

2020

Fact-Finding Mission Report



Tanggol Magsasaka

Fact-Finding Mission February 18 to 20, 2020

Tanggol Magsasaka, a broad platform of individuals and organizations that advocate the general upliftment of lives of rural-based sectors, held a fact-finding mission in Taytay, Palawan last February 18-20, 2020. The group conducted several interviews and focus group discussions in isolated poverty-stricken areas, namely the island barangay of Paly and the coastal barangay of Poblacion.

I. Background

The Palawan province is among the largest province in the country, in terms of land area. Around 2,000 kilometers of coastal and mainland areas are part of Palawan's territory. Overall, the economic base of Palawan remains agricultural, with the province producing three major products: corn, rice, and coconut. There are also minerals in the area, including nickel, copper, manganese and chromite. Furthermore, the province supplies 45% of the region's fish consumption.

Taytay is a municipality in Palawan which has around 79,000 residents in its 31 barangays – 23 are classified as mainland areas while 8 are island barangays. The fact-finding mission focused on two barangays – Barangay Paly and Barangay Poblacion. Said areas have reported cases of civil, political and economic rights violations, particularly involving restrictions to their livelihood and harassment over their affiliation with organizations red-tagged as members or supporters of the New People's Army (NPA).

Paly's total population is 2,800 and all of its residents are fisherfolk. Access to water and electricity is close to nil and there is very limited access to healthcare and government infrastructure projects. Paly, a fisherfolk community, have raised complaints over various policies such as the Administrative Order No. 5, which was passed by the Palawan Council for Sustainable Development (PCSD). The said ordinance regulated the catching of *lapu-lapu*, thus wiping out a reliable source of income for poor fisherfolk. *Lapu-lapu's* farmgate price range from PhP 800.00 to PhP 2,500 per kilo, depending on the fish' weight. The said order likewise set the closed season from March to May, which prohibits farmers from fishing during these months with no alternative source of livelihood.

Meanwhile, workers, farmers, and fisherfolk make up the bulk of Poblacion's populace. For farmers in Poblacion, they are largely affected by the presence of the 400-hectare bamboo plantation of Guevent Investments Development Corporation (GIDC), as this has endangered their right to land and livelihood. Guevent plans to expand its bamboo plantation in the area, and is targeting the areas owned and occupied by farmers.

In both Paly and Poblacion, organizations were formed to reiterate and assert the demands of the people in said communities. In Paly, a local chapter of PAMALAKAYA, a national federation of small fisherfolk in the Philippines, was established in 2015. The Pamalakaya chapter in Paly has led successful campaigns against excessive fees such as the imposition of PhP 350 for "pana", thus PhP 1,400 for usually 4 pieces being used per boat in 2016. PAMALAKAYA members in Paly and Palawan also pushed for the suspension of the one-year closed season last year. In 2018, Pinagkaisang Lakas ng mga Okupante, Residente, Manggagawa, Magsasaka, at Mangingisda sa Taytay (PLORMM) based in Poblacion, lobbied at the House of Representatives against the displacement of farmers and residents from the 1,265-hectare Pujalte Estate. The residents were being forcibly displaced so that GIDC can use the land for its operations.

As a response to the active involvement and campaigns led by these organizations, both Pamalakaya and PLORMMM have been the subject of incessant red-tagging. Palawan's Task Force to End Local Communist Armed Conflicts (TF-ELCAC), a policy framework that seeks to implement Duterte's EO 70 locally and Joint Campaign Plan Kapanatagan, has served as a blanket authorization for authorities to baselessly accuse local leaders of being rebels, arrest citizens without due process, and permit the presence of state forces in these barangays and in many other areas in Palawan. Since 2018, the elements of the Philippine Marines have been billeted in both barangays resulting in de facto martial law.

II. Conduct of the Fact-Finding Mission

A. Objectives

The fact-finding mission will investigate, verify, and conduct data gathering among the members of PLORMMM and the community of Barangay Paly. This is to respond to false allegations made by the 3rd Marine Brigade, through their commander Brig. Gen. Gaerlan and spokesperson Capt. Orchie Bobes of the Palawan Provincial Task-Force – Ending Local Communist Armed Conflict (PTF-ELCAC) and its local version Joint Task Force Peacock (JTF Peacock). The said formations are behind the continuous red-tagging of legitimate organizations, as well as harassment of members and communities.

In particular, the following are the specific objectives:

1. Document reported human rights violations in the community and report the information to tap relevant organization and bodies;
2. Facilitate dialogues with the LGU, media, and other public institutions on the political and economic rights violations documented in barangays Poblacion and Paly;
3. Expose the human rights violations done against said organization and communities, and tap media outfits to likewise respond to false allegations propagated by the PTF-ELCAC;
4. Conduct human rights organizations in the affected communities; and
5. Create a local plan to counter and respond to the continuing harassment done against progressive organizations and militarized communities.

B. Proposed Itinerary

1st Day

-Arrival

-courtesy calls/orientation Briefing (Provincial, City at Municipal)

-Jail Visits (Provincial sa Puerto)

4pm-7pm -travel to Taytay (PM)

2nd Day

6am-8am - Travel from PLORRM to Paly

8am-3pm –Conduct of FGDs and interviews

3rd Day

8am-12nn - Dialogue and presentation of FFM findings at the Taytay municipality, press conference

4th Day – Flight of the delegation back to Manila

C. Harassment faced by the FFM Team

During the arrival at Brgy. Paly, a courtesy call was done to the barangay officials at the barangay hall. Upon entry of the FFM team, it was noticeable that elements of the Philippine Marines – both uniformed and ununiformed – were littered in different areas. The unit's head, identified as Lt. Bermudez, was present during the courtesy call while a few armed soldiers were listening outside.



The FFM team was asked to sign their names in a log book. After clearing that the team was there for data-gathering and not to form a new organization, the barangay officials headed by Brgy. Capt. Juliet Logarde, asked for the team's identification card. These were given and members of the military took pictures of the IDs.

A soldier was also taking pictures and video of the entire meeting without permission of the FFM team.

Afterwards, two members of the FFM team were cordoned after they went outside. They were blocked from returning to the barangay hall and were interrogated for at least 30 minutes. The soldiers started asking personal questions such as their address. