income was severely reduced.

Commercial trawlers continue to enter municipal waters because the 15 kilometer municipal area of water reserved for small-scale fisherfolk has not been delineated. DENR Administrative Order #17 (DAO 17) issued by Former Environment Secretary Heherson Alvarez in 2001, which should be used as a guideline for 900 municipalities in delineating municipal waters, has not been implemented. In March 2003, the new Environment Secretary, Elisea Gozun, recalled DAO 17 through Administrative Order #7.⁴⁵ In 2004, the Department of Agriculture, through DAO-1, issued guidelines on the delineation of municipal waters without including offshore islands. The DAO-1 is applicable to more than 600 towns, but there are still more than 300 towns on offshore islands that cannot properly delineate their municipal waters until the debate on where the 15 kilometers of municipal water should be measured is settled. The debate is over whether the 15 kilometers should start from the mainland of the municipality with or without offshore islands (the mainland principle) or whether it should start from the outermost island of the municipality (the archipelagic principle). In more than 300 municipalities with offshore islands, small-scale fisherfolk are not properly protected from big trawlers by their local governments.

Another government policy that has hindered access to the seas for subsistence fisherfolk is the promotion of mariculture parks. The Bureau of Fisheries & Aquatic Resources introduced 18 mariculture parks in 2005. Ten were established at Guimaras, Samal Island, La Union, Western Samar, Southern Leyte and others. Fish cages were put in the water to grow milkfish (bangus), Grouper (lapu lapu) and sea bass. Most of the owners of the fish cages are wealthy people as they are the only ones who have the capital needed for this venture. A minimum of PHP1 million is needed per production cycle. According to the Tambuyog Development Center, fisherfolk are deprived of access to the sea as the fish cages take up a lot of space in the water.⁴⁶

Oil and mining projects being aggressively promoted by the Government have also taken their toll on fisherfolk. One case documented by FIAN-Philippines was the 2005 mine spillage caused by Lafayette Philippines Inc., a subsidiary of Lafayette Mining Co. of Australia, on Rapu-Rapu Island, Albay Province. The surrounding sea was contaminated with cyanide, resulting in many fish dying and a decreased fish catch. Many fishermen from Albay and Sorsogon provinces lost their income as consumers temporarily stopped buying fish. Consumers were also adversely affected by the contamination as they lost a good and affordable source of protein. The Government suspended the company's operations for a year, imposed a PHP10.4 million fine and charged it with an additional PHP300,000 for violating the Environmental Compliance Certificate (ECC). In 2007, the Government lifted the cease and desist order and allowed the company to operate again.⁴⁷

Tambuyog Center also reported on the oil exploration conducted by Japex Philippines, a subsidiary of Japan Petroleum Exploration Co., at Tanon Strait (a body of water between the province of Cebu and Negros Island). Tanon Strait is one of the richest fishing areas of the Philippines and was declared a protected seascape in 1998 by former President Fidel Ramos. The oil exploration conducted by the Japanese firm deprived the 1,500 fisherfolk from the municipalities of Pinamunghan and Aloguinsan, Cebu Province of income as they were banned from fishing in the 2.73 square mile area that had been declared a no-fishing zone. There was also a noticeable drop in the number of fish caught, falling from 10-15 kilos to 3 kilos/day due to the seismic surveys

45 Dennis Galvan, "Archipelagic Principle: Towards Charting Municipal Waters", NGOs for Fisheries Reform Inc. PALIHAN Journal 2 (2007): 3.

46 Jaimer Escobar and Eusebio Jacinto Jr, Tambuyog Development Center, "Aquaculture for Rural Development in the Philippines: Privatization vs Community Property Rights" http://dlc.dlib.indiana.edu/archive/00001889/00/Escobar_Jaime_Aquaculture.pdf, (accessed May 17, 2008).

47 Information on this case can be found in Section 4 of the report.

(which involved the firing of explosive charges in the sea) being done by Japex.⁴⁸ No consultations or public hearings were conducted by the Department of Energy for the fisherfolk and local governments affected. The only intervention from the Government was to ask Japex Philippines to pay PHP4,000 – PHP5,000 for each of the “payao” or artificial reefs built by some fisherfolk that were destroyed.

3.4 Nutrition

The Food and Nutrition Research Institute (FNRI) reported that in 2003, for every 100 pre-school children, 32 were anemic, 30 were under height for age and 28 were underweight. For every 100 school-age children, 37 were anemic, 36 under height for age and 27 underweight. Overall, around 5 million pre-school and school age children are underweight and 7 million under height for age and anemic.⁴⁹

Regions with a high percentage of malnourished children in the 0-5 year old category are:

Region	Percentage
Autonomous Region of Muslim Mindanao (ARMM)	38%
Mimaropa (Region 4-B)	36%
Zamboanga Peninsula	34%
Eastern Visayas	32%
Western Visayas	28%
Central Visayas	27%
Bicol	26%

Source: Maymia Tumimbang, Food and Nutrition Research Institute, Philippines, “Nutritional Status of Filipino Children & Selected Population Groups 2005 Update”, <http://www.fnri.dost.gov.ph>.

In 2005, the Food and Nutrition Research Institute (FNRI), a government agency, conducted a nationwide survey of 12,560 individuals to find out the nutritional status of Filipino children. Among the 3,560 children between 0-5 years old that were surveyed, 895 or 24.6% were underweight. 964 children or 26.3% in the same age group were under height for age. According to the FNRI, based on the 2005-projected population, this translates to 3.7 million children between 0-5 years old nationwide who are underweight, 3.9 million under height and 717,643 who are thin.⁵⁰

A study written by Ms. Tumimbang shows that from 1989-2005, the number of underweight children between 0-5 years old was reduced from 34.5% to 24.6%, an average yearly reduction of 0.66%. A report by UNICEF states that the Average Annual Reduction Rate (AARR) of the Philippines in eliminating malnutrition is quite low and is lower even than Burma, a country that has been categorized as a least developed country by the United Nations since 1987. Burma’s gross domestic product in 2006 was estimated at \$7.84 billion compared to the Philippines’ \$142 billion. However, Burma’s AARR was 1.2%; Vietnam, 3.5%; Indonesia, 2.7% and the Philippines, 0.9%.⁵¹

Another study by the World Bank claims that the rate at which malnutrition is decreasing for children between the ages of 0-5 in the Philippines is lower than poorer countries. Cambodia’s average yearly decrease in malnutrition is 1.1%; Laos, 0.9%; Burma, 0.8% and the Philippines, 0.6%.⁵² That means it will take at least 37 years for the Philippines to wipe out the 24.6% malnutrition rate among 0-5 year olds.

48 Tambuyog Development Center, “The Oil & Gas Exploration in Tanon Strait & its Opportunity Cost to the Fisherfolk” (2007), http://www.tambuyog.org/news_details.asp?news_id=435, (accessed May 17, 2008).

49 Cecilia Florencio, *Nutrition in the Philippines*, (Quezon City: University of the Philippines Press, 2004), 140.

50 Maymia Tumimbang, Food and Nutrition Research Institute “Nutritional Status of Filipino Children & Selected Population Groups 2005 Update”, www.fnri.dost.gov.ph, (accessed May 19, 2008).

51 UNICEF “Progress For Children. A Report Card on Nutrition.” (2006), http://www.unicef.org/progressforchildren/2006n4/files/PFC4_EN_8X11.pdf, (accessed May 19, 2008).

52 Vinia Datinguinoo, “The Face of Hunger is Female”, (Philippine Center for Investigative Journalism, 2004), <http://www.pcij.org/stories/2004/hunger.html>, (accessed May 19, 2008).

3.5 National Financial Resources

Article 2 of the ICESCR requires State Parties to progressively realize the economic, social and cultural rights of the people “to the maximum of (their) available resources.” As a signatory to the said covenant, the Philippine Government has the responsibility to ensure that the country’s limited resources are used to fulfill the right to food and other Economic, Social and Cultural Rights.

However, the resources allotted by the Philippine Government for economic and social services are severely lacking. The former President of the World Bank, Mr. James Wolfensohn, said that “education spending is too little” by the Philippine Government. It is not only on education that the Government is scrimping, but also on other desperately needed social and economic services like agriculture, agrarian reform, social welfare, infrastructure, etc.

Professor Leonor Briones, former National Treasurer during the term of President Estrada and Chairperson of the Social Watch-Philippines, compared the percentage of the budget going to economic and social services vis-à-vis defense spending and debt payments between 1999 and 2006. While spending for social and economic services continuously decreased, the percentage allocated for defense spending was maintained while that for interest payments significantly increased as can be seen below.

Percentage of Social, Economic Services, Defense and Interest Payments to Total Budget

	1999	2006
Social Services	33.8%	27.9%
Economic Services	25.2%	18.7%
Defense	5.03%	4.98%
Interest Payments	18.1%	32.2%

Source: Leonor Magtolis Briones, “The Crisis of Financing Development”, <http://www.socialwatch.org/en/informesNacionales/503.html>.

The very inadequate funds being allocated to economic and social services have greatly affected the agricultural sector and food production. The neglect of agriculture by the Government is one major reason for the rice crisis being experienced in the Philippines today. The Government, however, points only to external factors such as the higher demand for rice in China and India and the production shortage in major rice-producing countries like Australia and Bangladesh as the reasons for the rice shortage.

In 1997, Republic Act 8435 or the Agriculture and Fisheries Modernization Act (AFMA) was enacted to modernize Philippine agriculture, spur on rural development and provide safety nets for local farmers as the country entered the World Trade Organization. The law stated that PHP20 billion would be spent in the first year and PHP17 billion over the next 6 years on top on the regular budget given to the Department of Agriculture (DA). Nevertheless, from 2000-2007, the Government spent a mere average of PHP14.6 billion as pointed out by Senate President Manny Villar. On top of that, the budget approved for the Department of Agriculture was considered to be in compliance with AFMA law. Republic Act 8435 states that there should be a separate budget approved and given to the Department of Agriculture and another one for the AFMA program. This means that the Secretary of Agriculture should manage two funds: the regular budget of the DA and the special budget for agriculture and fisheries modernization.⁵³ Between 1995 -2004, the percentage of the national budget going to agriculture was only 3.92%.⁵⁴

3.6 Safety Nets

When the Social Weather Station (SWS) came out with a report in October 2004 which stated that 15% of Filipino households were suffering from hunger, the Arroyo Government reacted by creating a food coupon program as the answer to the hunger problem. The Secretary Department of Social Welfare and Development (DSWD) initially claimed that the food coupon program would

⁵³ “Beyond the Rice Crisis”, *Business Mirror*, 14 April 2008.

⁵⁴ Rovik Obanil, “Praying for Rain”, *FARM Bulletin*, 1/2007, published by Centro Saka Inc.): 12.

benefit 5 million poor families. The beneficiaries could exchange the food coupons for grocery items in stores which would then be paid by the Government. Later on, the Government cut the number of beneficiaries from 5 million families to 100,000 families, with 50,000 benefiting under the Food for School program and the remaining 50,000 from the Food for Work program. The Government also initiated the Accelerated Hunger Mitigation Program (AHMP) and the Ahon Pamilyang Pilipino Program (a conditional cash transfer program).

Food for Work Program

Under this program, “families will be provided with food assistance in the form of an access card and food coupons, and are encouraged to participate in community work or services and are given access to micro-finance and livelihood opportunities and take part in development sessions on values-formation and other life skills development sessions.”⁵⁵

50,000 families were to be given food coupons worth PHP1,200 in Camarines Sur, Eastern Samar, Sultan Kudarat, Maguindanao and Sulu for 6 months under the Food for Work Program. They could exchange the coupons for rice, cooking oil, mungo, dried fish, sugar, canned sardines, noodles and milk at participating grocery stores and supermarkets. The food coupons were non-transferable, non-negotiable and could not be exchanged for cash. While the Department of Social Welfare and Development (DSWD) budgeted PHP360 million for the program’s implementation for 6 months, only one month was actually implemented due to a lack of funds to continue the program after the DSWD spent PHP60 million.⁵⁶

Food for School Program

In the Food for School Program, “undernourished elementary school children in grades 1 and 2 shall be given one kilo of rice per child per day of attendance to school and shall also be provided with health services. Their parents shall be provided with values-formation activities and productivity skills training and may also benefit from “livelihood opportunities.”⁵⁷

When it was first implemented from November 2004 to March 2005, 50,000 children at selected schools in Manila, Quezon City, Caloocan City, Rizal, Bulacan and Cavite were chosen. For the 2005-2006 school year, a total of 1,604 schools all over the Philippines were chosen. The total number of pupils who benefited was 111,246. The breakdown per region is below:

Region	# of Schools	# of Pupils
Region 1	107	8,925
Region 2	97	7,768
Region 3	0	0
Region 4-A	100	6,866
Region 4-B (MIMAROPA)	40	1,567
Region 5	86	6,337
Region 6	96	6,282
Region 7	168	7,100
Region 8	147	6,078
Region 9	143	8,187
Region 10	100	5,387
Region 11	67	3,752
Region 12	98	5,364
CARAGA	142	6,748
CAR	90	2,333
ARMM	98	8,325
NCR	25	20,227
Total	1,604	111,246

Source: School Health and Nutrition Center, Department of Education, Philippines, “Coverage of School Feeding Program by Region SY 2005-2006” (Philippines: DEPED, 2007).

55 Department of Social Welfare and Development, Republic of the Philippines, “Primer on the Food for Work, Food for School Program,” (Philippines: DSWD, 2004).

56 Based on an interview with a staff of the Program Management Bureau of the DSWD, January 17, 2006.

57 Department of Social Welfare and Development, Republic of the Philippines, “Primer on the Food for Work, Food for School Program,” (Philippines: DSWD, 2004).

Based on the above data, it is laudable that the number of beneficiaries was increased from 50,000 to 111,246 and the coverage was widened to include other regions. It is positive that the regions of CARAGA⁵⁸, ARMM⁵⁹ and Bicol⁶⁰ were included because these areas have a high percentage of inhabitants below the food threshold or subsistence level.

However, it is also very noticeable that Metro Manila had the largest number of beneficiaries, at more than 20,000, compared to Bicol, ARMM, CARAGA and Region 4-B (Mindoro, Marinduque, Romblon, Palawan or MIMAROPA). The number of student beneficiaries in Manila was 2,257; Quezon City, 2,928 and Caloocan, 2,613. When comparing the poverty and subsistence levels in National Capital Region (NCR) and the above regions, the percentage of people suffering from poverty in NCR was only 7.3% in 2003, while the percentage of people with adequate subsistence was 0.6% for the same year.⁶¹ Bicol, the Zamboanga Peninsula, ARMM, Caraga and MIMAROPA⁶²'s levels of poverty ranged from 47%-54%, while the percentage of people with adequate subsistence was between 24%-31%.

Moreover, the cities in NCR such as Manila and Quezon City have a large tax base and a big Internal Revenue Allotment from the national government (IRA). In 2004 Manila's IRA was PHP1.099 billion. Quezon City, on the other hand, received PHP1.47 billion. According to one study, the PHP 6.8 billion IRA of the 13 cities in NCR is even bigger than the IRA of the CARAGA region, which has 4 provinces, 20 municipalities and 3 cities.⁶³ If the local governments in Manila and Quezon City are really interested in implementing a Food for School Program, they have the capacity to finance it from their large IRA and tax revenues. Due to this fact, people have begun to ask why the Arroyo Administration is focusing on Metro Manila. The basis seems to be more political rather than for socio-economic reasons.⁶⁴

Accelerated Hunger-Mitigation Program (AHMP)

In July 2006, President Gloria Macapagal-Arroyo issued Executive Order 616 creating the Accelerated Hunger Mitigation Program (AHMP), and the Anti-Hunger Task Force to implement the program. The National Nutrition Council (NNC) was assigned as the lead agency of the Anti-Hunger Task Force and the Secretary of Health as the lead convener to ensure the plans were implemented. According to the AHMP document written by the NNC, the main goal of the AHMP was "to cut the incidence of hunger by half within one year." The basic framework of the AHMP is as follows: hunger is caused by two factors: "unavailable or insufficient food to eat" and "no money to buy food". The unavailability of food is due to low food production and a poor food distribution system. People have no money to buy food, according to the AHMP document, because of low income, low capacity to improve income, poor knowledge of nutrition and a large family. The solution to the first factor (unavailable or insufficient food to eat) is an increase in food production and enhanced efficiency in logistics and food delivery. To be able to do this, the measures that need to be implemented are productivity programs, family gardens, marine regeneration, irrigation, barangay (village) food terminals, ports, farm-to-market roads, efficient local transport, food for school programs, the creation of an NGO network to support feeding and community tradable rice certificates.

58 CARAGA is the region made up of the following provinces: Agusan del Norte, Agusan del Sur, Surigao del Norte and Surigao del Sur.

59 ARMM is an acronym for the Autonomous Region in Muslim Manila.

60 Bicol, or Bicolandia consists of 6 provinces, namely, Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate and Sorsogon.

61 National Economic and Development Authority, Republic of the Philippines, "Second Philippines Progress Report on the MDGs", (Manila: NEDA, 2005): 32ff.

62 MINAROPA is the region made up of the following provinces: Occidental Mindoro, Oriental Mindoro, Marinduque, Romblon, and Palawan.

63 Francis Tolentino, "A Performance-based IRA System", Manila Bulletin Online, (2004), <http://www.mb.com.ph/issues/2004/11/03/OPED2004110321762.html>, (accessed May 20, 2008).

64 President Arroyo gets the highest disapproval ratings in surveys in Metro Manila. Furthermore, during the 2004 elections President Arroyo lost in the region.

For the second factor (no money to buy food), the solutions include “putting more money into poor people’s pockets,” “promoting good nutrition” and “managing the population.” The specific tasks are the following: improve productivity in coconut areas, the aggressive provision of microfinance, maximize employment opportunities, provide extensive skills training, distribute upland land, promote exclusive breastfeeding, social marketing and nutrition education, and promote responsible parenting.

At first glance, the basic framework of the AHMP appears to be correct. The supply of food should be increased so that is readily available for people to buy at the markets. Since poor people have no money to buy food, then the solution is to put more money in their pockets. The AHMP falls short of analyzing the real causes of widespread and persistent hunger and poverty in the country. The AHMP simply says that people have no money to buy food because they have “a low income, lack nutrition education and have a large family.” The program does not address the lack of access for peasants, rural workers, fisherfolk and indigenous peoples to productive resources like land, seeds, livestock, water and credit which are owned or controlled by the elite families. Instead of proposing short-term and long-term solutions to realize the right of the people to be free from hunger, the AHMP limits itself to short-term measures like promoting job creation through roadside maintenance, promoting nutrition education, population management, upland land distribution for jathropa and rubber plantations, skills training, the provision of microfinance and, breastfeeding. While breastfeeding is fundamental, it will not be enough to wipe out hunger if long-term economic and social reforms are not implemented.

One way in which the Government plans to put more money into poor people’s pockets is upland land distribution. However, the distribution of large private landholdings is not part of the plan. Under the AMHP, the 4 million hectares of upland that will be distributed will be for rubber and jathropa crops. This is probably linked to Republic Act 9367 or the Biofuels Act of 2006, which stipulates the gradual blending of fossil fuel with organic sources such as coconut, sugarcane, jathropa, corn, rapeseed and other crops. The Government’s aggressive promotion of agrofuels will not only decrease the amount of land that could have been planted with food crops, it might also have a negative effect on the agrarian reform program. Most of the private land that remains to be distributed is sugarcane and coconut land. The landowners will do everything in their power to retain their land so that they can cash in on the agrofuel program. In fact, it is on this land that peasants and rural workers suffer the most harassment and violence from landowners and their armed goons.

In addition, the AHMP proposes to create employment opportunities through the construction and maintenance of irrigation systems, farm to market roads and roadside maintenance. Building or repairing irrigation facilities and farm-to-market roads are effective ways of creating jobs and giving income to the people. It is also beneficial to the communities in the long run. Nevertheless, roadside maintenance should be reconsidered as it does not provide real benefits to villages. It would be better if these people were tasked with planting trees in the denuded mountains and watersheds, building classrooms and multi-purpose pavements or cleaning clogged rivers.

To boost the food supply, the AHMP calls for productivity programs for crops, livestock, and fisheries. In fact, PHP1 billion was provided for agricultural production. However, the Government is promoting hybrid seeds, which require a lot of chemical fertilizers. According to Jessica Cantos, Chief of Staff of Congressman Erin Tanada and Executive Director of Rice Watch & Action Network, PHP 300 million out of the PHP 1 billion fund is intended for buying hybrid rice seeds from SL Agritech. Since hybrid rice seeds consume a lot of chemical fertilizers, it will make Philippine agricultural soils more acidic and less productive.

The AHMP, according to the document of the NNC, will be implemented in Priority One Provinces (food-poor), Priority 2 Provinces (poorest provinces) and Priority 3 Provinces (with existing hunger mitigation programs). What was surprising was that all of the National Capital Region’s cities and municipalities were included in Priority One Provinces. Later, however, this was changed according to the NNC. Only selective “hotspots areas” in the National Capital Region (NCR) like Baseco, etc. were included. The policy on this is not very clear. Since no consultations were conducted, civil society groups have no idea of what the definition of “hotspot” areas in the Metro Manila region is.

