Pro-Poor Land Reform

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Inertial dynamics ... means ... that any social system forms routines and institutions that tend to reproduce existing distributions of power and privilege, placing limits on the extent of redistribution possible under normal conditions .... [T]he most basic structures of society are supported by a formidable array of ideological and institutional props that resist fundamental change. In agrarian societies, institutions surrounding land control are the most fundamental of these structures .... The real puzzle of land reforms is therefore not that so many fail, but that some succeed in overturning systems that have operated for generations, buttressed by cultural expression, multidimensional dominance of individuals at the bottom of society, and embedded administrative and legal routines ultimately guaranteed by the coercive power of the state. How is the inertia of reproduction of the basic outlines of such structures broken? (Ronald Herring, 1990: 50–51)

4.1 INTRODUCTION

Evidence presented in the preceding chapter calls into question the official claim about CARP’s massive land redistribution and tenancy reform accomplishment. Yet, this does not mean that critics who earlier predicted and currently claim insignificant achievements of CARP are fully vindicated. This chapter analyzes the evidence showing that portions of the officially reported land redistribution achievement are in fact gains in redistributive reform, regardless of whether they are popularly accepted as such. It also looks into the extent to which such outcomes have been achieved nationally. Section 4.2, the longer portion, analyzes disaggregated themes around policy issues and
outcomes. It establishes the empirical bases for the systematic classification of some policies and outcomes as truly redistributive reform with reference to specific cases. Section 4.3 goes on to explore the likely extent and geographic spread of land redistribution outcomes.

4.2 THEMATIC VIEW OF REDISTRIBUTIVE POLICIES AND OUTCOMES

As noted in the introduction and chapter 1, the dominant thinking in the land reform literature is private property biased (with over-emphasis on the transfer of the right to alienate), positing that redistributive land reform occurs only through the expropriation of private lands. In the Philippines, this takes the form of a general assumption that the compulsory acquisition (CA) mode in land acquisition and distribution is the only CARP component that constitutes real redistributive reform. Therefore, in the quest to determine the extent to which CARP has produced redistributive outcomes, scholars and activists alike tend to simply divide the nationally aggregated data into private and public lands, and to take only the private lands as those that constitute redistributive reform (e.g., Riedinger, Yang and Brook, 2001). A few scholars go further to consider as redistributive reform only those private lands redistributed via compulsory acquisition (see, e.g., Bello, with de Guzman, 2001: 192–199; Reyes, 2000).

This study agrees with the critics but only partially. It is argued and demonstrated here that there are multiple institutional ways through which redistribution of land-based wealth and power are potentially and actually achieved. In fact, pro-poor redistributive reforms within CARP can, under certain conditions, occur in six broad ways: (i) compulsory acquisition (CA), (ii) operation land transfer (OLT) in rice and corn lands, (iii) “coerced volunteerism” through voluntary offer-to-sell (VOS), (iv) redistribution of landholdings owned or controlled by government financial institutions (GFIs), (v) redistribution of public lands, either under the DAR jurisdiction (KKK and settlement lands or landed estates) or under the jurisdiction of the DENR (A&D and CBFM), and (vi) share tenancy reform via the leasehold program. A further understanding of redistributive reform within CARP can be achieved by clarifying the commonly misunderstood policy question of “inclusion-exclusion” processes among landholdings and land reform beneficiaries. This is the final theme addressed in this section of the chapter.
Compulsory acquisition (CA)
Fundamentally and formally, CARP is compulsory in nature. It declares that all agricultural lands are subject to reform: land redistribution, conversion from share tenancy to leasehold arrangements, and other forms of mandatory production and profit sharing schemes. While exemptions are allowed, these are not automatic exclusions: Landlords have to apply for them and undergo formal approval processes. Neither are exemptions permanent: Landlords have to comply with certain conditions at all times to have the lands maintained outside the expropriation parameter. For these reasons, while such exclusions and exemptions have provided favourable mechanisms for landlords to evade land reform, this has not been an absolute and permanent anti-reform victory. This kind of institutional terrain is quite difficult for pro-reform forces to navigate, but it has, arguably, provided space for further political contestations. This situation in the Philippines can better be appreciated in comparison with experiences elsewhere, such as in Brazil, where there is a constitutional prohibition that excludes productive land from redistribution programs; in Zimbabwe, where the 1980 Lancaster House agreement imposed limitations on the Zimbabwean land reform coverage to exclude white commercial farms; or in the Kerala land reform, where some commercial, for-export producing farms were officially excluded.

The two straightforward expropriationary policies enshrined within CARP, both of which can lead to actually breaking the nexus between landlords and peasants, are the CA mode of expropriating privately owned landholdings and the OLT scheme for private rice and corn lands (OLT is discussed in its own section below). These are the most direct methods of expropriation, and they can be effectively carried out despite landlords’ opposition to reform or disagreement over the terms under which their landholding is being expropriated. Control over the land is transferred from the landed elite to the landless and land-poor peasants. CARP states that the compulsory acquisition mode will be used on lands where landlords fail to take other options made available to them, such as VOS or VLT. Thus, CA and its potential and actual value within the CARP process must be assessed not only on the basis of the actual hectares of land and number of beneficiaries listed as CA accomplishment but also for its role in motivating landlords to voluntarily employ the “softer” modes available within CARP, particularly VOS (see Riedinger, Yang and Brook, 2001).

In many instances, the state carries out compulsory acquisition with the active support of autonomous peasant associations and NGOs. Almost always, it is the preferred mode of autonomous peasant organizations and NGOs in
the specific landholdings where they have intervened. In CARP’s experience, the compulsory acquisition process can be completed within a year. On many occasions, landlords contest the land valuation or coverage, although the CA-acquired lands can, in principle, be redistributed to peasants despite pending landlord protest.

The land reform literature tends to assume or imply that expropriation can occur successfully only under certain structural and institutional settings. It is logical to believe that in sectors where landlords have been politically and economically weakened (generally, those that are no longer significant in terms of foreign exchange earnings, e.g., rice and corn lands — see Riedinger, 1995) can be subjected to land redistribution with relative ease. This is in contrast to the rising sector of modernizing non-traditional export crops usually engaged in agribusiness, such as the Cavendish banana sector. A few others are somewhere in between, that is, their foreign exchange earning capacity is declining, but the enterprises are run by politically entrenched landlords who are able to extract a variety of “subsidies” (or “rent”) from the state — for instance, the sugar cane sector. In the two latter sectors, land redistribution efforts are more challenging than in the first sector.¹

Yet, although it has been employed to a relatively limited extent compared to other land acquisition methods, the CARP’s compulsory acquisition mode has witnessed some degree of successful implementation in different structural and institutional settings — regardless of whether the land was extremely productive, export-oriented, large or small. But there are also cases where despite the persistence of state reformists, landholders were able to avoid expropriation. We will examine a number of cases of successful CA-based redistributive land reform.

**De los Reyes estate, Laguna²**

The landholding in this case involves a landlord who has special ties with the national ruling elites: Geronimo de los Reyes is the father of Margarita “Tingting” Cojuangco, who is the wife of Jose “Peping” Cojuangco, who is, in turn, the co-owner of Hacienda Luisita Inc. and brother of former President Aquino. Peping Cojuangco is active in national politics, being an influential member of congress, and is ardently opposed to redistributive land reform. The landlord (Cojuangco’s father-in-law, Geronimo de los Reyes) was also influential in local politics (especially during the administration of a former town mayor, who was later convicted of rape and murder and is currently languishing in the national penitentiary). The disputed estate is a 246-hectare hacienda planted mainly to coconut and some subsistence crops like *gabi*
(yam). It is located in Barangay Imok, Calauan, Laguna, a two- to three-hour drive south of Manila (Region 4, Southern Tagalog). An estimated 400 families live within the barangay, most of them located in and around the hacienda. In varying degrees and capacities, they are associated with farm work at the hacienda. The prevailing sharing arrangement between the landlord and the tenants has been the common tersyuhan, or 70-30 in favour of the landlord, with the tenants shouldering the bulk of production expenses.

When talk about CARP reached the hacienda in the late 1980s, the landlord began to insist before the peasants and the local DAR that there were only fifteen tenants on his hacienda; the rest, he said, were seasonal farmworkers. It was clear that the landlord was aiming for limited CARP coverage of his estate, if it had to be covered at all, despite the fact that, in principle, CARP covers all land regardless of tenurial relations. Fearing that they would be excluded if they did not assert their claims, most of the peasants who had been said to be seasonal farmworkers overtly challenged that claim before the local DAR personnel. The landlord began his own manoeuvres among the ranks of the peasants, employing the classic divide-and-conquer strategy of consolidating the ranks of his favoured tenants against the other claimants. He also used threats of violence. At this point, the tension at the hacienda was palpable.

Some time in 1990, local Imok residents and claimants to the estate got in contact with the community organizers of a provincial NGO, the Laguna Development Center (LDC). The LDC specializes in assisting landless peasants in their claims for land and is a network member of the PEACE Foundation. The LDC was in fact actively (re)searching land conflicts with “national political significance” combined with concrete local struggles as part of its policy advocacy. Hence, the de los Reyes estate became a land struggle the LDC actively pursued.

Their lack of success with local efforts encouraged the peasant claimants to forge a friendly relationship with the activist community organizers from the LDC. At this point, the peasants feared that the landlord was planning a more systematic effort to decisively disenfranchise them from the land reform process; there were signs that they were going to be evicted from the hacienda. A series of consultations among the peasant claimants, assisted by the LDC, resulted in their forming an organization, the Tinig ng Magsasaka sa Imok (TMI, “Voice of Peasants in Imok”). This association was independent of the landlord and his co-opted peasant organization. TMI involved about 100 of the more or less 400 households in the barangay.

After a series of consultations with their NGO ally, the TMI formally pushed for the compulsory acquisition of the landholding. The landlord was
able to block this move without much effort. The president of the country at that time was Corazon Aquino, and the landlord’s family was extremely influential. This was also the time when the DAR was essentially in the hands of conservative forces. The DAR argued that the landholding fell within the “50 hectare and above” land size category and so could not yet be acquired compulsorily because of the calibrated acquisition scheduling within CARP that put this land size category in the later stage. This was true at that time. However, it was also well known within the DAR bureaucracy that this rule was just a guideline and not mandatory. In fact, the main reason for not covering the de los Reyes estate was more political.

Partly due to frustration that their petition was not being seriously considered by the DAR, and partly at the instigation of their ally, which wanted to make a national political case out of the de los Reyes estate, the TMI-affiliated peasants launched a land occupation of the hacienda. They forcibly invaded the farm. They harvested coconuts. They refused to give the landlord any share from the harvest. The landlord quickly retaliated and the peasants were faced with criminal charges (estafa [qualified theft] and theft) filed by the landlord before the municipal court. In what turned out to be a sustained tug-of-war between the landlord and the peasants, a series of criminal charges was filed against a number of peasants. The TMI and LDC then thought it was time to bring the battle to the national political stage. The peasants pitched camp at the DAR national office and launched pickets and other forms of mobilization. The media picked up the case because of the landlord’s relationship with President Aquino. At this point, the PEACE Foundation became actively involved in the collective action, providing logistical assistance and media work. Through this NGO network, the TMI also became a member the national peasant movement KMP. Pressured by the peasants’ activism, the DAR decided to place the estate under compulsory acquisition, but only a portion of it: 146 of its 246 hectares. For various reasons, the landlord was allowed to retain 100 hectares; this was a compromise decision by the DAR. And while the peasants did not fully agree, the landlord continued to resist outright the implementation of even the partial expropriation: The CA occurred only on paper. And so militant actions persisted at the national level.

Back in the village, the landlord retaliated by escalating harassment of peasants. He now prohibited any planting and harvesting within the hacienda. Guards helped secure the estate. Thus, even doing repairs on peasants’ huts located within the hacienda could lead to criminal charges. The municipal judge and mayor backed up the landlord. Evangeline Mendoza, a daughter of one of the older peasants and herself a young peasant, recounts,
However, at the height of the intense struggle against the landlord, in 1993, a serious split within TMI occurred. This was a direct effect of the split within the national-democratic movement (discussed in the next chapter): One group remained affiliated with the KMP while the other faction opted to dissociate itself from the KMP and formed the DKMP (Demokratikong Kilusang Magbubukid ng Pilipinas, the Democratic Peasant Movement of the Philippines). This was only a temporary setback in the campaign for land redistribution at the hacienda. Not long after the split, the local DKMP group began to regain momentum and persisted in the struggle to subject the landholding to CARP. But during the second half of the 1990s, the political environment for the peasants changed: A more reformist leadership rose at the DAR, Aquino was no longer president, and the local mayor was ousted from municipal politics. These events led to the partial erosion of the landlord’s political clout. The reformist local DKMP group persisted in the struggle, keeping the pressure on national DAR officials.

Finally, in 2000, the DAR was able to decisively settle the dispute, successfully carrying out the surveying of the estate. There were 116 beneficiaries: 25 tenants each got three hectares, while the rest of the seasonal farmworkers got half a hectare each (which is relatively significant especially given that they had their own home lots on the land). The land was valued at PhP 18,000 per hectare. Thus, in 2001, victory was secured, albeit a partial one in terms of land area. Evangeline had become a beneficiary with a half hectare of coconut land. She and her husband now intensively farm the parcel with various intercrops such as lanzones and gabi. The small parcel of land is certainly not enough, but there is an observable sense of pride and dignity in Evangeline’s having a piece of land she now calls her own — secured after a hard struggle. The peasants no longer pay the onerous and oppressive 70
percent share to de los Reyes. Evangeline, more popularly known as “Ka Vangie,” later became a well-known leader in the new national peasant movement, UNORKA.

*Mitra Farm, Albay*

The landholding in this dispute involves the Ligao Farm Systems, Inc., called “Mitra Farm” within the DAR and among peasants, because it was owned by Ramon Mitra, who had served as speaker of the House of Representatives during the Aquino administration. The 385-hectare farm, devoted mainly to coconut and cattle, is located in Ligao, Albay (Region 5, Bicol). In 1992, a 264-hectare portion of the landholding was subject to compulsory acquisition, while the rest was excluded, ostensibly due to its being devoted to livestock. But the landlord resisted expropriation of any part of the estate. Thus, it took many years before a “mother” (i.e., collective) CLOA was generated covering the 152 beneficiaries as a group. However, even after the CLOA was generated and awarded to the beneficiaries, the land remained under the landlord’s effective control. The survey of the landholding could not be carried out, because armed guards prevented the DAR officials from entering the property. Meanwhile, the beneficiaries were not allowed on the farm. A long impasse followed. And although during this time DAR records showed that the landholding had already been redistributed via CA, in reality, the peasants were not in control of the land.

Since 2000, the peasants have been in contact with community organizers of the PEACE Foundation, which started a land redistribution campaign in the province. Slowly, the militant spirit among the peasants was re-ignited and they began a series of dialogues with and pickets at the DAR offices at the provincial, regional, and national levels. Regrettably, no positive results were achieved from these actions. The peasants and their allies knew that the late Ramon Mitra had lobbied the DAR for the exclusion of his farm from land reform. Earlier, the DAR central office had in fact issued another order declaring that only 154 hectares were to be covered by the compulsory acquisition order and urged the peasants to accept this decision and, if necessary, to start a separate negotiation for the remaining portion of the estate. The peasants did not agree. They wanted all the land contained in the original CLOA: 264 hectares, no less. They launched a series of collective actions at the regional level, including the padlocking of the DAR regional office in Legaspi City, to dramatize their protest against the unfavourable decision on their case. However, little progress was made in the land claim.

On 12 March 2002, the peasants, now organized under PACOFA (Paulog Coconut Farmers’ Association, which has affiliated with UNORKA), launched
an invasion of the property. They numbered some 120 people, composed both of beneficiaries and of other landless peasants who were not in the CLOA list of beneficiaries. They erected a makeshift camp and started to cultivate the land. The landlord retaliated by filing six criminal charges of theft against eighty-nine peasants, twenty-four of whom were arrested and jailed. Since the peasants had to hide from the police to evade arrest and detention, there was a temporary setback to the campaign. A few months later, however, the peasants regained their political momentum. A series of dialogues, negotiations, and petitions were carried out at the national offices of the DAR. The PACOFA peasant leaders, together with their national allies (UNORKA and PEACE) also held dialogue-negotiations with the national police and the Department of Interior and Local Government to complain about the landlord’s use of the local police to harass the peasants and confiscate their coconut harvests. The peasants also held dialogues with the Department of Justice and the Supreme Court Administrator to address the “criminalization” of land reform–related cases, which, they believe, is unjust. The national DAR affirmed its decision to expropriate the 264 hectares. The landlord appealed the case to the Office of the President (OP). The peasants and their allies launched a lobby of the OP, assisted by elite allies who had access to the presidential office. The OP affirmed the DAR’s decision.

Emboldened by the series of legal victories, the peasants re-invaded the estate. By November 2002, the peasants were able to retake and maintain firm control of about 150 hectares of land; they have been able to harvest coconuts and plant other crops. This time they have enjoyed the full support of the DAR. Meanwhile, the landlord has pursued his criminal case against the peasants in court, while a petition for exclusion of some portion of the land has also been filed before the Court of Appeals. Clearly, however, at least for the time being, the peasants have been able to take effective control over the land.

DAPCO, Davao del Norte

In this case study, farmworkers were pitted against a multinational corporation (MNC). The estate in dispute, located in Panabo, Davao del Norte (Region 11, Southern Mindanao), involved 1,024 hectares planted to banana and controlled by Stanfilco, the plantation division of global giant Dole. In 1965 the actual landowners, under the name of their joint corporation, Davao Abaca Plantation Corporation (DAPCO), leased the estate to the Standard Philippine Fruit Company or Stanfilco. Dole-Stanfilco used to run their plantations directly, but began experimenting with a contract farming scheme. The contract farming mode of operation tends to be more profitable and less risky...
to MNCs, because under this arrangement foreign companies are no longer confronted with perennial irritants like the minimum wage law, autonomous unions, lease rental issues (when the land is privately owned and landlords demand high lease rental rates), and other risks (natural or otherwise). Contract farming squeezes optimal profits from small producers, especially when there is a near monopoly over the marketing and processing of products by one MNC or a few big ones, as is the situation in the Philippines (see, e.g., Watts, 1994; White, 1997; Vellema, 2002). Equally important, these companies are attracted to the contract farming scheme for political reasons, since with this arrangement they are no longer adversely affected by land reform. This case can be better viewed with these considerations in mind.

Right after CARP was promulgated, the landlords of this estate seized the opportunity for coverage deferment of ten years. In 1991 the regional DAR office in Davao gave them a deferment permit for the 870 hectares they had leased to Stanfilco, the contract for which was set to expire in 1995. The remaining 134 hectares, devoted mainly to rice production under the name Mindanao Rice Company (Minrico), were placed under CARP, although the expropriation process did not begin until later. The post-1992 period, however, brought a confluence of factors that, working against the landlords, facilitated redistribution of the previously excluded 870 hectares to the farmworkers as well. On the one hand, after the policy debate on the land reform program in 1987–1988, the MNCs realized that better profits could be made on a “reformed plantation” where contract farming would supersede the direct operation system or land lease contracts with private landlords. At this time, Stanfilco was paying the landlords US$ 700 per hectare per year lease rent (DAPCO, 1985). On the other hand, the new DAR leadership had by then begun looking for an opportunity to publicly demonstrate its resolve to implement land reform on MNC-controlled plantations in Mindanao. As a consequence of their altered mindset, both Stanfilco and the DAR directly encouraged the mobilization of the estate’s unionized farmworkers in favour of land redistribution. The interests of Stanfilco and DAR converged: For Stanfilco, the goal was to secure a favourable contract with the beneficiary cooperative that was better than the deal with the landlord; for the DAR, it was to use a “successful” land redistribution case in a major plantation to shore up its sagging public image prior to Garilao’s take over of the central leadership.

Thus in 1993 the existing association SEARBAI (Stanfilco Employees’ Agrarian Reform Beneficiaries Association, Inc.) moved to legally challenge the deferment permit that had been granted for the 870 hectares. Backed by
Stanfilco and the DAR national leadership, the DAR regional office decided in favour of the farmworkers’ petition, revoking the deferment order for the 870 hectares and subjecting the estate to expropriation upon expiration of the lease contract with Dole. The landlords appealed the case twice before the DAR national office but were rejected both times. In January 1995, in a highly publicized ceremony graced by the DAR secretary himself, a “mother” (collective) CLOA for both the 134-hectare Minrico area and the 870-hectare Stanfilco plantation was issued. On the same occasion, a new contract between Stanfilco and the “new landowners,” represented by SEARBAI, was publicly presented and hailed by the DAR secretary as the “model” for other plantations. But the subsequent turn of events revealed the model’s onerous nature.

SEARBAI, the farmworkers’ association, had been formed in 1991. This gave legal status to the workers, who had sought such status in response to a series of retrenchment campaigns implemented by Stanfilco since the late 1980s. The retrenchments aimed to purge the plantation of claim-makers within the CARP framework, and particularly to get rid of militant union leaders and members. The formation of SEARBAI was also part of a widespread campaign launched by various labour unions in anticipation of land reform implementation on plantations. The campaign, however, was rather hastily organized and various trade union issues were largely left off of the agenda (e.g., the plight of seasonal and retrenched farmworkers, production and profit shares, separation pay). These omissions would ultimately prove disastrous to the struggle of farmworkers for land reform.

Before the formation of SEARBAI, many of the workers had been members of a farmworkers’ union, NAMASTAN (Nagkakaisang Manggagawa ng Stanfilco or United Workers of Stanfilco). The original incorporators and master list of SEARBAI members were all NAMASTAN members. Prior to 1993, the chairperson of NAMASTAN and 48 other workers were laid off by Stanfilco after leading a strike against the company based on contested union issues and demands. From then on, Stanfilco stood firm in excluding the retrenched workers from land reform benefits. But the third wave of leadership in NAMASTAN, which assumed leadership of SEARBAI shortly before 1993 (despite the absence of a formal election or assembly), showed a willingness to cooperate with Stanfilco. This was motivated by the fact that the lease contract of the MNC with the landlords was about to expire, meaning an opportunity was at hand to review the case of the estate for land reform.

By the end of 1994, a memorandum of understanding (MOU) governing the new relationship between the company and SEARBAI had been drawn up. At this point, the declared membership of the cooperative was 482. Eager
to begin contract growing arrangements, Stanfilco even helped SEARBAI expedite the expropriation by lending it a huge amount of money for the land survey and other expenses. The MOU, which was endorsed by the PARO, committed the farmworkers-turned-landowners to a twenty-five-year contract with Stanfilco. But several SEARBAI members who had not been part of the negotiations were surprised by the MOU and outraged by its contents. They questioned the contract on the basis of process and substance. They contended, first, that it had not resulted from a process of consultation with all SEARBAI members and, second, that it was disadvantageous to the workers since their incomes would be substantially reduced.

Under the new contract, Stanfilco would pay PhP 22.50 (US$ 0.60 at 1994 foreign exchange rates) per 13-kilogram box of bananas, a very low price by the standards of the banana business. Many of the farmworkers also questioned the MOU’s provision for separation pay, which Stanfilco had used as leverage to clinch the onerous contract. The company had made it appear that giving separation pay was an act of generosity from their side, even though Philippine labour laws required them to do so. (When an employee-employer relationship is severed, under certain conditions, the employer is obliged by law to pay separation pay, which is computed based on the worker’s length of service. In the context of the banana plantation, this meant a substantial amount of money.) Stanfilco explicitly stated that it would not give separation pay if the farmworkers did not agree to the MOU. Moreover, the same MOU excluded thirty-seven farmworkers plus some other employees. Many of those excluded were the leaders of the earlier strike against Stanfilco who were subsequently laid off on the eve of the expropriation process.

The problems concerning the terms of the MOU revealed the relatively uncritical stance the DAR national leadership had taken toward Stanfilco’s earlier moves and its rather narrow concern only with formal transfer of land from private landlords to farmworker-beneficiaries without probing deeper into the question of effective control over the awarded lands. The workers’ criticisms were later accepted by many regional DAR officials, who began to be vocal about them when more dissidents from the workers’ ranks began to emerge.

The disagreement over the terms of the MOU eventually caused a split in SEARBAI: one group (SEARBAI-1) defended the MOU and another (SEARBAI-2) rejected it. The anti-MOU SEARBAI-2 filed a case with the DAR Adjudication Board (DARAB), calling for nullification of the MOU due to its onerous terms, the issue of inclusion/exclusion of several farmworkers, and SEARBAI-1’s questionable mandate to represent the farmworkers. From mid-
1995 to the end of 1996, three successive cooperative elections were held by “SEARBAI members” through the initiatives of SEARBAI-2. In all elections, SEARBAI-2 candidates won the presidency. The first two elections, however, were legally contested by SEARBAI-1 and eventually declared null and void by the SEC on technical grounds.

SEARBAI-2’s apparent influence over the majority of farmworkers, as highlighted by the election results, prompted Stanfilco to negotiate with the second group. After some improvements were made in the wage conversion terms of the MOU, a new covenant was forged between the company and SEARBAI-2. But the second group still failed to address contentious issues that had motivated many workers to reject the first MOU: exclusion of a number of farmworkers and other wage and non-wage benefits. Meanwhile, SEARBAI-1, put on the defensive, petitioned the DAR to split the estate between the members of the two cooperatives, signalling its acquiescence to the new covenant forged between SEARBAI-2 and Stanfilco. In October 1996, the PARAD granted the petition, giving formal recognition to the two cooperatives. This new arrangement, however, also implied the exclusion of farmworkers outside of the cooperatives, a pre-emptive move by the two cooperatives, since it was widely believed that those excluded were precisely the ones Stanfilco had vowed to “punish” for their militant unionism in the past.

Feeling betrayed again, most of the twice-excluded farmworkers, joined by others from the two SEARBAI cooperatives who were dissatisfied with the terms of the second MOU, began to strategize on a possible course of action. They sought the assistance of a group of community organizers affiliated with the Mindanao Farmworkers Development Foundation (MFDF), a network of the PEACE Foundation. Among the farmworkers within this group, a common sentiment emerged in favour of “individual titling” as a way to escape any onerous contract that Stanfilco might try to impose under a collectively owned farm. Several sympathetic regional and national NGOs and political organizations were called in to assist, including media groups, which started to train their lens on the Stanfilco case. Also at this point, international solidarity groups extended political support by reporting the issues in their newsletters, raising “action alert” calls, and sending petitions to the government. This international solidarity was sustained throughout the conflict.

The emerging coalition of forces was later joined by an unexpected actor: one of the expropriated landlords (the late Antonio Javellana), who also felt betrayed. This landlord had wanted full market rate compensation for the estate after his appeal for land reform deferment was rejected. (DAPCO land
was valued at only PhP 65,000/hectare, while an adjacent similar estate was valued at PhP 125,000/hectare; by 2000, the average estimate of the LBP of the value of a hectare of prime banana farm was some PhP 275,000/hectare; the Floirendos originally asked for PhP 750,000/hectare price for their land.)

DAPCO has a pending appeal before the court for a higher valuation. Yet this appeal has been frustrated by both the company and the DAR. For the DAR, which might have viewed Stanfilco as strategically a more important player than the landlord, a lower price for the estate was desirable and justifiable. For its part, Stanfilco preferred a lower value for the land because it would translate into a lower production cost for bananas and therefore lower farm gate prices. Motivated by the desire to get even with both the company and the DAR, the landlord politically and logistically supported the actions of the third group of farmworkers. He started to divulge to the farmworkers’ groups and their allies the “ins and outs” of the banana business, especially its oligopolistic practices. Public criticism by many DAR officials of the contents of the MOU also served as indirect encouragement to the twice-excluded but now doubly determined farmworkers.

Emboldened by the convergence of external allies, the disenfranchised farmworkers launched a series of land occupations. Three waves of land invasion began in mid-January 1997, placing more than 200 hectares under their control. The first invasion was accomplished by thirty-seven farmworkers who occupied 40 hectares; the numbers of succeeding land-invaders swelled and the areas expanded. The actions, which lasted for two months, brought the company’s operations to a halt. As if to demonstrate a more just and feasible alternative, the group harvested bananas and sold them to buyers at a much higher price — PhP 60 per box compared to the PhP 22.50 in the original MOU.

Meanwhile, Stanfilco, together with SEARBAIs 1 and 2, was able to secure a temporary restraining order from the court to stop the land invasion initiatives of farmworkers, who by then were calling themselves ALDA (Active Leadership for the Development of AgriWorkers). The restraint order was enforced by the military, police, and paramilitary groups who remained in the area as the land invasions continued. This combined force was later responsible for breaking through the barricades erected by the farmworkers. Twelve farmworker leaders were arrested and imprisoned for several days on robbery charges filed by Stanfilco and the two SEARBAIs. But ALDA members held their ground.

From its first day the land invasion was covered by the regional and national press. The media attention lasted several months and had a significant impact.
on the players. Media reports of the conflict put Stanfilco on the defensive, at the same time embarrassing the DAR national leadership. Political support from allies heightened and widened as a result. The media’s timely and high-profile projection of the controversy helped to avert violence when the military came into the picture. During the standoff, the DAR initiated a mediation session between all the farmworkers’ groups and Stanfilco to thrash out the question of inclusion/exclusion of farmworkers as CARP beneficiaries. A well known national trade union leader who had previous connections with the farmworkers’ organizations was asked to lead the mediation process. This was preceded by top-level negotiations between allied NGOs (PEACE and PARRDS) and pro-reform forces within the DAR on how to resolve the conflict. For three days and two nights, while the meeting was going on, ALDA members pitched camp in front of the mediation centre to keep up the pressure on the different parties. The result was a consensus decision to recognize all three groups as legitimate farmworker beneficiaries of land redistribution. ALDA, with its 124 members, was allotted 134 hectares, while the largest farmworkers’ group, SEARBAI-2, got the biggest chunk of land. The ALDA members returned to work as usual in early April. Although the terms of the second MOU were not tackled during the mediation session, the groups did agree to address the matter in a different venue in the future. That meant that, for the time being, ALDA was bound by the old MOU and had to sell its bananas only to Dole under the onerous terms. In addition, it was made clear that ALDA’s advocacy position was to press for individual titling to give the farmworkers-turned-landowners room to manoeuvre in case no fair contract could be forged with Stanfilco. Individual titling would also serve as a built-in check on possible corruption in a cooperative mode of land ownership. Thus, the peasants would have the option of individual farming in the future. The partial resolution of the conflict gave farmworkers the breathing space they needed to intensify their post-land reform struggle.

After a year, however, a major mobilization erupted. In August 1997, ALDA padlocked the gate of the DAR office in Davao after the farmworkers became frustrated by the DAR’s slow action on their demands to be freed from the MOU binding them to the onerous terms of the Stanfilco contract. ALDA was furious because other buyers were willing to pay US$ 2.80 per box compared to Dole’s US$ 0.60. The two SEARBAIs joined ALDA in its petition for higher banana prices. Further negotiations with DAR and Dole-Stanfilco were to no avail. The three groups decided to go on a farm strike: They refused to pick bananas for several weeks. Both Stanfilco and the beneficiaries were losing money, but the beneficiaries sustained their action. The DAR was
forced to release a “disengagement order” for Stanfilco and the beneficiaries
with regard the old contract. Politically and legally on the defensive, Stanfilco
offered to buy the bananas at US$ 2.60 per box. The two SEARBAIs quickly
agreed and resumed normal operations.

ALDA, however, refused to take the offer, demanding $2.80 per box and a
“re-opening clause” in the contract — a safety valve in case there was a need
to review the contract later — since the contract with Stanfilco was for twenty-
five years. ALDA remained confident because another buyer was offering
a contract with better terms. The DAR did not act on the ALDA petition,
however. In February 1998, ALDA members pitched camp in front of the DAR
regional office in Davao. This action lasted for weeks with no positive action
coming from the DAR. Frustrated and desperate, with their families going
hungry, they hauled truckloads of bananas from their farm and dumped them
at the main gate of the DAR office, blocking the entire compound with a huge
mound of bananas. This tambak saging (banana dumping) was played up in
the national and regional media, the city mayor intervened, and the DAR
was furious. The action ended after three days, with the DAR giving in to
ALDA’s demands. In the first week of May 1998, almost five years after the
process of land redistribution was started, the ALDA beneficiaries had their
most decisive victory: the freedom, through a DARAB decision, to sell their
bananas to whomever they wanted — breaking free of Stanfilco’s control.

In late 1999, the DAR granted ALDA’s demand for individual titles to
the land — a significant breakthrough in the plantation belt of Mindanao.
Subsequent struggles for land redistribution of Mindanao plantations, even
those earlier redistributed through collective CLOAs, started to look at and
follow the experience of ALDA. The group chose to shift production strategy:
from Cavendish bananas for export, to a local variety (lakatan) for the domestic
market; from collective farming in a collective CLOA, to individually owned
and farmed plots but using a cooperative processing and marketing operation.
The new strategy has been promising financially and operationally despite
difficulties. Subsequent organizational divisions occurred in all of the different
groups, but these divisions were based more on farm operational differences.
Finally, in 2001, yet another group of former Stanfilco farmworkers who had
not joined any of the three groups launched sustained invasions of the untilled
portions of the former plantation. As of this writing, their case was being
deliberated within the DAR.

The Salomon Estate, Nueva Ecija

In Sitio Poultry, Barangay Magsalisi, Jaen, Nueva Ecija (Region 3, Central
Luzon), about a four-hour drive north of Manila, thirty-eight tenant-peasant
households have been cultivating the 49-hectare Salomon estate. Planted to mango trees and vegetables, the farm was part of a bigger estate, Hacienda Gonzales, where most of the Salomon tenants used to work. In 1972 the farm was bought by the wealthy and politically powerful Pablo Salomon, who established the standard 70-30 tenancy arrangement, in favour of the landlord and with the tenants shouldering the bulk of farm expenses. A former mayor of the nearby town of San Leonardo, the landlord had built and maintained a network of elite allies at the provincial level. His reliance on more “carrots” and fewer “sticks” marked the patron-client relationship with the tenants who worked his farm. By the late 1980s, the mango industry began experiencing a dramatic market boom domestically and internationally, prompting the government to declare this sector an “export winner” and grant a ten-year deferment of the redistribution of untenanted lands planted to mango under CARP. These became the twin incentives for Salomon to oppose the land reform program.

In 1988, anticipating possible expropriation of his farm under CARP because it was a tenanted mango farm, the landlord manoeuvred to evade reform. Using the existing patronage relationship, he “borrowed” from the tenants the right to cultivate the land for one year, ostensibly to pay off his heavy personal debts. Feeling morally obligated, the tenants readily complied with this special, temporary arrangement, even though it jeopardized their own subsistence. To complicate the matter, the landlord induced the tenants to sign a document about this special arrangement, a weapon he would later use against them in court. In addition, the peasants, whose forebears had been tenants on the same land, had no receipts of the land rentals that had been paid to Salomon since 1972.

Unbeknownst to the tenants, the landlord had in 1989 applied for a ten-year deferment of CARP coverage of his estate, claiming it was an untenanted orchard. When the one-year special arrangement ended, he refused to give the peasants back their tenancy rights, despite appeals by peasants to resume the old tenancy relationship. Feeling betrayed and deprived of their main source of livelihood, the peasants resolved to fight for resumption of the previous arrangement. Despite the existence of the signed agreement and their lack of receipts to bolster their claim to the land, the tenants decided to bring their case to the BARC and the MARO. Instead of responding immediately to their inquiry, the local DAR officials passed the petition to higher DAR offices. The peasants later learned from local DAR officials that the landlord had pressured them to decide in his favour.

After a cautious calculation of the overall situation, the BARC-MARO handed down a decision that went way beyond the peasants’ demand for
tenancy resumption: It ruled that the land ought to be redistributed to the peasants. The peasants, with the memory of how the landlord had stripped them of their source of livelihood still fresh, unanimously agreed to elevate their demand to land redistribution. Confronted by a tactical defeat, the landlord apparently laid down a fallback position. While his petition for deferment was pending, he applied for the retention rights of his children, involving a total of 18 hectares, and at the same time took his case to the provincial level, where he seemed to have greater influence. This evasive move was revealed later when the PARAD, reversing the earlier decision of the BARC-MARO, ruled in favour of the landlord’s petition for a ten-year deferment. With this decision, the window of opportunity for the peasants to gain ownership and control of the land seemed to close. Indeed, from 1989 to 1991 the Sitio Poultry families mobilized amongst themselves in their municipality without making any significant progress toward getting back the land.

Then in early 1992, they made contact with an NGO, which led to an important breakthrough for them in their ongoing struggle for the land. The NGO, the Nueva Ecija People’s Assistance for Development (NEPAD), a network member of the PEACE Foundation, was actively involved in land reform initiatives in the province. The NEPAD was working with the Malayan Kaisahan ng mga Samahang Magbubukid sa Nueva Ecija (MAKISAKA, Movement of Free Peasant Associations), which was a member of the national federation BUTIL (Bukluran ng mga Tagapaglikha ng Butil or Federation of Grain Producers). Hearing of the peasants’ dilemma through MAKISAKA, the NEPAD activists contacted them and offered assistance in the form of organized support and legal advice. The peasants, who were in dire need of allies, welcomed the NEPAD’s offer. Together, the peasants and the NEPAD activists reviewed the Salomon estate case, consulting lawyers about the legal parameters of the dispute.

Reinvigorated now by the entry of their allies, the peasants took the case beyond the municipal level, since the local DAR, though sympathetic to them, had earlier been overruled by the PARAD. Together with the NEPAD activists, the peasants put pressure on the provincial DAR office, demanding the recall of the earlier PARAD decision to defer land redistribution on the Salomon estate. But despite a series of mobilizations — demonstrations, pickets and dialogue-confrontations — the provincial DAR stood firm on its decision favouring the landlord. The peasants then took their case to the DAR national office, a move facilitated by the NEPAD, which coordinated with its national network NGO based in Manila to provide legal, political, logistical, and media support. These NGOs shouldered a substantial portion of the peasants’
transportation costs, provided them with food and accommodation in Manila for several days, helped to produce public information materials, and sought further legal assistance. A series of collective actions were conducted at the national level: pickets, a dialogue-confrontation, mobilizing media groups to report their plight, and pitching camp in front of the national DAR office. Yet despite the effort, nothing seemed to move in the peasants’ favour. The DAR at this point was still controlled by the conservatives. Despite the mobilizations, therefore, the case seemed to have “slept” at the DAR national office. When the new DAR leadership under Garilao took over in July 1992, however, the Sitio Poultry peasants and their allies saw some signs of hope. But the new DAR leadership could not yet attend to many local cases. In fact, it would take Garilao’s DAR more than a year just to complete the internal “clean-up” it launched when he came to power.

In August 1992 the tenants decided to assert their claim over the land by forcibly occupying it and commencing crop cultivation. They were encouraged by the new leadership in the DAR and their new political-organizational network. Their invasion of the land was a major, albeit calculated, gamble, since CARP contains a clause against “premature entry” of peasants onto contested lands. But these considerations did not deter Sitio Poultry peasants from invading the land, perhaps partly because of conflicting legal advice from lawyers who pointed out the ambiguity of the law on premature entry. Meanwhile, the peasants’ NGO allies mobilized media from Manila to publicize their action in order to publicize the problem nationally.

The landlord was furious. Surprised and angered by the action of those who used to be his timid clients, he sent three armed men to harass them on 3 August 1992, the first day of the land invasion. Unfazed, the peasants continued their barricade and farm work. But at midnight that same day, while they were evaluating the day’s activity, known goons of the landlord fired at them with automatic rifles. Two local paramilitary personnel (Citizens Armed Force Geographic Units, CAFGU) who were members of the peasant organization and involved in the land invasion fired back. Gunshots were exchanged for several minutes, killing four peasants and two of the landlord’s goons and wounding several others.

The violent incident captured the headlines of the country’s major newspapers — especially because one of the wounded was a field reporter from a national newspaper covering the land invasion. The violence put strong pressure on the new DAR leadership to act expeditiously on the land dispute, while placing the landlord in a defensive position that saw many of his provincial political patrons distancing themselves from him. The peasants,
even more determined now, continued to occupy the land. In addition, the group formally affiliated itself with the provincial peasant organization MAKISAKA, which in turn later became affiliated with DKMP. Thus from late 1993 onward the national organization used its political muscle to exert added pressure on the DAR to resolve the dispute positively and quickly. The process of mobilizations at the national level, facilitated by their allies, also gave the Sitio Poultry peasants the opportunity to meet other peasants from different parts of the country who were likewise involved in land reform struggles. Such encounters played an important role in providing a broader (i.e., national) perspective to their local initiatives. But the landlord continued to employ various legal tactics to block the implementation of land reform on his estate, while the new DAR leadership remained caught in the complicated process of reorganization and reorientation.

As a result, it took 17 months of persistent pressure from the peasants and their allies for the DAR to disentangle itself from the landlord’s legal machinations. In January 1994, the DAR revoked the earlier deferment clearance and issued a “mother” CLOA, but only for 23 hectares. Eight hectares were awarded to the landlord’s son as his retention rights. The 18 hectares planted to some 500 mango trees were not awarded to the peasants, pending an appeal by the landlord in court. But unlike in the past, the DAR national office at this stage rejected all of the landlord’s petitions, forcing him in 1995 to appeal his case to the OP for deferment. The DAR prodded the peasants to file a counterclaim at the same office. Eventually in 1996 the remaining 18 hectares were awarded to the peasants.

The Sitio Poultry peasants’ victory had a spillover effect in the adjacent towns. The defeat of a landlord, the active role demonstrated by the new DAR leadership, the valuable assistance extended by the NGO allies, and the positive role the media played in the land dispute were all captured by the keen, observant eyes of other peasants in the province. By mid-1997, within the network of NEPAD and its partner peasant organizations, more than 12,000 hectares, both private and public, were redistributed to peasant beneficiaries.

Roxas Hacienda, Batangas

The land dispute in this case involves a sugar cane plantation of some 2,000 hectares in Nasugbu, Batangas (Region 4), a two- to three-hour drive south of Manila. The hacienda, located along the national highway, is owned by a powerful landowning family in Batangas that also controls sugar mills. The landlord’s political connections transcend the provincial boundaries to reach the national political centre.
For a long time, the kasamá (share tenancy) system prevailed at the hacienda under 50-50 sharing terms, with the tenants shouldering all production costs. There was resentment among the tenants, however, with regard to the terms of tenancy. Negotiations with the landlord led to a tenurial change some years before the CARP era. The sharing system was transformed into leasehold: The peasants paid fixed rental to the landlord equivalent to 25 percent of the average net produce, and the peasants shouldered all production costs. Side by side with the tenants were many farmworkers. Thus, in all about 1,000 peasants were working the land.