Ahon Pamilyang Pilipino (APP)

The newest government program to fight hunger is the “Ahon Pamilyang Pilipino” (APP) Program, which was approved on March 27, 2007 by President Arroyo. It is a conditional cash transfer program in which families are given PHP 1,400/month for a period of 5 years on the condition that parents ensure their children go to school, go to public health centers, attend family planning sessions, and pregnant women get pre-and-post natal care. For 2008, 300,000 families have been targeted. The DSWD is the primary agency implementing this.⁶⁵ Yet, the major concern remains: will the Government implement the program seriously, or will it suffer the same fate as the Food for Work Program, which was implemented in 2005?

4 Documented Cases of Right to Food Violations

Case 1: Assassination of peasant leader, Panabo City, Davao del Norte Province

On April 24, 2006 at 6 pm, the prominent peasant leader Enrico Cabanit was brutally murdered by two masked men in the open at a market in Panabo City. He was shot four times in the head and died on spot. Enrico Cabanit⁶⁶ was Chair of the WADECOR Employees Agrarian Reform Beneficiaries Association, Inc. (WEARBAI), one of the organizations in Davao del Norte that has been pressing the DAR to place all landholdings belonging to Antonio Floirendo under agrarian reform. Due to close personal and political ties with the highest elected officials since President Carlos Garcia in the 50s, the Floirendos were able to accumulate agricultural lands big enough to own and operate four plantations on over 7,000 hectares of land.

The Floirendos managed to circumvent the distribution of the land to landless peasants by opting for Voluntary Land Transfer (VLT), a scheme whereby a landowner voluntarily transfers ownership of his/her land to preferred farmer beneficiaries. In general, VLT has been a convenient way for large landowners to evade agrarian reform since the beneficiaries are either his/her relatives or farmers that are identified with them, thus, excluding legitimate beneficiaries.

As a former banana plantation worker on one of the Floirendo plantations, Enrico Cabanit was illegally fired for having demanded his and others’ right to land. He initiated numerous conversations with the DAR and successfully insisted on the implementation of the CARP. Shortly before Enrico Cabanit was murdered, the DAR had agreed to look at petitions for the land redistribution of the Floirendo landholdings submitted by landless peasants. They had also agreed to conduct an ocular inspection of one of the Floirendo landholdings. While the Philippines National Police has filed murder and attempted murder charges against the suspects, the Government has not yet taken any concrete measure on land distribution.

The Philippines is a signatory to the Universal Declaration of Human Rights as well as a State Party to major international human rights treaties, such as the International Covenant on Political and Civil Rights (ICPCR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Therefore it is bound under international law to protect every citizen and ensure that the human right to food of its citizens is ensured. This obligation includes the reform of agrarian systems under Article 11.2 of the ICESCR.

⁶⁵ Department of Social Welfare and Development, Republic of the Philippines, “Ahon Pamilyang Pilipino Program: Project Brief”. www.dswd.gov.ph

⁶⁶ Enrico Cabanit was also the Secretary General of UNORKA, National Coordination of Autonomous Local Rural People’s Organizations, the largest peasant movement struggling for land reform in the Philippines. He was also a board member of FIAN Philippines. FIAN greatly benefited from his commitment to the rights of landless people as well as from his personal devotion to the human right to food.

Case 2: The right to food of 300 coconut farmers is threatened in San Francisco, Quezon Province

In the municipality of San Francisco, Quezon Province, 2,800 hectares of coconut land owned by the Matias family have still not been distributed to the tenants (300 coconut farmers) sixteen years after the enactment of Republic Act 6657 or the Comprehensive Agrarian Reform Law (CARL). Under Section 7 of the said law, private agricultural land 50 hectares or more should have been covered and distributed from 1988 to 1992.

Not only was the land never distributed to the beneficiary farmers, these farmers are still forced to work as share croppers, despite the fact that share tenancy was outlawed through the enactment of Republic Act 3844 in the 1960s. As share croppers on the Matias estate, they are compelled to give two thirds of the coconuts to the landowner. Worse still, the price of the farmers' copra (dried coconut albumen) is priced 20% lower by the landowner than the prevailing market rates. After selling the farmers' copra, the owners also delay giving the money to the farmers. As a consequence, the coconut farmers are suffering economically and are unable to feed themselves and their families adequately. The tenants of the Matias family are also frequently harassed by the owner's private armed group. The village chief and even the town mayor are said to be allies of the Matias family.

On November 17, 2006, the Matias family applied for an exemption of their land from the agrarian reform but this was dismissed by the Department of Agrarian Reform on January 16, 2007. Despite this ruling, the Matias family still remains in complete control of the hacienda and the number of agrarian-related human rights violations on the Bondoc Peninsula has increased ever since.

Not only is the delayed coverage and distribution of the large coconut land owned by the Matias family a violation of Republic Act 6657, it is also a violation of the right to food of 300 coconut farmers and their families. These coconut farmers are currently working as share croppers in the Matias estates, although share tenancy was abolished in the 1960s. As a State Party to the ICESCR, the Philippine Government is duty-bound under international law to implement land reform and distribute large haciendas like the Matias property to its tenants.

Case 3: Landless tenants suffer from harassment and hunger in San Narciso, Bondoc Peninsula, Quezon Province

Bondoc Peninsula is one of the poorest areas in the Quezon Province. San Vicente is a village located in San Narciso, one of the municipalities of the peninsula. The vast portions of land in San Vicente are owned or tightly controlled by the Uy family, the family of late mayor of San Narciso, Juanito Uy. His political influence enabled him to exclude the land from the CARP until mid 1996 when several Uy tenants began petitioning for land distribution. This was in spite of the political pressure put on them and the systematic harassment by armed men working for the Uy family. Allegedly, the New People's Army (NPA), the armed wing of the Communist Party of the Philippines, also threatened and harassed the peasants in order to prevent activities in favor of the implementation of the CARP in the area. The tenants were personally threatened, their houses burned, their harvests forcibly confiscated and they are suffering from hunger.

Deolito Empas, who was the President of the Association of Peasants in Centro San Vicente (SMSC), was the fifth person to be murdered in Bondoc Peninsula. Threats were directed at his son and wife after they denounced the killing and made it public. Due to the threats, Empas' son Genard had to flee from San Vicente, while Empas' wife Roseminia is constantly moving, but nevertheless tries to work the land left behind by her husband.

Due to the unbearable harassment and credible death threats, some families have fled their homes, others were forcibly evicted or are denied access to their fields by the armed thugs. Currently 7 families remain without access to their land and around 200 families are constantly being threatened by the thugs and the NPA. Due to the crop-sharing scheme and because the

tenants' harvests are bought below the market price from the land owner, all of the Uy tenants are currently suffering from acute poverty and hunger. The events in San Vicente in the last ten years highlight the lawlessness and the State's failure to intervene and protect rural landless citizens' human rights including the right to food.

In the past, the organized tenants have lobbied the Government to protect them from the harassment. Several meetings were organized with the DAR to reiterate their demands for protection from harassment, peaceful possession of the land and immediate coverage of the property. However, no concrete governmental action has been taken yet. Moreover, the implementation of the agrarian reform is moving excruciatingly slowly, and the Government is using legal technicalities to block the tenants' attempts to include the land into the CARP. The current situation is very tense as all of the Uy tenants are suffering from hunger and face eviction at any time. Their lives are also in danger.

The Philippines is a State Party to the ICESCR, thus duty-bound under international law to protect and fulfill the right to food of all of its citizens, including the tenants of the Uy landholdings. The Government must immediately provide land to the Uy tenants in accordance with the CARP as well as protect the tenants from harassment by the private armed men employed by the Uy family and the NPA.

Case 4: Non-implementation of agrarian reform, Alabel, Sarangani Province

On May 26, 2004, around 90 members of the Sarangani Agrarian Reform Cooperative (SARBCO) were violently evicted by the police from SACI Banana Commercial Farm banana plantation. Many farm workers and their children were severely hurt during the violent dispersal. They had attempted to take physical possession of a small portion of the land they are entitled to receive according to the agrarian reform law. The farmers were fired from their jobs with Sarangani Agricultural Corporation, Inc. (SACI) after protesting for their right to land. All surrounding commercial farms refuse to employ them due to their previous protest record. Access to land of their own is therefore their only means to feed themselves. The Government, however, continues to disregard their plight as legitimate beneficiaries of the plantation.

Sarangani Agrarian Reform Co-operative (SARBCO) is composed of 186 duly identified and qualified agrarian reform beneficiaries (ARBs) of the SACI Banana Commercial Farm. SACI is a corporation owned and controlled by the Alcantaras, who are among the biggest landowners in the Sarangani Province, owning a total of 1,024 hectares of agricultural land. In line with the CARP, the Land Bank of the Philippines bought the land in September 2002 in order to transfer the land title to the Republic of the Philippines. Nevertheless, the Register of Deeds (ROD) in Sarangani Province is delaying the transfer of the title from SACI to the Republic of the Philippines, despite the fact it has been requested several times by the Department of Agrarian Reform.

Currently the workers are waiting for the DAR's decision on the Certificate of Land Ownership Award, hopefully distributing 135 hectares out of the 1,005 hectares of the SACI plantation to the workers.

As a State Party to the ICESCR, the Philippines is duty bound under international law to respect, protect and fulfill the right of its citizens to feed themselves. As such, the Government must provide SARBCO agrarian reform beneficiaries land in accordance with the agrarian reform program of the Philippines.

Case 5: Mining operations threaten the right to food of indigenous peoples, Siocon, Zamboanga del Norte Province

The right to food of more than 250 indigenous Subanon families in Siocon⁶⁷, Zamboanga del Norte is threatened by the activities of a mining company, TVI Resource Development Philippines. Under the guise of “exploration”, TVI Resource Development Philippines has been producing gold since 1995 by using the mining tailings that it has appropriated from local small-scale miners.

In June 2004, the company started to conduct large-scale mining on over 508 hectares of land belonging to the Subanon, based on the mining rights it obtained from the Government of the Philippines in 1998. Not only are 300 families threatened with eviction from their farmlands; the open-pit mining has already destroyed the mountains in Siocon, which provide a source of income for the Subanon. The site is also an ancestral domain of the indigenous Subanon and sacred to the natives. The people opposing the mining activities face harassment from the company’s security guards. At present, TVI is still operating in the area and plans to expand its activities to Sitio Paduan, Barangay Candiz at Siocon Town. The area is constantly under guard by armed security called Special Citizen Armed Forces Active Auxiliary (SCAA) who threaten the people in order to force them to vacate the area and warn them that they will bulldoze their homes and farms. Meanwhile protests against the TVI mining operations in Siocon are going on.

As a State Party to the ICESCR and to the Universal Declaration of Human Rights, the Philippines is duty-bound under international law to respect and protect the right to adequate food of the population of Siocon. The mining operation of TVI Resource Development Philippines violates the right to food as well as the right to water of the Subanons who are farmers and small-scale miners.

Case 6: Mining operations are threatening the right to food of thousands of people, Rapu-Rapu Island, Albay Province

The island of Rapu-Rapu, situated in Albay Province, has a total land area of 5,589 hectares. The island has very rich fishing grounds and fishing is the primary source of income for the people. In 1998, Lafayette Philippines Incorporated (LPI), a subsidiary of Lafayette Mining Co. of Australia, entered the area after the Philippine Government approved its multimillion-dollar Rapu-Rapu Polymetallic Project on November 18, 1998. The company is expected to produce around 50,000 ounces of gold, 60,000 ounces of silver, 10,000 metric tons of copper concentrate and 14,000 metric tons of zinc concentrate per year. The project was also granted an Environmental Compliance Certificate on July 12, 2001, which certified that the proposed mining project “will not bring about an unacceptable environmental impact”.

In October 2005, two mine tailing spills contaminated with cyanide occurred at the mining site of LPI. The incident happened allegedly after an overflow of the tailings pond brought about by heavy rains. The spillage of mine tailings reached the sea, killing fish and other marine life in areas surrounding the Lafayette mining site. To make the situation worse, the fish catch declined drastically after the spillage and many refused to buy fish caught in Rapu-Rapu for fear of contamination. In response to the spillages, the Department of Environment and Natural Resources temporarily suspended LPI’s mining operations and fined the company. However, it was reported that LPI is continuing its operations despite the suspension.

⁶⁷ Siocon Municipality is located in the southern part of the province of Zamboanga del Norte and is the home to the indigenous peoples of Subanon.

As public pressure against the mine spills increased, President Gloria Macapagal-Arroyo ordered a fact-finding commission to investigate the case. On May 19, 2006, the commission recommended the cancellation of the license held by LPI in Rapu Rapu and it recommended that all mining activities on the island be stopped. Instead of stopping its mining activities in Rapu Rapu, LPI filed for an expansion of its mining activities to a total of 4,486 hectares – which is 80 per cent of Rapu Rapu island. However, following a significant decline in its share price, LPI went into external administration. In March 2008, LG International, KORES, and Malaysian Smelting Corporation announced the acquisition of the Rapu Rapu mine and are currently operating mining activities there.

The spillage incidents caused by LPI were not only a great threat to the island's fragile ecosystem, they were also a threat to the right to food of thousands of poor fishermen who depend solely on fish in order to sustain their livelihoods. As a State Party to the ICESCR, the Philippine Government has the obligation to protect the right to food of the fishing community on the island of Rapu-Rapu.

Case 7: Harassment and court decision threaten the right to food of 200 farmer-beneficiaries in Tanjay City, Negros Oriental Province

In 1996, 200 landless peasants were identified as beneficiaries of 393 hectares of land owned by former Senator Rene Espina. Mr. Espina opposed the decision because he leased portions of the 393 hectares to some sugar planters. He filed a petition with the Court of Appeals, the country's second highest judicial court after the Supreme Court, to exclude his land from the national agrarian reform program (CARP). Although in May 2004, the provincial office of the DAR, with the assistance of police forces and some local government officials installed the beneficiaries onto the said landholding and the farmers' families were able to plant food crops and earn some money from selling them at the market, Mr. Espina started harassing and intimidating the farmers. He demanded fees from the farmers for entering the main gate, for the use of the road and charged them for the products they sold. On June 16, 2004 Mr. Espina's armed men began physically harassing the beneficiaries and firing their guns in the air. A survey team accompanied by DAR personnel was fired upon by Mr. Espina's men. As a result, the farmers were forced to leave the land.