In 1991 talk of possible expropriation of the hacienda under CARP reached the peasants. The local DAR started to visit the peasants to talk with them about the possible expropriation of the estate, and community organizers from an NGO (the PEACE Foundation) approached them on the same issue. The possibility of full ownership of the land pushed the tenants to agree to the proposals to acquire the land through CARP. The DAR and the NGO activists started to work with the peasants — but only the tenants, because the farmworkers formed their own network with militant trade union, the National Federation of Sugar Workers, or NFSW. A series of collective actions were launched, from the local DAR all the way up to the central office. In an interview with the author, one beneficiary proudly recalled that they pitched camp in front of the central DAR office and were almost literally blown away by a strong typhoon. But they, together with their allies, persisted in pressuring the national DAR to give in to their demand that the estate be expropriated.16

In October 1993, the Garilao DAR issued a compulsory acquisition order expropriating the hacienda. The tenant group formed the cooperative Katipunan ng mga Magbubukid sa Hacienda Roxas, Inc. (KAMAHARI, Council of Peasants in Hacienda Roxas), although this arrangement was legally formalized only in 1995. KAMAHARI, with its nearly 500 members, was awarded about 1,400 hectares of land, although this was mostly in the form of several collective CLOAs for a number of smaller expropriated land parcels. The tenants recognized that there were farmworkers even within their own ranks who were family members of beneficiaries and thus also had rights to land, and ultimately their demand for land was also met. In the end, some beneficiaries got a hectare, others three hectares, and still others one and a half hectares. The separate group of trade union-organized farmworkers also got about 500 hectares. A little over 100 hectares was retained by the landlord. The hacienda was valued at some PhP 70,000 per hectare.

However, from the start, the landlord objected to the expropriation, arguing that some portions of the land were in fact exempt from CARP
because of an earlier (Marco-era) zoning order that declared those parts of the hacienda tourism areas. Also the landlord claimed there were technical problems in the expropriation process because the Notice of Coverage served by the DAR was given not to the owner but to the hacienda administrator, who is not authorized to receive such a document. The landlord pursued his case to the Supreme Court. Meanwhile, the DAR proceeded with the expropriation and redistribution.

While it has not been an easy transition for the peasants, their progress in farming their own land has been promising. External assistance from NGOs, both Philippine-based and from abroad, has been relatively generous and has proved crucial during the difficult process of making a plantation under new terms and keeping the reformed plantation as financially viable as possible. A large national NGO, Philippine Business for Social Progress (PBSP), was asked by the Garilao DAR to assist the KAMAHARI peasants. The PBSP’s assistance began in the late 1990s and continues up to the time of this writing. This assistance covers socioeconomic programs and, recently, legal defence.

The landlord won a partial tactical victory when the Supreme Court recently ruled that some technical errors might have been committed in the expropriation process, and so ordered the resurvey of the plantation. It was a vague ruling, but enough for the peasants and their allies to feel an immediate threat: They had reason to fear that their farm could be reverted back to the landlord. In “backdoor” negotiations to settle the case, the landlord indicated that he was not keen on taking back all of the land. But he was interested in getting back the most commercially valuable portions, those along the national highway. The peasants did not agree, however, and the negotiations collapsed. As of the time of writing, the peasants were fighting back legally, emboldened by the assistance of their ally, the PBSP, which has recruited an activist lawyer to defend their land. Yet, the battle is not over, and the peasants and their allies remain worried.

**Operation Land Transfer (OLT) in rice and corn lands**
There are ambivalences and contradictions in the attitude of many activists on the issue of rice and corn lands within CARP. Many tend to dismiss the importance of CARP-era achievements in the rice and corn sector through OLT, generally insinuating that it is an “old” reform project and so cannot be claimed by CARP, or that rice and corn are no longer important in the national economy and thus land redistribution can be easily implemented. Yet, these same critics are at the forefront of protests against land use conversions and land reform reversals, which have usually occurred on ricelands. The local
case analyzed below calls the dominant assumptions about OLT into question; it shows that there are few essential differences between the compulsory acquisition and OLT modes.

The conflict in this case involved some 6,000 hectares of irrigated ricelands in Candaba and San Luis in Pampanga, Central Luzon. This area, popularly known as the Candaba swamp, produces an annual rice and vegetable crop during the dry season. During the rainy months the whole area is submerged by runoff from the Pampanga River. The overflow from the river brings freshwater fish onto the flooded farms, giving the area its unique dual character as a farmland and fishery ground. The unique natural endowment of the swamp makes its fishery potentials financially attractive to landlords. These farms were left untouched by the Marcos land reform.

The area has a history of violent peasant protest. The Candaba swamp was a hotbed of uprisings in the past, notably in the 1930s and during the Huk rebellion of the 1940s and 50s. Candaba was one of the cradles of the Hukbong Mapagpalaya ng Bayan (HMB, People’s Liberation Army) of the (old) Partido Komunista ng Pilipinas (PKP). The area is also known as Huklandia, and the peasants there are conscious of their history of organized and militant armed struggle. Even after the demise of the HMB-PKP, the peasants continued to struggle, and have succeeded in lowering land rents since the 1960s. According to villagers, some sixty of their comrades have been killed over the past few decades in these struggles. But all this persistent peasant protest still did not succeed in changing the land property relations in these communities — until an opportunity from above emerged in the shape of CARP.

In the late 1980s, CARP created an atmosphere of “guarded optimism” among the peasants. After several years of implementation, however, there was still no sign of CARP reaching the Candaba–San Luis farms. In 1991, unknown to the peasants, the landlords had tried to secure deferment permits for their estates from the DAR regional office on the grounds that the farms were essentially fishponds and not rice farms. The peasants discovered the landlords’ scheme only later, when they began to mobilize by seeking an audience with local DAR officials. Discovering that the local DAR was said to be ready to grant the landlords’ requests, and aware of their landlords’ political clout, the peasants used their historical and individual connections with political organizations to contact the provincial centre of the PEACE Foundation, which was engaged in similar land disputes in adjacent towns. After carefully studying the parameters of their struggle with regard to the provisions of the law, the peasants, together with their new NGO ally, started to mobilize representatives to the local and regional DAR offices. They made little
progress, however, since the local DAR personnel were apparently influenced by the powerful landlords and would not respond to their counterclaim.

The change in the national DAR leadership in mid-1992 renewed the peasants’ hopes. During the delay in the process of resolving their case caused by the transition in the DAR bureaucracy, the peasants and their allies were able to consolidate, joining a number of villages into a relatively coherent force. Seasonal farmworkers also became active participants in these mobilizations. In April 1994, they formed an ad hoc organization of tenants and farmworkers called *Malayang Magsasaka ng Candaba at San Luis* (MMCSL, Free Farmers of Candaba and San Luis). The peasants carried out a series of picket-dialogues and street demonstrations directed at local and national DAR bureaucracies. Their NGO ally provided a substantial portion of their logistical needs, from transportation to food and accommodation in Manila. They also brought in the media to cover the issue and facilitated a direct interface between the peasants and the proper authorities within the DAR bureaucracy. These mobilizations brought to the fore the key features of this specific land dispute, which, in turn, caused a split among the local DAR officials between those who supported the deferment permit and others who wanted to push for immediate expropriation. But the same process led to a consensus within the new DAR leadership, which may have seen in the case an opportunity to demonstrate its commitment to reform. The DAR national leadership seemed to realize that, for the same amount of effort needed to deal with a 10-hectare landholding, they could acquire and redistribute 6,000 hectares. The positive response from the national DAR boosted the morale of the pro-reform alliance that had formed around the Candaba–San Luis community, encouraging the mass entry into the organization of thousands more tenants and farmworkers who had previously stayed away for fear of reprisals from their landlords. This broadening participation in the struggle, which at this point numbered some 3,000 peasants, inspired the members to escalate their collective actions. They began setting up camps in front of the provincial and national DAR offices, a move that brought them coverage in the national media, putting the landlords on the defensive politically.

Finally, in August 1994 the DAR rejected the landlords’ petition for deferment and ordered the expropriation of 3,000 hectares. The landlords made a last attempt to block the reform, but when they realized the decisiveness of the pro-reform moves, they backed off and shifted their strategy to demanding very high compensation. Victory was secured, since under CARP provisions, land redistribution can proceed despite the protests of the landlords over the issue of compensation. Subsequently, even the landlords’ demand for high
compensation was rejected by the LBP. However, at this point the victory was only partial, because the DAR was willing to redistribute only 3,000 hectares, benefiting around 1,000 peasants (out of some 3,000 potential beneficiaries). Suspecting that either the landlords had been able to manipulate the process or that the local DAR offices had simply been inefficient, the peasants and their allies resumed their mobilizations to press for the entire 6,000 hectares to be redistributed and for more peasants to be included as beneficiaries. Finally, in January 1995, the DAR announced the expropriation of some 5,000 hectares, pending LBP procedures related to the landlords’ compensation protest. Victory was clinched. But the land struggle in Candaba–San Luis is not yet over. At the time of this writing the conflict continued over the remaining 1,000 hectares, which was still not covered by expropriation and redistribution.

“Coerced volunteerism” via VOS

Many observers of the CARP process continue to conflate VOS with VLT, and vice versa (e.g., Riedinger, Yang and Brook, 2001; see also Bello, with de Guzman, 2001). As the discussion on VLT in the previous chapter shows, the two schemes are not the same, nor are they related despite the word “voluntary” being common to both. In fact, on many occasions, VOS is closer to the CA mode (i.e., it can be expropriatory and lead to redistributive reform). But again, even this phenomenon must be understood in a context in which the compulsory acquisition mode hangs over the landlords. In relative terms, the VOS scheme is “softer” than a CA. The cash portion in the compensation to the landlord is 5 percent more than when land is expropriated under the CA mode. But there is also a corresponding decrease of 5 percent in the bonds portion, so that there is no actual price difference. Moreover, DAR officials tolerate the landlords’ putting forward “special requests” under VOS, the most usual ones being additional hectares under effective retention, choice lands under retention, and additional beneficiaries recommended by the landlord. This does not necessarily significantly dilute the essentially redistributive character of VOS. Many of the VOS-based land transfers in fact involve land where the previous owners at first opposed expropriation. As the pro-reform forces tilt the balance of power in the peasants’ favour, and the landlords realize the futility of their opposition, the latter tended to strike a last-minute compromise with the DAR to shift the expropriation process from the CA mode to VOS. The VOS scheme, under such circumstances, is essentially “coerced volunteerism.” The case of Superior Agro is a good example of this.

The estate involved in this case is the Superior Agro corporation located in San Francisco, Quezon (Bondoc Peninsula; Region 4).19 It is a 540-hectare
coconut farm with some cattle on it, worked by more than 200 peasants (tenants and seasonal farmworkers). It used to be owned by two families, Ang and Yao, both based in Manila. The Ang family used to be the direct managers of the farm and employed the classic “carrot and stick” approach in dealing with the peasants, but with more “carrots” than “sticks” on most occasions. For this reason, the Ang family enjoyed the popular support of the peasants, or at least, a portion of them. The dominant sharing arrangement was 60-40 in favour of the landlords. In the early 1990s, the unified landlords got a favourable decision from the DAR on their petition to exclude the entire property from expropriation on the pretext that it was a livestock farm that complied with the exclusion rules stipulated in the CARP law. Most of the peasants did not object to the exclusion petition of the landlords and the DAR decision, at least not overtly. In fact, some of them even supported the move by the landlords.

However, in 1994, the Ang and Yao families reportedly had a serious quarrel that led the Ang family to sell its entire share in the corporation to the Yao family. When the Yao family took over the direct management of the farm, it dealt with the peasants differently, more with “sticks” than with “carrots.” The reason for the constant harassment was that the peasants were perceived as being loyal to the Ang family. At this point some NGO community organizers came to the farm to discuss the possibility of subjecting the landholding to CARP expropriation. The NGO was a partner of the Bondoc Development Program (BDP), a German government-funded (GTZ-operated) development project in the peninsula that included a component on land reform.

The deep feeling of having been betrayed by the landlord and the entrance on the scene of an ally emboldened the peasants to challenge the landlord. In 1995, 68 peasants petitioned for the expropriation of the property. The DAR was forced to review its earlier decision on the case. It soon decided to place 82 of the 540 hectares under compulsory acquisition. The landlord resisted and filed a legal appeal, reaching the Court of Appeals. But while the case was progressing through the courts, the landlord began to seriously harass the peasant-petitioners. In 1995–1997, fifty of the sixty-eight petitioners were forcibly ejected from the farm. This harsh move led to an impasse within the peasant group, which was aggravated by the departure of their NGO ally, which for various reasons had severed its contract with the BDP. At this point, demoralization among the peasants was deep and widespread.

In 1998, the BDP found another partner NGO (the PEACE Foundation) to take up where the previous NGO had left off in giving assistance to the peasants. Joint peasant-NGO planning sessions to assess and possibly reinvigorate
the campaign for expropriation were held. A three-pronged strategy was finalized: (i) reinvigoration of the petition for expropriation of the entire property, (ii) re-instatement of the ejected peasants onto the farm, and (iii) (temporary) leasehold contract enforcement invoking the law that bans share tenancy arrangements. The peasants’ morale was improved by this new sense of direction. They even formed their own organization: SMBSAI (Samahan ng mga Magsasakang Benefisyaryo ng Superior Agro Inc., the Association of Peasant Beneficiaries in Superior Agro, Inc.), whose well-known leader is an articulate, militant peasant woman popularly named Ate Becca.

In April/May 1999, the demand “from below” for leasehold contracts took the form of unilateral harvesting, copra-making, and marketing collectively done by the peasants. They refused to give the landlord the usual share. The landlord retaliated by filing numerous criminal cases against the peasants (estafa and theft), cordoned the property with barbed wire and hired armed security guards. The peasants and their allies escalated their campaign all the way to the national DAR. They joined other peasant groups from the Bondoc Peninsula in collective petitions for land redistribution. The SMBSAI become a founding member of the Bondoc peninsula–wide peasant coalition called Kilusang Magbubukid ng Bondoc Peninsula (KMBP, Peasant Movement of Bondoc Peninsula), which would later become a founding member of the national coalition, UNORKA. The Superior Agro peasant-petitioners joined the numerous peasant mobilizations in Manila, pitching camp in front of the DAR and confronting national government officials. They were also able to mobilize sympathetic national media. A television feature film was made about the peasant struggle and aired nationally. The landlord was beginning to feel the strength of the pro-reform forces — and the DAR was feeling the escalating tension.