Since then, the farmers have attempted to enter the land twice - in October 2004 and January 2005 - but were forced to leave the land immediately due to the harassment from Mr. Espina's armed men, who repeatedly fired their guns in the air and confiscated the farmers' harvests. In 2005, the Court of Appeals favored the earlier appeal from Espina who claimed that the land was no longer suitable for agricultural purposes and had already been re-classified from agricultural use to industrial/commercial use through a local government ordinance in Tanjay City issued in 2004 and therefore the land in question was excluded from the CARP. In 2006, an appeal was filed by the farmers to the Supreme Court to reverse the decision of the Court of Appeals. Finally in September 2008, the Supreme Court ruled that the land in question should be covered by the CARP, notwithstanding Ms. Espina's contention that it was already a commercial and industrial area.

The Philippine Government is a State Party to the ICESCR. FIAN welcomes the recent decision of the Supreme Court and requests the Government of the Philippines to order the DAR to proceed with the distribution of the land to qualified farmer beneficiaries.

Case 8: Reversal of DAR order threatens the right to food of peasants, Sta. Rosa, Nueva Ecija Province

The late Dr. Nicolas Valisno Sr. owned 57 hectares of rice land in Sta. Rosa, Nueva Ecija Province. When martial law was declared in 1972, this land was not covered by the land reform law and the original 15 tenants were forcibly evicted. The land was then divided among his 8 children. Without access to land, the tenants had barely enough money for their basic needs. Many of them became mere agricultural workers and took other odd jobs. In 1994, fourteen farmers - 6 original tenants and 8 sons of deceased original tenants - filed a petition with the DAR requesting that the 57 hectares of palay land owned by the late Dr. Nicolas Valisno Sr. be covered by the CARL. The law gave them new hope to re-acquire the palay lands their fathers had tilled, and doing so to access land to feed themselves.

In 1998 the DAR ordered that 19 hectares out of the 57 hectares be acquired and distributed to the farmers. The children and the grandchildren of the late Dr. Nicolas Valisno then filed an application for the retention of 38 hectares of land for the children and the remaining 19 hectares for the grandchildren. The DAR approved the retention area for the children, but rejected the application made by his grandchildren. An appeal was then filed to the Court of Appeals in 2000. In March 2002, the Court of Appeals reversed the DAR order and approved the application made by the grandchildren. The 14 farmers opposed the said ruling. They believe the grandchildren should not be awarded the land because they are not actually tilling or managing the farm - a requirement of the CARL. The farmers also said that the redemption of the land by the grandchildren should not have been allowed as some of them were still minors when the redemption was made in 1973. The Valisno family was saying this merely to evade the land reform law. The farmers filed a Motion for Reconsideration before the Court of Appeals but it was denied in March 2003. The farmers appealed to the Supreme Court, which affirmed in June 2004 the order of the Court of Appeals reversing the decision of DAR.

This case exemplifies how the Court of Appeals has reversed, under unexplainable circumstances, decisions made by the DAR in the past that were favorable to the tenants and farmer beneficiaries. As a State Party to the ICESCR, the Philippine Government has the obligation to respect and fulfill the right to adequate food of the people. Placing haciendas such as the Valisno Estate under land reform is one effective way of fulfilling the right to adequate food of the people.

Case 9: Killing of 7 sugarcane workers in Hacienda Luisita, Tarlac City, Tarlac Province

On November 16, 2004, seven sugarcane workers and hundreds of workers were badly injured when 1,000 police officers and soldiers stormed a blockade of 6,000 plantation workers and their families at the Hacienda Luisita sugar mill and plantation in Tarlac City. Hacienda Luisita is an agricultural landholding of 6,453 hectares owned by the Cojuangco family, one of the oldest and most powerful land-owning families in the country related to former President Corazon Cojuangco-Aquino.

Hacienda Luisita was the first landholding in the Philippines to benefit from the stock-distribution option (SDO). Under the SDO, the farm workers of Hacienda Luisita received stock shares instead of land. This, however, did not improve their living conditions. Moreover, since 1989, 1009 farm workers have been illegally removed because they protested against injustices and demanded salary increases. Disappointed by their situation, on January 29, 2004, they filed a petition at the Provincial Agrarian Reform Office in Bacolod City, seeking the cancellation of SDO implementation on Hacienda Luisita and demanded the immediate Compulsory Acquisition of the land under Republic Act 6657 or Comprehensive Agrarian Reform Law (CARL).

In December 2005, an agreement negotiated between the ULWU and the Hacienda Luisita management permitted Union officers to return to work and a new collective bargaining agreement was signed, a wage increase was approved and a farming cooperative was formed to plant food crops. The farm workers are currently cultivating 2,000 hectares of land within the Hacienda Luisita. The individual and collective tilling of the land was a result of the negotiations between the workers and management of Hacienda Luisita, and not through Government intervention.

Furthermore, the Presidential Agrarian Reform Council has ordered the cancellation of the stock-distribution option and the distribution of the land. The Cojuangcos appealed to the Supreme Court, which issued a temporary restraining order in January 2006. Up to now, no one has been charged with the massacre.

As a State Party to the ICESCR, the Philippines is duty bound under international law to respect and fulfill the right to food of its citizens. In the case of Hacienda Luisita, the SDO option has failed to fulfill this right. As such, the Supreme Court should lift the temporary restraining order (TRO) stopping the Government from cancelling the SDO and distributing the land to the sugarcane workers' families.

Case 10: More than 2,000 farm workers are excluded from agrarian reform program on Cojuangco Haciendas, Negros Occidental Province

Eduardo “Danding” Cojuangco is one of the wealthiest and most powerful men in the Philippines. With the political support of the late President Ferdinand Marcos, he was able to own and control the coconut, sugar and other agribusiness sectors as well as banking, real estate and the San Miguel Corporation, the largest corporation in the country. He has 11 haciendas in different towns and cities of the Negros Occidental Province with a total area of 5,306 hectares. In 1997, the haciendas of Cojuangco were covered under the CARL. He opted to use the Voluntary Land Transfer (VLT) scheme. Under this scheme, the landowner agrees to a direct transfer of his land and the terms and conditions of the transfer are negotiated between the owner and the beneficiaries. The landowner also has the right to nominate the beneficiaries.

For the Cojuangco haciendas, 1,200 people were nominated as beneficiaries. However, more than 2,000 farm workers, who were formerly working on the haciendas as early as the 1980s, were excluded. In August 2002, a Petition for Inclusion was filed, but the Regional Director of the DAR-Region 6 Office based in Iloilo City denied the request. Only 36 individuals out of 2,179 were approved as additional beneficiaries. According to the Regional Director, these farm workers were not employed at the time of the on-site inspection and documentation. The petitioners argued that if DAR had covered the Cojuangco haciendas much earlier than 1997, as mandated by the agrarian reform law, they would have been included as beneficiaries. There are also petitioners who have filed illegal dismissal cases against Cojuangco with the Department of Labor and could have been considered as beneficiaries. On September 7, 2007 the DAR-Regional Office in Iloilo City made a decision denying the farm workers' Petition for Inclusion. The farm workers appealed at the DAR Central Office in Manila but they are still waiting for a decision.