In 1999, the Morales DAR ordered the reinstatement of the ejected peasants. It was a tactical victory for the peasants with strategic value. They could once again penetrate the farm and carry out a rent boycott. The landlord refused to obey the DAR order and managed to have three peasant leaders thrown into the municipal jail on charges of theft and estafa. But the peasants persisted in their rent boycott. Encouraged by the positive DAR decision, more peasants joined in the campaign. Politically on the defensive, organizationally unable to prevent widespread and simultaneous unilateral peasant claim-making initiatives such as rent boycotts, and legally uncertain, the landlord found his resolve to fight expropriation effectively broken. In 2002, he applied for VOS. At the time of this writing, the DAR was finalizing the details of the VOS, but with the current degree of power of the peasant organization and its allies, it appears likely that the terms will be redistributive.
Government financial institution–owned lands

The category of government financial institution (GFI)–owned lands within CARP pertains to estates owned by institutions such as the LBP or the Philippine National Bank, either as regular assets or through foreclosure. But it also includes landholdings of Marcos cronies taken over by the Presidential Commission on Good Government (PCGG). Some observers treat these lands as government-owned because, of course, by the time the formal land transfer is made, it is the government entity (the GFI) that is engaged by the DAR. Yet, under certain conditions, redistribution of these types of land to poor peasants can be real and significant: There is, in effect, a net transfer of effective control and ownership from a private elite entity to landless and land-poor peasants. A short story about a long drawn out battle over a GFI landholding demonstrates this.

The land dispute in this story involves the 279 hectares of coconut land owned by the Coconut Industry Investment Fund (CIIF).\textsuperscript{22} The CIIF is a government-controlled corporation formed during the Marcos regime. It is connected with the controversial “coconut levy fund,” a fund made up of monies from the levy imposed by the government on every kilo of copra that peasants sold. The amount of the fund was enormous in the early 1980s, running to billions of pesos. However, it is widely believed that through complex legal manoeuvres, some Marcos cronies, led by Danding Cojuangco, were able to gain control of the fund for their private interests. The legal case over who the real owners of the fund are was still being fought up to the time of this writing.

The CIIF is part of the extensive assets acquired through the levy fund.\textsuperscript{23} Some 120 peasants worked the CIIF land, which is located on the boundaries of the towns of Mulanay and San Narciso in Bondoc Peninsula, Quezon. Since the CIIF took over the land, there had been no clear, formal tenancy arrangement between the peasants and the corporation, although in general the peasants were not giving the CIIF any share of the harvest. Even so, they did not have full control and ownership of the land. In the early to mid-1980s, the communist NPA, which had begun to have influence over the villages that include the CIIF communities, began to agitate for the peasants to demand the redistribution of the land for free to the peasant occupants. The underground movement was well aware of the possible national political value of the CIIF because of its association with Marcos crony Danding Cojuangco. The peasants also felt that the land belonged to them because the previous owner’s title was legally dubious. With the support of the NPA, the peasant agitation for the expropriation of the CIIF land went on unsuccessfully for years. One of
the reasons for the failure of their attempts was obvious: There was as yet no land reform law that covered landholdings outside rice and corn lands. The peasant campaign was stopped short during the 1986–1988 national regime transition, principally because the area where the CIIF was located became a major target in the escalating militarization of the countryside that was part of the Aquino administration’s effort to launch a “total war” against the insurgent communists. The principal peasant leader in the campaign for the expropriation of the CIIF was killed by the military during this period.

The discussion about expropriation of the CIIF was resumed in the early 1990s, when the DAR officials approached the peasants about the process through which the landholding could be acquired and redistributed. The DAR officials suggested that the value of the land should be PhP 5,000 per hectare. The peasants refused. They wanted the land expropriated and redistributed for free. After this, there was a long impasse, until 1996, when the peasants contacted the PEACE Foundation, which had started to assist peasant communities on the peninsula in their land reform struggles. The chairperson of the PEACE Foundation was former Quezon member of congress Oscar Santos. He was also a former cabinet member in the Ramos administration and had once been a member of the board of the CIIF. A series of negotiations with the CIIF and the peasants in Manila were facilitated by the peasants’ NGO ally. The contentious issue was whether or not the peasants should pay for the land. The peasants were firm in their demand: They thought the land was titled by the previous landlord through less than legal means; they did not intend to pay for the land. The peasants’ persistence and the PEACE Foundation’s connections within the CIIF leadership finally led to the resolution of the dispute. In August 1997, the CIIF land was redistributed to the peasants, at no cost.

**Redistributive reform on public lands**

As explained in chapter 1, generally, the literature does not consider distribution of public lands as redistributive land reform. Under certain conditions, however, distribution of non-private lands can amount to a redistributive reform, as a number of cases show:

**NDC land, South Cotabato**

One example is the case of the 9,000-hectare pineapple plantation in South Cotabato that was presented as a case study in the preceding chapter. But for the purpose of this section, we will quickly sketch the case again:
The Philippine government prohibits foreign companies from owning more than 1,024 hectares of land. This land size ceiling has posed an obstacle to foreign agribusiness companies. Yet it has been successfully circumvented on different occasions, such as in the case of the resale of "friar lands" during the first quarter of the past century. However, the most systematic manoeuvre was made through the formation of the government-owned National Development Corporation (NDC) in 1919. As a corporate entity, the NDC could enter into long-term lease agreements with other corporate entities, domestic or foreign. Huge tracts of land were set apart for the NDC. Later, major transnational companies like Del Monte and Dole would strike long-term agreements with the NDC for large areas of land, far beyond the legal land size ceiling of 1,024 hectares. One of these NDC lands was the 9,000 hectares located in South Cotabato. It was leased to Dole in the 1960s and by 1988, the number of farmworkers on this sprawling pineapple plantation had swelled to some 7,500.

This was the first huge plantation to be redistributed to farmworkers under CARP. It was redistributed to about 7,500 workers. The NDC, having a semi-private purpose and character, demanded payment for the land. The price was set at PhP 17,000 per hectare. The redistribution of the plantation was consummated in 1988. At the time, the redistribution was real. This land redistribution was entered into the DAR official report as accomplishment under the government-owned land category. However, as explained in the preceding chapter, the post-land transfer leaseback arrangement (1988–1998), and the succeeding, contested contract (1998 to present) essentially robbed the farmworkers of the redistributive reform gains they had made. Dole remains in full control of the land, and the set-up is even more financially advantageous to Dole than the arrangement in the NDC era. As demonstrated in the DARBCI discussion in the preceding chapter, the “one-plantation, one-collective-title, one-cooperative” policy bias of the government fits in well with Dole’s agenda of power and control and the somewhat elitist tendency among the cooperative leaders (who were usually the “labour aristocrats” under the former plantation set-up). It was the government’s policy that was largely responsible for locking 7,500 farmworkers into the onerous contract with Dole, along with the elitist machinations of the cooperative leaders. And it was this policy that, to a significant extent, prevented individual beneficiaries from exercising their own rights and power over their awarded parcels of land.

The Aquino Estate, Quezon
Perhaps the least understood components of CARP are the ones under the jurisdiction of the DENR: the alienable and disposable (A&D) lands and the
Community-Based Forest Management (CBFM) programs. The redistribution of A&D lands is essentially an act of privatizing land ownership; on many occasions CLOAs are given to the beneficiaries. The CBFM program, on the other hand, does not constitute full formal ownership of the awarded lands; generally a stewardship type of arrangement is institutionalized partly through the issuance of a certificate of stewardship contract (CSC) under the old ISFP (together with other forestry-related programs, this was subsumed by CBFM in the mid-1990s — see also, Broad, 1994; Carranza, 2006) and a CBFM contract under the current arrangement. The contract is for a virtual lifetime: twenty-five years, renewable for another twenty-five years. In the past, ISFP awards were given to individuals; since 1999, however, the CBFM agreement is provided to a group of beneficiaries. Under the latter arrangement, while the contract is on a group basis, the actual plot assignment and farm work is done on an individual basis. These two types of land category within CARP have been confronted by a number of policy questions that pose major dilemmas, one of which is the issue of timberlands: Timberlands are formally excluded from CARP’s land redistribution program, but neither can they be privately titled. Moreover, many so-called timberlands in the country are in fact no longer devoted to timber exploitation but have been converted to croplands. Some have already been privately titled (although this is illegal), while others remain untitled but under the control of local elites. Tenancy relations on this type of landholding tend to be entrenched. The case discussed below is a complex dispute involving such public lands.

The landholding in this dispute is a 201-hectare farm with rolling hills, tilled by seventy-six tenants and planted to coconut and citrus trees, located in Mulanay, Bondoc Peninsula, Quezon, an isolated town a fourteen-hour bus ride from Manila (the length of the trip is mainly due to bad roads in the area). It is “owned” by the politically and economically influential Aquino family, which is related to other equally powerful families in the municipio and has been allied with the political elite of the peninsula. The town of Mulanay, like the rest of Bondoc, is a settler area: it was one of the land frontiers opened for settlement in the 1930s to 1960s, although elites from other areas of the country were the ones able to secure contracts with government to make use of these vast tracts of land as timberlands or pastures. Slowly, some of these elites were able to secure private titles to these lands through fraudulent means, often in connivance with corrupt judges. Others opted not to secure private titles but nevertheless exercise effective control over the land (Carranza, 2006; Franco, 2005; Borras, 2006b). Meanwhile, since the 1970s, the general pattern of land use has been transformed from timberlands to crop cultivation, mainly
coconut, and with the influx of settler-peasants coming from various parts of southern Luzon and the Visayas, share tenancy emerged and persisted.

The Aquino estate has this typical historical profile, although the Aquino family was able to secure a private title to this “timberland.” Since the 1960s, the Aquino family has imposed tenancy arrangements, with sharing percentages ranging from 70-30 to 80-20 in favour of the landlord, while the peasants shoulder the bulk of production expenses. The Aquino family administered the coconut farm and controlled the tenants through the overseer (katiwala). Peasants’ lives under this arrangement were hard.

In the early 1980s, the underground communist NPA movement began to organize the peasants in and around the village where the estate is located. During that time, at least seven of the Aquino estate tenants joined the guerrillas in various capacities. In the open, the same tenants became leaders of the militant peasant association organized in the municipality and controlled by the NPA. The NPA’s indoctrination on “genuine agrarian reform through agrarian revolution” became the most important campaign issue for organizing the landless peasants (see Putzel, 1995; Kerkvliet, 1993; Rutten, 2000a). In fact the NPA became quite popular in the countryside in the 1970s and 1980s, partly because of its campaign for tersyung baliktad (the inverted sharing arrangement). This means that instead of the 70-30 sharing arrangement in favour of the landlord, the sharing scheme would be inverted to 30-70 in favour of the peasants. The Aquino estate tenants were hopeful that the NPA campaign would be implemented on their farm, as promised by the guerrillas.

In the mid-1980s, the NPA told the tenants that a meeting with the landlord had been arranged, and that the tenants must themselves put forward the demand for a tersyung baliktad. The guerrillas would be present at the meeting to intimidate the landlord into agreeing to the peasants’ proposal. The meeting occurred, but the NPA did not show up. The peasants were unable to even open their mouths to say what they wanted. The landlord verbally abused them, and the peasants were made to apologize for taking up the landlord’s time. The peasants later suspected that the NPA had failed to show because it was able to strike a deal with the landlord on a “revolutionary tax.” This incident changed the peasants’ attitude toward the NPA. It was a major setback for the peasants’ effort to alleviate their difficult living conditions. Meanwhile, during the period 1986–1989, the village was subjected to militarization as part of the government’s “total war” policy against the communist insurgents. Two tenant-farmers from the village were killed due to the indiscriminate bombings by the military.
By the early 1990s, the NPA’s presence was waning in the village. Yet the peasants still toiled under the onerous share tenancy arrangement. Around this time, the DAR information campaign about CARP reached the village. The peasants became interested. But it was only toward the mid-1990s that they started to organize themselves around the issue of reforming the tenancy arrangement based on the CARP law that declares share tenancy illegal and requires a shift to leasehold. The peasants got excited; to them, CARP’s leasehold was just like the NPA’s tersyung baliktad, or even better, since their share would be slightly higher and such a contract would be legally secure, unlike the NPA-brokered arrangement. Hence, the tenants preferred leasehold reform to land redistribution.

In 1995, they formed an association, SAMALA (Samahan ng Malayang Magsasaka sa Lupaing Aquino, Association of Free Peasants of the Aquino Estate). They then petitioned for leasehold reform. In the meeting at the municipal DAR office, the landlord came and shouted at and berated the tenants in public, insulting them as stupid, ignorant peasants who did not even know how to compute a leasehold arrangement of 25 percent and 75 percent. This outburst only served to solidify the peasant ranks and effectively cement the cooperation between them and the local DAR officials. Jointly, they elevated their demand to compulsory acquisition. By now, the peasants were agitated.

Part of the expropriation process involves securing from the DENR the classification of the landholding to be acquired for land reform. When the certification from the DENR came through in 1995, they were faced with the biggest surprise in their lives: The DENR declared that the landholding in question was in fact “timberland” based on a 1953 government classification; it thus could not possibly be titled legally to any private entity. The peasants had mixed feelings: They were elated by the fact that the Aquinos did not own the land, but dismayed that their own hopes to own the land themselves would not be realized because timberlands are not within the CARP scope for redistribution. The issue came to a temporary halt at this point and the peasant organization gave in to inertia for a short time.