The Philippine Government is a signatory to the ICESCR, and therefore has the obligation to fulfill the right to adequate food of the landless peasants in the province of Negros Occidental through the implementation of the Comprehensive Agrarian Reform Program. The exclusion of more than 2000 farm workers is an irregularity in the fulfillment obligations of the Philippines under the right to food and the said covenant.

Case 11: The right to food of poor fisherfolk's families is threatened in Navotas, MetroManila, Quezon Province

The houses of some 560 families in the village of North Bay Boulevard South, Navotas City were demolished by 150 personnel from the Metro Manila Development Authority (MMDA) in May 2006. The reason given by the MMDA for the demolition was the road widening of the R-10 radial road being implemented by the Department of Public Works and Highways (DPWH). While 100 families accepted PHP15,000 to relocate, around 200 families who belong to the “Samahang Marlita Nagkakasisa sa R10” (Association of the United Poor at R 10) rejected the offer and demanded a relocation site. In another incident, around 160 families living within the compound of the Philippines Fisheries Development Authority in Navotas are facing the threat of eviction. The families were told by fish port officials in April 2008 that the 2,500 square meter lot inside the fish port they were occupying would be leased to a business enterprise. Although the same officials offered PHP5 1,000 to qualified squatters, the families turned down the offer. There was no relocation site proposed.

In both cases, the heads of the affected families earn their livings from fisheries or related industries at the Navotas fish port. These are their main sources of income through which they feed themselves. Without any source of income, the right to food of these families is at stake.

The Philippines is a State Party to the ICESCR, and therefore bound under international law to respect and protect the right to food of these residents in Navotas. Evicting the poor fishers' families without offering a relocation site which will provide employment opportunities and viable social services is a violation of the right to food. Without any source of income, the right to food of these families is at stake.

Case 12: Access to land is denied to 165 farmer-beneficiaries in Sumilao, Bukidnon Province

For the past 10 years, the farmers of Sumilao, Bukidnon Province have been struggling for their right to food. In 1990, the 144-hectare Quisumbing Estate was placed under the agrarian reform program. 165 farmers were identified as beneficiaries and were awarded a Certificate of Land Ownership Award (CLOA) by the Department of Agrarian Reform in 1995. However, the land was never distributed to them. Shortly after the farmers received the CLOAs, the owner applied to convert the land from agricultural to agro-industrial use and establish the Bukidnon Agro-Industrial Development Area, notwithstanding the fact that prime agricultural land is non-negotiable for conversion. The DAR Central Office denied the application but it was later approved by the Executive Secretary Ruben Torres of the Office of the President.

The farmers occupied the land and began cultivating. The owner sent armed guards who harassed the farmers and destroyed their huts. The farmers decided to stage a hunger strike in front of the DAR Central Office in Manila for 28 days, consuming nothing but water. Due to huge public pressure, President Ramos issued a resolution - 100 hectares would be given to the farmers and 44 hectares to the owner. Quisumbing appealed to the Supreme Court and in 1999 the decision made by Executive Secretary Torres was reinstated. In 2002, Quisumbing sold the land to the San Miguel Corporation, which planned to set up a pig farm. None of the projects upon which the conversion was conditioned were implemented. In 2004, the Sumilao farmers filed a petition for the cancellation of the conversion order against Quisumbing to the DAR on the basis that Quisumbing had failed to initiate any development work on the land and that the SMFI violated the conversion order by changing the land's use to hog farming. The case was then brought to the Office of the President and the farmers decided to stage a 60-day march on foot from Bukidnon to Manila, a distance of approximately 1500 km.

Finally in March 2008, 50 hectares within the contested 144-hectare property were given to the farmers through the deed of donation from the SMFI, and the remaining 94 hectares are to be taken from an adjacent property, which will be purchased by the company and offered to the DAR under the CARP Voluntary Offer-to Sale (VOS) scheme.⁶⁸ FIAN would like to request the Government speeds up the distribution of the remaining 94 hectares to the farmers.

⁶⁸ Under the VOS scheme, the landowners come forward and "voluntarily" offer land for land coverage. The landowners received financial advantages from the VOS scheme, in which the cash portion of the compensation given by the State to the landowners is increased by five percent, while the bond portion is correspondingly decreased by five percent. Also, the land can be sold either under the market price as in compulsory acquisition (CA) or at the market price, depending on several factors such as the quality and productivity of the soil. If the landowners do not agree to the amount calculated by the State, they can ask for a higher price.

Case 13: Unjust reclassification of land threatens the access to land and food of 312 farmers in Baha and Talibayog, Calatagan Municipality, Batangas Province

In 1972 the former President Marcos issued Presidential Decree (PD) No. 27, which introduced the distribution of rice and corn land to actual tillers by issuing them land titles called emancipation patents (EPs). Between 1989 and 1990, 818 EPs were issued to 312 tenants in the villages of Baha and Talibayog in the Calatagan Municipality, Batangas Province, covering 507 hectares of rice and corn land, formerly owned by Ceferino Ascue. In 1995, Ceferino Ascue's heirs used the original certificate of land title, with the approval of the Regional Trial Court of Balayan, to sell the land to Asturias Chemical Industries Inc. (hereafter Asturias). In response, the farmers filed a case at the Provincial Adjudicator of the Department of Agrarian Reform (DAR) in Batangas, who annulled the deed of sale between the heirs of Ceferino Ascue and Asturias in 1998.

In the meantime, Asturias had received a Mineral Production Sharing Agreement (MPSA) No. 071-97-IV from the Department of Environment and Natural Resources (DENR), which allowed the company to mine limestone and other minerals in an area covering 2,336 hectares, including the disputed 507 hectares of farmland. Due to the annulment of the deed of sale, Asturias lodged a complaint with the DAR in 2000, questioning the land distribution under PD No. 27, by claiming that the land was not rice and corn land and therefore erroneously distributed. An investigating team conducted an ocular inspection and concluded that the land was not predominantly agricultural because of the issuance of the MPSA by the DENR as well as the fact that the land was planted with vegetables and sugarcane instead of rice and corn. Therefore, ten years after the DAR distributed the land to the farmers, it ordered the cancellation of the 818 EPs.

In response, the farmers filed an appeal with the Office of the President, which favored the DAR decision. In order to claim their land, the farmers appealed to the Supreme Court, which unfortunately also supported the cancellation of the EPs because it took the decision that the land is rich in minerals and therefore not agricultural. On April 21, 2008, the farmers traveled by foot from Calatagan, Batangas to Quezon City to present their plight to DENR Secretary Jose L. Atienza Jr. The DENR Mines and Geosciences Bureau temporarily suspended Asturias' mining operations but issued a certificate on June 12, 2008, ultimately declaring the land as mineral land. Also on September 5, the farmers received a resolution from the DAR Secretary denying the farmers' motion for reconsideration on their petition to cover the contested land under the CARP. The farmers are staging another walk; this time it will be conducted by the EP holders, the 48 to 76 year old women and men who received their land titles in 1989-1990, paid for their amortization, and cultivated the soil to feed themselves and their families.

The Philippines is a State Party to the ICESCR, therefore bound under international law to respect and protect the right of the farmers of Calatagan, Batangas to have continuous access to land and food. Taking the productive agricultural lands that were already covered under land reform away from the farmers would be a grave violation of their right to food.