Momentum was regained in the following year when the BDP — directly funded and operated by GTZ and its partner NGO, the PEACE Foundation — reached the village and began to assist the peasants with their case. Because of their desperate situation, the peasants quickly embraced the offer of the assisting NGO. In addition, the barangay and municipal councils had recently elected new sets of officials who were sympathetic to the peasants, and they passed resolutions supporting the peasants’ claim to the land. The emergence of this broader alliance proved strategic in their struggle.
Emboldened by the discovery of the illegal nature of the Aquino’s claim over the land and by the emergence of a broad front of allies, the peasants decided to declare a boycott on land rent. The landlord, in return, filed criminal charges (estafa and theft) before the municipal court. Several waves of arrests and detention of the tenants and peasant leaders occurred between September 1995 and October 1998. During this period, the landlord filed a total of 108 estafa charges against the peasants. The peasants were jailed for a few days, then were able to bail themselves out, drawing mainly on the common fund they had collected when they decided to launch the rent boycott (they had set aside 25 percent of their harvest as a “battle fund”).

The NPA came back around this period. However, instead of supporting the boycott campaign of the peasants, the guerrillas tried to persuade the peasants to stop the boycott, promising that the NPA would mediate with the landlord to reform the share tenancy arrangement from the onerous 70-30 to the government’s more generous leasehold arrangement of 25-75. This approach ran counter to the momentum of the peasants’ campaign, however, and the peasants rejected these offers.

Together with their allies, the peasants brought the case all the way to the top-level officials of the DENR and the Office of the Solicitor General (OSG) in Manila. Their demand was now stepped up to the cancellation of the private title of the landlord, on the grounds that it was illegal in the first place. They had a tactical purpose: The declaration of the private title as illegal would effectively quash all the criminal charges filed against the peasants. It was not, however, an easy campaign: The peasants participated in marches, demonstrations, and pickets, pitching camp for several days and on many occasions at the DENR national headquarters and visiting the OSG in Manila six times. Realizing the need to forge a broader coalition with other peasant groups in order to strengthen their demands from the state, SAMALA peasants co-founded the Bondoc-wide peasant alliance, KMBP (already mentioned above in the context of the battle over the Superior Agro corporation estate). The KMBP would later coalesce with a national peasant movement, UNORKA. Through these movement networks, the political reach of the local struggle of SAMALA peasants was extended to the very centre of state power. After persistent collective actions by the peasants, in 1998 a strategic victory was achieved: The OSG filed for the cancellation of the title of the Aquino family.

The DENR was slow in processing the case. But finally, in November 2001, the DENR awarded the estate to the peasants under the CBFM program. It was a standard CBFM contract for twenty-five years, renewable for another twenty-five years, and the peasants were not to pay for the land. The case was
entered in the official records as accomplishment in the CBFM program (i.e., public land category). This was a decisive victory for the peasants. The tenants who, since the land rent boycott in 1995, had begun to engage in intensive intercropping on the land, were able to start harvesting farm products without having to pay any land rent. They planned to maintain their demand for the re-classification of their land from timberland to cropland so as to secure full ownership title over the landholding. Meanwhile, the victory in the Aquino case was watched carefully by other peasants in Bondoc Peninsula who were in a similar situation. Not surprisingly, several group claims by Bondoc peasants in situations similar to SAMALA’s have already been filed before the DAR and DENR offices (see Franco, 2005).

**Leasehold**

The CARP law declares share tenancy illegal and mandates that leasehold be implemented on all lands within the landlords’ retention right (see German, 1995). Leasehold, under CARP, means a formal, secure long-term lease contract between landlord and tenants, with the latter paying the landlord 25 percent of the average net harvest from the farm either in cash or in kind. Under CARP, leasehold is also used as a transitory scheme to break the nexus between landlord and peasants; later, expropriation can be carried out. Leasehold has the potential to double the tenant’s income (and cut the landlord’s share significantly) merely by adjusting the sharing arrangement. It is thus redistributive, especially in settings like the Philippines, where dominant share tenancy arrangements have been highly oppressive, for example, 80-20, 50-50, and tersyuhan (70-30) — always in favour of the landlord. In fact, the essential redistributive element within leasehold reform has provoked much opposition from landlords in the Philippines and elsewhere, despite the absence of ownership change, revealing the importance of the issue of power to control land resources. It is not always easy to convert tenancy arrangements into leasehold contracts — and enforce the conversion; the case of the Zoleta property in San Francisco, Quezon, demonstrates this.28

The estate involved is the Zoleta property owned by the eighteen heirs of the family. The 126-hectare farm is devoted to coconut and is worked by twenty-six tenant farmers. For a long time, the tenants were under a 60-40 sharing arrangement (in favour of the landlord) with the tenants shouldering all the production costs, which are mostly labour related. The tenants were convinced that a leasehold contract would be better than either a perpetual 60-40 sharing scheme or a full land redistribution. They contacted the PEACE Foundation, which was working in the municipality (see the Superior Agro
case for a similar background). The peasants, thanks to the NGO’s legal literacy program, fully understood that in fact share tenancy was already illegal and that leasehold must be enforced on their farm.

They petitioned for leasehold. In February 1999, the PARAD supported and confirmed the application of the twenty-six tenants, and the leasehold contract was formalized. The peasants started to pay 25 percent of the net harvest to the landlord. The amount per beneficiary varied according to the size of the awarded land and the number of coconut trees. However, the landlords petitioned for the review of the terms of the leasehold contract, arguing that the secondary crops (corn, vegetables, and citrus trees) must be included in the leasehold contract and not only coconuts. The landlords also argued that they were not provided due process during the preliminary process for leasehold conversion. Later that year, the PARAD ordered a return to the “status quo ante”; meaning that the terms of the relationship be reverted back to the 60-40 sharing arrangement while the PARAD was studying the landlords’ petitions. The peasants refused to abide by the PARAD’s order, arguing that share tenancy is illegal as declared by the CARP law, and, as such, the PARAD’s order to revert back to the 60-40 share tenancy was illegal. The peasants continued to “forcibly pay” (via escrow at a bank) the landlord during the subsequent harvest — but based on the leasehold contract.

The landlords retaliated by filing criminal charges against the peasants (the usual estafa and theft) before the Municipal Trial Court in early 2000. The peasants were only able to evade being jailed through of the assistance of their allies, the NGO and some sympathetic municipal officials who provided bail. But because of their fear of being dragged to jail again, the peasants agreed to revert back to the old 60-40 share tenancy. However, while doing this, the peasant group and its ally NGO escalated their campaign all the way to the regional and national DAR offices, putting on heavy pressure on the PARAD to decide in their favour. In early 2002, the PARAD eventually issued an order in favour of the peasants. The leasehold contract was upheld and re-enforced; redistributive reform was achieved.

Contested boundaries: The inclusion of some landholdings and peasant beneficiaries and the exclusion of others
Among the important bases of many analysts’ assessments of the redistributive nature of a land reform policy is the character and extent of inclusion of some farms and potential beneficiaries and exclusion of others (the “inclusion-exclusion” question) as legally and formally stipulated in the law. Thus, for example, among the criticisms of CARP is the law’s allowing the exclusion
of some farms and the lower priority it gives to some (usually seasonal) farmworkers (see, e.g., IBON, 1988). While these criticisms are generally valid, they tend to be static, and so they miss the dynamic nature of the contested boundaries of inclusion-exclusion issues in landholdings and with regard to peasant claim-makers. A brief examination of these issues can contribute to a better understanding of CARP’s redistributive outcomes.

Farmland “inclusion-exclusion” issues
The CARP law provides for a number of exemptions and exclusions (discussed in chapter 2). These exemptions and exclusions, however, are not automatic; the landowners must apply for them. Hence, they are conditional. Once they are granted, the landlords must maintain certain legal conditions. Thus they are not permanent. Therefore, political dynamics can, under certain conditions, lead to the realization of redistributive reform on such lands. An example of this is the timberland case cited earlier; others worth mentioning are summarized here:

One example is that of Fort Magsaysay, Nueva Ecija. The sprawling 22,000-hectare Fort Magsaysay military reservation in Laur, Nueva Ecija, Central Luzon, is exempted from CARP despite the fact that most of the reservation has been cultivated to varying extents. Private interests are fairly entrenched in this reservation, as evidenced by the fact that legal claims of private ownership have been lodged in courts. After a series of mobilizations by local peasants and their NGO allies, especially in the context of relocating thousands of peasants displaced by the eruption of Mt. Pinatubo in the early 1990s from different communities in Central Luzon, about 5,000 hectares of the military reservation were acquired by the DAR and redistributed to thousands of peasant families.

A second example is that of the cattle ranches. A cattle ranch is exempted from land redistribution only on the condition that it maintains a one hectare of land to one head of cattle ratio at all times. The excess lands are subject to expropriation and redistributed to peasants. While such a rule has posed problems for peasant claim-makers, it has been equally difficult for the landlords. Most landlords are unable to maintain the required ratio; they then employ various schemes in order to continue circumventing the law. The most popular manoeuvre is to borrow cattle from nearby ranches during the periodic DAR inspections, in order to appear to meet the required ratio; the DAR is working on ways to counter this scheme. Neither are peasants passive actors. They also mount counter-manoeuvres. There are cases in Luzon, for example, where peasants have killed cattle: “Bawat bakang napapatay mamin, e
katumbas ng isang ektaryang mapupunta amin; kaya mas maraming kaming mapatay na baka, mas maraming lupang mapupunta sa amin.” [Every head of cattle that we kill is equivalent to a hectare of land that can go to us; thus, the more cattle we kill, the more lands there will be for us], related a peasant leader.\(^{30}\) Many cattle ranchers have become very defensive indeed — especially given that since the late 1990s the cattle industry has been in bad shape, due, in part, to the massive cheap imports resulting from neoliberal trade reforms (see Carranza and Mato, 2006, for most recent critical analysis).

Some farmlands controlled by educational institutions, including state educational institutions, have been redistributed despite exclusion provisions in CARP. An example is the more than 4,000-hectare rubber and coconut plantation in Basilan (southwestern Mindanao).\(^{31}\) The University of the Philippines (UP) owned this property, which was put under a lease contract with a multinational corporation that, in turn, transformed the vast tract of rolling hills into a rubber and coconut plantation. Under pressure from the farmworkers, the university turned the lands over to the DAR for redistribution. Since then, the more than 1,000 farmworker-beneficiaries have been trying to operate the former plantation on their own, while facing serious challenges in their effort to make it productive and financially viable.

CARP also grants fishponds exemption from land redistribution, but only on the condition of their continued operation as fishponds and with the implementation of a mandatory production and profit sharing scheme among the workers. If the fishpond fails to operate continuously for three years, and if the land use is changed, then the land would become subject to expropriation. Again, such conditional provisions have made it difficult for farmworkers to push for the expropriation of fishpond farms. But the same legal requirements impose a burden on fishpond owners, especially since the 1990s slump in fresh-fish production and exports. As a result, many fishponds failed to sustain operations and became vulnerable to expropriation. Such is the case of the controversial Aquafil estate in San Jose, Mindoro Occidental.\(^{32}\) The close to 1,000-hectare Aquafil estate was the subject of one of the most public land-occupation initiatives launched by the KMP in the mid-1980s, led by local peasant leader Simon Sagnip. After a brief, successful invasion of the estate, the peasants were violently driven away by the company’s armed security guards, aided by the police and the military. It took more than a decade before the leader of the peasants staged a comeback and reoccupied the land. Simon Sagnip, this time with DKMP (and later with UNORKA), led another invasion in mid-1998. The peasants were again harassed, arrested, and thrown into jail. But through persistent militant actions, combined with legal tactics and lobbying at all levels of the DAR bureaucracy, and with the assistance of their
allies, the peasants were able to force the DAR to expropriate the property and redistribute it to various peasant claimant groups. The legal ground that justified the expropriation was the estate’s failure to operate fully and continuously as a fishpond.

The continuing “battle” to expropriate a penal colony owned by the government illustrates another aspect of the contested boundaries of official exclusions. This is the case of the Davao Penal Colony (DAPECOL) in Davao del Norte. This penal colony was created in the early 1930s and was allocated about 33,000 hectares of prime lands. The same site became the main area for the development of Cavendish banana production when the abaca sector dipped in the 1950s due to competition from synthetic alternatives. Since the 1940s, however, DAPECOL has been privatized piece by piece in what might be fraudulent sales at ridiculously low prices. In the late 1960s, Cavendish banana production got into full swing. And by the early 1970s, there were only 5,200 hectares left to DAPECOL.

The family of Don Antonio Floirendo, one of the most important cronies of Marcos, was among those who were able to “buy” lands from DAPECOL and in nearby areas. Today, the Floirendos have some 3,500 hectares of privately owned banana plantation. On top of these, the Floirendos effectively control the remaining 5,200 hectares of DAPECOL through a long-term contract that started in 1969. Through his connection with Marcos, Antonio Floirendo was able to secure the long-term lease contract with the Department of Justice (DOJ), the agency that controls the penal colony.

The plantation started to operate fully under a purchase contract with the global giant Chiquita. Prisoners in the penal colony worked on the banana plantation for meagre wages, but only until the late 1970s. Japanese buyers (the biggest market for the Philippine bananas) reportedly protested against the use of prison labour to produce the bananas sold to them. Since then, prisoners have provided only marginal amounts of labour in banana production. Sixteen years after Marcos was overthrown, the Floirendos remain politically powerful. They survived the regime transition in 1986, and all the administration changes since then; they have controlled the district representation in Congress and the governorship of the province. As of this writing, Floirendo was paying the government a meagre PhP 1,000 per hectare per year lease rent, despite the fact that the prevailing market rate for land rental for banana plantations in adjacent areas was already around PhP 30,000 per hectare per year.

A series of collective actions by farmworkers and the ejected original settlers, in Davao and Manila, have failed to yield a favourable government
response in this case. DAR secretaries Garilao and Morales repeatedly requested the DOJ to turn over the land to the DAR for redistribution, but were met with a negative response. It is widely believed that the lease deal between the Floirendos and the DOJ is graft-ridden.

The DAPECOL is government-owned penal colony land. Yet its case demonstrates how difficult it is to have such lands redistributed. The private elite interest is thoroughly entrenched. Arguably, and legally, these lands should have been redistributed under CARP, because the law exempts only penal colonies that are directly tilled by prisoners. Besides, the lease contract here is tantamount to a contract disadvantageous to the government, which is illegal. If, hypothetically, DAPECOL were to be redistributed, it would certainly constitute redistributive reform.