5 Conclusions

As a State Party to the ICESCR, the Philippine Government has the obligation to respect, to protect and to fulfill the right to food of its citizens, especially of the marginalized social classes and sectors.

Based on the previous discussions, FIAN-Philippines strongly believes that the Philippine Government has seriously failed to meet its obligations to respect, protect and fulfill the “fundamental right of everyone to be free from hunger” (Article 11, Paragraph 2 of ICESCR) and the “right to an adequate standard of living for oneself and one’s family, including adequate food, clothing and housing.”

The fact that there are more than 12 million hungry people in the Philippines is a strong violation of the Government’s obligations under the ICESCR. The UN Committee on Economic, Social and Cultural Rights said in General Comment 12 that “Violations of the Covenant occur when a state fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger.” The number of hungry and poor people in the Philippines has been increasing, as shown in the data in this report, despite the growth in the country’s GDP and GNP.

The Philippine Government has failed in its obligation to respect the fisherfolk’s existing access to the municipal waters by not delineating the municipal waters or preventing commercial trawlers from entering the said areas. The existing access of indigenous people to their ancestral lands is being violated by the aggressive promotion of mining and the entry of logging firms. Existing jobs in the country are being lost due to the Government’s import liberalization policies. Imported commodities compete with products that are adequately manufactured or grown in the country.

The Philippine Government has failed in its obligation to protect marginalized sectors and their access to productive resources and jobs from third parties such as landowners, transnational corporations, armed goons, rebels and politicians. Landowners and their goons harassing and killing peasants and those farm workers demanding land reform have not been effectively stopped, nor have the perpetrators been prosecuted or convicted by the Government. Indigenous people, who are against mining and logging, have not been adequately protected, resulting in more than 100 killings. The same is true of labor leaders.

The obligation to fulfill the right to food is not being adequately met by the Philippine Government. There is a lack of determination on the part of the Government to use its power to eliminate economic inequalities such as the concentration of ownership or control of land and other productive resources. Large private agricultural estates remain in the hands of their owners. Public lands are controlled by a few politicians and businessmen. Public funds are used primarily to service the principal and interest payments of foreign debts and for the military, leaving a very small amount for social and economic services and food safety nets. There has been no pro-active move by the Government to pursue genuine industrialization to generate jobs for the millions of young Filipinos joining the labor force.

6 Recommendations to the Philippine Government

To realize the fundamental right of Filipinos to be free from hunger and their right to adequate food, FIAN-Philippines is recommending the following to the Philippine Government:

1. The Land Acquisition and Distribution component of the Comprehensive Agrarian Reform Program (CARP) should be extended and funded by the Government. The remaining 1.2 million hectares of private agricultural lands should be included and distributed to the landless tenants and farm workers through Compulsory Acquisition (cases 1 (Panabo City, Davao del Norte), 2 (San Francisco, Quezon), 3 (San Narciso, Quezon), 4 (Alabel, Sarangani), 8 (Sta. Rosa, Nueva Ecija), 10 (Cojuangco Hacienda, Negros Occidental), 12 (Sumilao, Bukidnon), 13 (Calatagan, Batangas) in this report). Lands covered under the Voluntary Land Transfer (VLT) scheme should be reviewed thoroughly to find out which lands have really been transferred to the landless and which have not. The lease-back arrangements, Stock Distribution Option (SDO) joint venture agreements and corporative schemes on commercial plantations should be cancelled and ownership and control should be genuinely handed over to the farm workers' organizations (case 9 (Hacienda Luisita, Tarlac)). In addition, the Government should prevent the use of violence by the state and protect the farmers from the violence committed by landlords, private goons and alleged members of rebel groups (cases 1 (Panabo City, Davao del Norte), 2 (San Francisco, Quezon), 3 (San Narciso, Quezon), 7 (Tanjay City, Negros Oriental) and 9 (Hacienda Luisita, Tarlac)).
2. The Supreme Court should weed out corrupt justices in the Court of Appeals and other courts to ensure that landless tenants and farm workers will secure a fair decision. (cases 7 (Tanjay City, Negros Oriental) and 8 (Sta. Rosa, Nueva Ecija)). Influential landowners have often used the corrupt judges and fiscals in harassing peasants and stopping the implementation of agrarian reform.
3. The Government, through the Department of Agriculture, should immediately produce guidelines delineating the municipal waters (especially for municipalities with off-shore islands) to protect the livelihoods of artisanal fisherfolk from commercial trawlers. The space occupied by fish cages in mariculture parks should not exceed what is prescribed by the law and fish cages exceeding the limit should be removed.
4. The ancestral lands of indigenous peoples should be respected by the Government and they should be protected from abusive mining and logging firms (case 5 (Siocon, Zamboanga del Norte)). Adequate funds should be made available to the National Commission on Indigenous Peoples (NCIP) to enable a survey of ancestral lands to be carried out and Certificates of Ancestral Land Titles (CALTs) to be issued to indigenous people. The NCIP should stop becoming the "bridge" or acting as an "agent" of mining firms to get the 'free, prior and informed consent' of indigenous peoples.
5. Environmental laws should be strictly enforced to protect the watersheds, forests, mangroves, lakes, seas (case 6 (Rapu Rapu, Albay)) and rivers, which are the primary sources of food, water, wood, fish and other products needed by Filipinos. A massive reforestation program should be implemented to prevent soil erosion, flooding, preserve the water systems, maintain and enrich biodiversity and fight global warming.
6. An industrialization program with forward and backward linkages should be pursued to provide the millions of unemployed and underemployed with regular jobs that would give them the means to buy nutritious food. Filipino-owned industries and agricultural producers should be adequately protected from imported products through a combination of adequate tariffs and quantitative restrictions.

7. Public funds should be poured into agriculture and fisheries to yield an adequate quantity of food supplies at affordable prices. Irrigation systems should be repaired and expanded to reach non-irrigated lands. Agriculture should be weaned away from the chemical-intensive farming system that is too dependent on imported fertilizers and pesticides. Instead the Government should favor organic farming. Credit should be provided to agrarian reform beneficiaries and other small-scale cultivators. Prices for agricultural products should be guaranteed to motivate farmers to produce more food products.
8. The most vulnerable sectors of the population should be identified. Food safety net programs for the most vulnerable groups living in the most deprived areas of Metro Manila and the poorest provinces should be implemented and funded; women and children should especially be targeted by the food safety net programs. There should be a transparent use of funds for food safety net programs and other food-related programs.
9. Programs that would ensure access for the marginalized sectors of the population to land, seeds, water and credit should be implemented so that they can produce food for the market and feed themselves with dignity.
10. The food-insecure sectors should be involved in the formulation, implementation and monitoring of anti-hunger and food programs.
11. Access to primary education, basic health care, clean drinking water and adequate sanitation for the poor should be provided.
12. The national budget should be maximized to progressively realize the right to food, health, education and housing of the marginalized sectors. The budget should be re-channeled from the military and debt payments to meet the people's most basic needs.
13. Instead of promoting agrofuel and other cash crops that are primarily for the needs of other countries, the Philippine Government should focus on the food needs of Filipinos.
14. Urban poor families whose houses have been demolished should be relocated to places where there is access to employment to enable them to buy food and other basic commodities. (case 11 (Navotas, Quezon)).



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