Peasant claimant “inclusion-exclusion” issues
The contentious issue of beneficiary inclusion-exclusion has plagued most land reforms throughout the world and historically. Among the usual losers in land redistribution are the seasonal farmworkers, who also happen, on many occasions, to be women and children. This problem also occurs within the CARP process. For example, during the early period of CARP implementation, the female spouses of beneficiaries did not usually have a distinct right to get land from land reform, despite their individual status as farmworkers on the same plantation. In the case of a rubber-coffee plantation in southwestern Mindanao, some 1,000 hectares were redistributed to nearly 500 beneficiaries — all of them men — completely excluding all female farmworkers. Worse, when the all-men beneficiary cooperative took over the operation of the plantation, they also took over the plantation work traditionally controlled by women, completing the exclusion of women from the land reform process. The peasant women got fed up, got organized, and protested against such treatment. The case, which became a national controversy in the mid-1990s, was instrumental for the revision of the CARP rules on women beneficiaries. Since then, CARP formally respects the distinct right of women to have their own land regardless of whether their spouse has already been declared a beneficiary. While it is not an automatic guarantee, the revised policy has altered the terrain on which peasant women can launch their claim-making initiatives in land reform.

Furthermore, a number of banana farmworkers in the Davao-Cotabato regions, men and women, who were earlier retrenched from employment, would have been denied land reform benefits had it not been for a policy reform. Between 1988 and 1998 (the deferment period for land reform on
banana plantations), about 20,000 farmworkers were retrenched in an apparent effort by plantation owners to purge their companies of land and production/profit share claim-makers (de la Rosa, 2005). Where local elites realized the imminent eventuality of land reform, they tried to forge different forms of joint venture agreements with the would-be beneficiaries. This led companies to consolidate their hold on less autonomous farmworkers’ organizations. In order to increase their chances of forging post-land transfer joint venture agreements, the companies targeted for retrenchment mainly those workers who identified with the militant trade union tradition or who had formed autonomous organizations. Then, the companies lobbied for the exclusion of retrenched farmworkers from land reform. Reluctant to antagonize banana plantation owners, and facing the problem of insufficient funds to purchase the expensive banana lands, the DAR has been encouraging farmworkers and plantation owners to employ the VLT scheme.

Thus since 1998, in the banana sector there has been a confluence of events that is double-edged: It may further consolidate the economic and political power of transnational corporations and local elites in the banana sector at the expense of the farmworkers, or it may open a path for radical change. Both scenarios, however, depend on various factors and actors. For a more redistributive path to emerge, the development of highly autonomous and capable farmworkers’ organizations allied with reformists within the state is likely to be crucial. While there are reasons to be alarmed at the market forces and state trying to advance their interests at the expense of poor farmworkers, there are also reasons to hope that progressive change may occur. The case of DAR Administrative Order (AO) No. 9 series of 1998 is a good example (Borras and Franco, 2005).

In May 1998, a month before the Ramos administration’s term of office ended, the DAR issued an administrative order to guide the implementation of CARP on commercial plantations, especially in the banana sector, the deferment of land reform coverage of which would expire the following month, June 1998. While DAR AO No. 6 series of 1998 ordered the expropriation of all deferred commercial plantations, this guideline, had it been implemented, would also have excluded from land reform all retrenched farmworkers. Thousands of retrenched farmworkers were furious about the guideline and campaigned for its recall. To these farmworkers, AO 6 would permanently institutionalize the historical injustice committed against them.

Enrico worked on a Floirendo banana plantation in Davao del Norte from 1974 until he was retrenched in 1994. He served the company for twenty years. Since he was not actively employed at the time of the land reform
implementation, from 1998 onward, he would not, under AO 6, become a land reform beneficiary. Meanwhile, in late 1996, Pablo was employed by the Floirendo banana plantation where Enrico used to work. Since Pablo was actively employed from 1998 onward when land reform would have been implemented, he would have, under AO 6, become a land reform beneficiary despite having worked in the company for only a little more than a year. There would have been no conflict among potential beneficiaries had there been enough land for every potential beneficiary. However, there were at least two potential beneficiaries for every hectare of banana land and the ideal beneficiary-land ratio in the banana sector is 1:1; hence, the critical issue of prioritizing beneficiaries.

Thousands of farmworkers, who would later organize themselves under the umbrella coalition of UFEARBAI (which is a founding member of UNORKA) campaigned hard for the inclusion of retrenched farmworkers by pushing for the adoption of the “principle of length of service” as the basis for prioritizing beneficiaries. This means prioritizing “those who worked the longest on the farm regardless of their employment status at the time of the actual land reform process,” as opposed to the ahistorical “those who are actually working” (AO 6) principle. Plantation owners, however, had been working behind the scenes, lobbying to prioritize as beneficiaries only those actively employed at the time of the actual land reform coverage and those at the management and supervisory levels of the company. It is not surprising that the most contentious division occurred between different groups of farmworkers, a conflict-ridden split instigated by transnational and local elites and indirectly intensified by the DAR’s ineptitude on the issue.

The following month, Horacio Morales Jr. took office as DAR secretary. After several months of collective action by farmworkers, both locally and nationally, the Morales DAR gave in. In December 1998, the DAR issued AO No. 9 series of 1998, declaring that the key guiding principle in prioritizing beneficiaries would be the principle of “those who worked the longest on the farm regardless of their employment status at the time of the actual land reform process.” It was a big victory for thousands of retrenched farmworkers. However, while it constituted an important “reform of the agrarian reform,” the implementation of AO 9 has not been automatic, because final decisions will partly depend on the resolution of pending labour cases and because some local DAR officials appear to be continually influenced by the banana elite in circumventing the law. Yet, AO 9 altered the institutional terrain on which retrenched farmworkers can assert their rights and launch their collective actions for redistributive reform.
4.3 POSSIBLE EXTENT OF REDISTRIBUTIVE OUTCOMES

Analyses based on nationally aggregated quantitative data can be powerful because they provide insights about overall trends and the extent of policy implementation, as well as policy trajectories. They are however inherently limited because they tend to miss the great variations of outcomes based on policy components and geographic distribution. Combined national/sub-national, aggregated/disaggregated perspectives offer better and more complete explanations of policy outcomes. Following the themes discussed in section 4.2, this section provides a better sense of the extent of CARP’s redistributive outcomes and examines their geographic distribution.

Extent and geographic distribution of accomplishment in private lands
Table 4.1 shows the land redistribution output in the private land category disaggregated based on land acquisition modes: CA, OLT, GFI, VOS, and VLT. By the end of 2005, the aggregated output of these modalities was 1.99 million hectares of private lands, redistributed to nearly one million previously landless and land-poor peasant households. This nationally aggregated data represents less than 16 percent of the total private and public agricultural lands and 16 percent of the total agricultural households in the country by end 2005. In fact, the proportion is even slightly less after subtracting some anomalous VOS cases (if they could actually be quantified scientifically) and all the VLT cases. If this dataset is the one used for constructing a cross-national comparative perspective, then the CARP outcome is way below the levels of significant land reforms elsewhere (but then most land reform data elsewhere are also undifferentiated; thus, the same quality problem might affect them as well). As I explained elsewhere (Borras, 2006a), some scholars also compare CARP’s low output in private lands with other successful land reforms elsewhere, usually Taiwan, Japan, and South Korea, but they fail to recognize that they use quantitative data in those countries that also includes redistribution output in public lands.

Such a simple extrapolation of quantitative data is problematic and contradiction-ridden. A brief explanation is needed. As explained in chapter 1, most scholars consider private lands as the only category that qualifies for redistributive land reform. Following such logic, one must take the total redistribution outcome in private lands and assess it against the total quantity of the country’s private lands to get a logical comparative percentage share of the redistributed land. Unfortunately, most studies seem to be inconsistent: They usually take the total redistribution outcome in private lands and assess
Table 4.1  DAR land redistribution output in private lands by land type and by region, in hectares (1972–2005)

<table>
<thead>
<tr>
<th>Island group/Region output accomplishment</th>
<th>Total</th>
<th>%</th>
<th>OLT</th>
<th>GFI</th>
<th>VOS</th>
<th>CA</th>
<th>VLT</th>
<th>SETT</th>
<th>LE</th>
<th>KKK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total for the Philippines, including ARMM</td>
<td>3,591,055</td>
<td>81</td>
<td>554,220</td>
<td>156,909</td>
<td>512,620</td>
<td>243,422</td>
<td>525,847</td>
<td>699,648</td>
<td>80,497</td>
<td>817,859</td>
</tr>
<tr>
<td>CAR</td>
<td>81,670</td>
<td>105</td>
<td>1,257</td>
<td>1,115</td>
<td>715</td>
<td>144</td>
<td>17,784</td>
<td>—</td>
<td>—</td>
<td>60,655</td>
</tr>
<tr>
<td>Region 1</td>
<td>1,422,490</td>
<td>87</td>
<td>29,835</td>
<td>1,790</td>
<td>8,646</td>
<td>1,237</td>
<td>63,803</td>
<td>1,969</td>
<td>298</td>
<td>14,912</td>
</tr>
<tr>
<td>Region 2</td>
<td>311,489</td>
<td>104</td>
<td>76,884</td>
<td>8,993</td>
<td>38,994</td>
<td>11,775</td>
<td>34,565</td>
<td>43,527</td>
<td>4,579</td>
<td>92,181</td>
</tr>
<tr>
<td>Region 3</td>
<td>376,536</td>
<td>93</td>
<td>195,100</td>
<td>5,222</td>
<td>24,062</td>
<td>23,708</td>
<td>30,154</td>
<td>14,725</td>
<td>56,808</td>
<td>26,757</td>
</tr>
<tr>
<td>Region 4-A (CALABARZON)</td>
<td>138,453</td>
<td>68</td>
<td>15,399</td>
<td>719</td>
<td>22,510</td>
<td>19,057</td>
<td>25,575</td>
<td>5,435</td>
<td>13,895</td>
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<tr>
<td>Region 4-B (MIMAROPA)</td>
<td>141,039</td>
<td>83</td>
<td>15,653</td>
<td>1,165</td>
<td>9,617</td>
<td>15,019</td>
<td>33,533</td>
<td>14,176</td>
<td>4,972</td>
<td>46,904</td>
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<td>Region 5</td>
<td>237,061</td>
<td>52</td>
<td>47,302</td>
<td>17,041</td>
<td>51,224</td>
<td>36,862</td>
<td>37,216</td>
<td>12,001</td>
<td>3,016</td>
<td>32,399</td>
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<tr>
<td>Region 6</td>
<td>323,756</td>
<td>58</td>
<td>37,934</td>
<td>60,617</td>
<td>97,341</td>
<td>26,767</td>
<td>27,360</td>
<td>19,640</td>
<td>74</td>
<td>54,023</td>
</tr>
<tr>
<td>Region 7</td>
<td>117,418</td>
<td>70</td>
<td>17,685</td>
<td>3,880</td>
<td>27,028</td>
<td>19,198</td>
<td>3,021</td>
<td>6,623</td>
<td>—</td>
<td>39,983</td>
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<tr>
<td>Region 8</td>
<td>342,364</td>
<td>89</td>
<td>19,049</td>
<td>8,060</td>
<td>21,949</td>
<td>20,801</td>
<td>13,531</td>
<td>90,870</td>
<td>615</td>
<td>167,489</td>
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<tr>
<td>Region 9</td>
<td>182,500</td>
<td>115</td>
<td>10,663</td>
<td>7,556</td>
<td>15,717</td>
<td>12,668</td>
<td>59,636</td>
<td>20,998</td>
<td>2,983</td>
<td>52,279</td>
</tr>
<tr>
<td>Region 10</td>
<td>255,686</td>
<td>95</td>
<td>16,705</td>
<td>2,548</td>
<td>16,499</td>
<td>9,478</td>
<td>57,202</td>
<td>95,726</td>
<td>—</td>
<td>57,528</td>
</tr>
<tr>
<td>Region 11</td>
<td>196,975</td>
<td>97</td>
<td>8,613</td>
<td>6,781</td>
<td>60,335</td>
<td>19,317</td>
<td>34,750</td>
<td>33,691</td>
<td>—</td>
<td>33,488</td>
</tr>
<tr>
<td>Region 12</td>
<td>403,381</td>
<td>94</td>
<td>33,455</td>
<td>11,213</td>
<td>74,855</td>
<td>3,718</td>
<td>34,867</td>
<td>228,085</td>
<td>212</td>
<td>16,976</td>
</tr>
<tr>
<td>Region 13</td>
<td>187,500</td>
<td>94</td>
<td>6,481</td>
<td>3,333</td>
<td>24,621</td>
<td>4,720</td>
<td>24,145</td>
<td>19,259</td>
<td>1,474</td>
<td>103,480</td>
</tr>
<tr>
<td>ARMM</td>
<td>172,691</td>
<td>57</td>
<td>22,205</td>
<td>16,876</td>
<td>18,507</td>
<td>2,147</td>
<td>35,232</td>
<td>72,783</td>
<td>31</td>
<td>4,910</td>
</tr>
</tbody>
</table>

Notes: OLT = Operation Land Transfer; GFI = government financial institution; VOS = voluntary offer-to-sell; CA = compulsory acquisition; VLT = voluntary land transfer; SETT = settlements; LE = landed estates; KKK = Kilusang Kabuhayan at Kaunlaran; ARMM = Autonomous Region of Muslim Mindanao; CALABARZON = Cavite, Laguna, Batangas, Rizal, Quezon; MIMAROPA = Mindoro, Marinduque, Romblon, Palawan.

it against the combined total quantity of private and public lands, which are usually lumped together and labelled “total agricultural lands.” While the comparative perspective that it presents is relevant, a problematic flow of logic detracts from the comparative analysis and produces a rather distorted comparison.

Since this study is interested in finding out when and how land reform policy outcomes actually constitute redistributive reform (or otherwise), the units and levels of analysis are further disaggregated based on land acquisition and geographic distribution of outcomes. The national-level and aggregated perspectives put forward above will remain within sight.

In trying to assess the possible extent and geographic distribution of outcomes in the private land category, a number of observations can be drawn from the combined data on private lands (the OLT, GFI, VOS, CA, and VLT columns) in table 4.1. The total volume of private lands in redistribution output is highly concentrated in a few regions: four regions (3, 11, 5, and 4) account for nearly half of the total output in private land. By percentage shares, the output is likewise highly uneven, with five regions (1, 3, 11, 7, and 5) having a two-thirds or greater share of private lands in total DAR output; conversely, in four regions (13, 12, CAR, and 8), private land output accounts for one-third or less of the total private-public redistribution output. At the provincial level, in almost half of the provinces in the country (thirty-four out of seventy-eight — not shown in the table) the private land share of redistribution output vis-à-vis total DAR private-public redistribution accomplishment is two-thirds or more; conversely, only nineteen provinces have a one-third or more percentage share of private land output in total DAR accomplishment.

These disaggregated data contradict the national-level generalizations about redistribution in private lands and therefore the explanations as to what causes such outcomes — that is, that a low percentage share of private lands in total DAR output is said to be evidence of the successful anti-reform campaign of landlords. While the nationally aggregated data tend to support this argument, the disaggregated data demand a better explanation. If we follow the logic of the dominant explanations, we would argue that in the thirty-four provinces where the percentage share of private lands is high, the landlords were unsuccessful in blocking the land reform process; landlords were successful in blocking land reform in nineteen provinces. This argument is not convincing however. Therefore, explaining the causes of high or low percentage shares of private lands in the total DAR private-public land accomplishment requires that we go beyond the level and unit of analysis of the dominant explanations. Finally — and interestingly — the socioeconomic
structures and institutional makeup of regions that have high private land outcomes are varied: from a modern plantation belt (Region 11) to a region of urban sprawl (Region 4) to a region of anaemic economic development (Region 5); the same is true of those with low percentage shares of private land outcomes.

**Extent and geographic distribution of private lands except VLT**

Chapter 3 demonstrated that VLT cases are likely to be devoid of a redistributive dimension, so if we want a true picture of the situation, they must be counted out of the accomplishment report. Taking VLT out of the private land redistribution report reduces the total accomplishment in the private land category by 25 percent. The actual quantity of private lands redistributed as of May 2005 was 1.467 million hectares under OLT + GFI + VOS + CA modes of acquisition — the generally “safer” modes in terms of ensuring the redistributive content of land transfers (excluding VLT, which, as we have said, is a less accurate reflection of the redistributive reality). This reduced quantity shifts the percentage share of private lands in DAR’s total accomplishment from 55 to 41 percent.

Following this assumption, five regions (1, 9, 10, 12, and CAR) would have to reduce their accomplishment data in private lands by two-fifths or more. In these regions, VLT was clearly the dominant “land acquisition” mode used to produce official policy outcomes. This is a reminder of the dangers of uncritically accepting VLT cases as gains in redistributive reform. VLT output is highly uneven geographically: At the national level VLT might be only a small part of the whole; in some regions however, it is the dominant mode. Finally, it is interesting to note that the regions that have high percentages of VLT are not homogenous; they are quite varied in terms of their structural and institutional settings. I have explained this issue in more depth elsewhere (see Borras, 2005).

**Extent and geographic distribution of VOS**

The VOS land acquisition mode accounted for nearly one-quarter of the total DAR output in private lands, and for 12 percent of the total output in private and public lands. The VOS in ARMM is certainly non-redistributive, as explained in the preceding chapter. But again, VOS outcomes are varied sub-nationally, and its geographic distribution is highly skewed. Three regions (11, 6, and 5) account for half of the total VOS transactions nationwide. The province of Negros Occidental had the biggest VOS output, with 63,837 hectares, accounting for 12 percent of all VOS output nationwide. The large numbers of bankrupt sugar cane plantations and fishpond-prawn farms that
were forced to submit to the land reform program voluntarily could partly explain the high VOS percentage in this province; the evasive scheme of VOS-then-leaseback is another possible explanation (by mid-2006 sugar prices were rising again, although it is not clear whether this constitutes an actual increasing trend or just one of the usual periodic fluctuations — see, e.g., Billig, 2003). But there are provinces where the VOS percentage shares are fantastically out of proportion, such as in Davao Oriental and Sultan Kudarat where, respectively, 62 percent and 55 percent of the overall output in private lands was accomplished via the VOS mode. This raises suspicion about the quality of the “land transfers” in these areas. Finally, as for VLT, the provinces with high VOS output have a varied socioeconomic and institutional make-up, ranging from a coconut-producing province (Davao Oriental) to a sugar cane enclave (Negros Occidental).

**Extent and geographic distribution of OLT**

There is less controversy around the rice and corn (OLT) land, because the bulk of the achievements in redistribution are indeed concentrated in the rice-producing regions and provinces. These accounted for nearly one-third of the total DAR redistribution in private lands as of 2005. This also explains the relatively higher outputs in private lands of regions 3 and 2, two of the country’s most important “rice bowls,” with the latter also being the most important corn-producing region. The same land category pulled up the private land outputs of regions 5 and 1, and “saved” Region 12 from a total “disaster” in its performance in private lands. This partly explains the low CA output in regions 3 and 2, but it does not explain the low CA output in Region 1.

**Extent and geographic distribution of CA**

The CA mode represents a low percentage share — just 12.3 percent — of the total distribution outcome in private lands. Here, a number of observations can be made about this mode: First, the general conclusion that the CA mode is only marginally used is true — from a national perspective. However, this does not apply in all locations and at all times; this can be seen from two opposite perspectives: On the one hand, it is an understatement for regions (and provinces) where the CA mode was almost completely ignored, so that their percentage shares of CA vis-à-vis total output in private lands are almost zero. Examples of this are Region 12 with 0.15 percent, CAR with 0.5 percent, and Region 1 with 1.4 percent. On the other hand, it fails to capture the fact that the CA mode’s share in some regions is *not* marginal. Regions 4 and 7, for example, both have CA shares above the national average, at 27 percent and 23 percent, respectively.
Second, the geographic distribution of the land redistribution output of CA is highly uneven, very much concentrated in a few regions: The four regions with the highest CA output in hectares (regions 4, 5, 11, and 6) together account for 56 percent of the total CA output. And conversely, the bottom four regions (12, 1, 13, and CAR) have only a 3 percent share (see table 4.1). The aggregate land areas of the two clusters of regions are comparable in size. Immediately, one notices that in the first cluster, where the CA mode is used relatively often, are (except for Region 5) regions considered to be “difficult” because the structural and institutional setup appear unfavourable to land redistribution (i.e., booming export agriculture, massive urban sprawl, heavy state subsidy of sugar cane). Conversely, the second cluster is made up of regions that are not into production of non-traditional agricultural export commodities (nor is there massive urban sprawl) and whose agriculture is dominated by subsistence farming (where you would, therefore, expect a high percentage of CA transactions). Yet the CA performance in these regions was not significant.

Third, the variations are more pronounced at the provincial level. For one, of the 78 provinces (table 4.1 does not show a breakdown by province), only 15 have CA output of more than 5,000 hectares, and the latter’s combined CA output accounts for 61 percent of the total CA. These top-15 provinces are mixed in terms of structural and institutional settings: There are the relatively “softer” provinces such as Cagayan, but also “difficult” provinces like Davao del Norte (which is a modern export-oriented plantation enclave) and Quezon II (a “local authoritarian enclave”). Furthermore, almost half of the provinces have a CA output of less than 1,000 hectares each, and their combined CA output is only 3 percent of the country’s total CA output. Of these provinces, amazingly, eleven have zero CA output. These eleven provinces include both small areas, like Batanes, and large ones, like Lanao del Sur. The provinces with the least CA output comprise a mixture in terms of structural and institutional settings, from a large province like Sultan Kudarat to a small island like Catanduanes, from a plantation-based province like South Cotabato to a traditional upland subsistence farming area like Kalinga.

Finally, the conclusion, based on nationally aggregated data, that the CA mode has been employed marginally within the CARP process is valid only insofar as the national picture is concerned. Some provinces have relatively high CA percentages — even more so when seen from a comparative view in the context of province-to-province diversity and not only in province-to-national or province-to-regional diversity. For example, the frequency of CA
may be quite different between two provinces from two different regions, as in the cases of North Cotabato (very low at 0.1 percent) and Quezon I (high at 46 percent), or within two provinces between a region, as in the cases of Mindoro Oriental (at 14 percent) compared to Quezon I.

**Extent and geographic distribution of DAR’s government-owned land**

As explained earlier, critics argue, in generalized terms, that CARP’s output is largely from public lands and that the redistribution of public land does not constitute redistributive reform. The latter assumption was criticized in the preceding chapter. However, critics are partly correct in drawing attention to the DAR’s focus on government-owned lands. A closer examination of the reported land redistribution output in the government-owned land category under DAR jurisdiction (table 4.1, columns: SETT, LE, and KKK) reveals some insights: The government-owned lands under the DAR jurisdiction were nearly completely redistributed as early as 2002, confirming the popular assumption that past DAR administrations prioritized this land type in their redistribution campaigns. As of 2005, 44.4 percent of DAR’s total accomplishment came from the government-owned land type, and KKK and settlement lands accounted for the bulk of this category, at almost 95 percent.

The geographic distribution of government-owned land output is skewed, concentrated in five regions (13, 2, 12, 8, and 6). Four regions have two-thirds or more percentage shares of government-owned lands in their total DAR output; region 12 has more than two-fifths of the total settlement land output. Moreover, seven provinces represent 36 percent of the country’s total output in government-owned land. The pattern of geographic distribution of government-owned lands follows the distribution of the various land frontiers that earlier in history had been declared as part of the government’s official (re)settlement program, while some of these were later classified as KKK lands.

**Extent and geographic distribution of DENR’s A&D and CBFM programs**

This section casts light on the DENR accomplishment data. Table 4.2 is DENR’s accomplishment report broken down by region. There are discrepancies with the data presented in chapter 2. The data in chapter 2 is from the PARC Secretariat; the data here is from the DENR CARP Secretariat and is used here due to its regional breakdown.
Table 4.2
DENR’s accomplishment in A&D lands and CBFM by region, in hectares (1987–2001)

<table>
<thead>
<tr>
<th>Region</th>
<th>A&amp;D</th>
<th></th>
<th>CBFM</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity (ha)</td>
<td>% accomplished</td>
<td>Quantity (ha)</td>
<td>% accomplished</td>
</tr>
<tr>
<td>Philippines</td>
<td>1,141,538</td>
<td>55</td>
<td>1,042,632</td>
<td>81</td>
</tr>
<tr>
<td>CAR</td>
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<td>36,184</td>
<td>89</td>
</tr>
<tr>
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</tr>
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</tr>
<tr>
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</tr>
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</tr>
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<td>10</td>
<td>91,909</td>
<td>62</td>
<td>108,240</td>
<td>100</td>
</tr>
<tr>
<td>11</td>
<td>92,496</td>
<td>73</td>
<td>139,293</td>
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</tr>
<tr>
<td>12</td>
<td>128,511</td>
<td>84</td>
<td>89,538</td>
<td>139</td>
</tr>
<tr>
<td>13</td>
<td>13,472</td>
<td>55</td>
<td>46,549</td>
<td>314</td>
</tr>
<tr>
<td>ARMM</td>
<td>7,381</td>
<td>27</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Notes: (1) The regional breakdown of the working scope was not made available to this study. (2) Figures for ARMM and Region 13 were reported by the national DENR only from 1997. It is unclear how much land, if any, was distributed under the program in these two regions earlier. Percentages were rounded.

Source: DENR (n.d.a, n.d.c).

A few observations can be made. Based on table 4.2, DENR output is nearly 2.2 million hectares of land (compared with 2.5 million claimed in chapter 2), almost equally divided between the two DENR programs under CARP. In relative terms, the DENR was slow in redistributing A&D lands and faster in (ISFP/) CBFM, at 55 and 81 percent, respectively. One of the reasons given for the slow processing of A&D lands is technical, administrative, and funding problems with regard to the reclassification and survey of A&D lands. The CBFM is the favoured program, but its outcomes are highly uneven sub-
nationally. Four regions (10, 11, 12, and 13) have one hundred percent or more accomplishment rates; and as mentioned elsewhere, the data above does not clarify whether and to what extent ancestral domain claims are included in the DENR CARP accomplishment reports. Overall, these data suggest that there is no clear baseline figure for the working scope of DENR, especially in the CBFM program.

**Extent and geographic distribution of leasehold reform**

In the Philippines, there are no precise records of how many farms and how much land and tenants are to be covered by the mandatory conversion to leasehold. A rough estimate would place a minimum of 3 million hectares and a minimum of 1.5 million peasant households as potentially affected by this law. By the end of 2003, 1.5 million hectares of land were reported to have been converted to leasehold contracts (see chapter 2). However, as noted in chapter 2, about 650,000 hectares of this must be taken out because they are “transitory leasehold” (in transition to various land acquisition processes like CA). Another critical issue here is the difficulty of ascertaining which leasehold contracts are real and actually working. Some landowners of small- to medium-sized farms could have recruited family members as their contracting party in the leasehold arrangement (whether fake or legitimate). Other leasehold contracts could have been reverted back to the old share tenancy. The contract enforcement capacity of the state is extremely low in this type of reform, which is widespread and scattered and involves numerous individuals and individual contracts.

### 4.4 CONCLUDING REMARKS

This chapter analyzed evidence showing that portions of the officially reported land reform accomplishment in fact constitute gains in redistributive reform, regardless of whether they are popularly accepted as such. Under certain conditions, these CARP outcomes occurred through different land acquisition and distribution modalities in different land property rights categories; for example, both in private and public lands and under both the DAR and the DENR programs. Specifically, redistributive reforms were achieved through land transfers via the compulsory acquisition (CA) and operation land transfer (OLT) modes, through “coerced volunteerism” via the voluntary offer-to-sell (VOS) scheme, through redistribution of landholdings owned by government financial institutions, and in public lands through the various programs under the DAR and the DENR (i.e., KKK, settlement, A&D, and CBFM programs).
This type of outcome also occurred through the leasehold reform program. Moreover, outcomes that constitute redistributive reform were achieved in landholding types that were formally classified as, and popularly assumed to be, excluded from the reform process, including fishponds, military reservations, and educational facilities.

The redistributive reform attained so far through the CARP process has been significant in scale, and while it is unlikely to approach the optimistic projections and current claims by some of its official supporters, it certainly has surpassed the earlier pessimistic predictions made by critics. Finally, the redistributive outcomes of CARP have been uneven and varied between the different policy components and land acquisition modalities of the land reform policy, between different regions, and over time. The nature and extent of CARP’s redistributive outcomes in land redistribution are largely influenced by the nature and extent of the pro-reform state–society coalition that has been pushing for this kind of reform. This will be discussed in the next chapter.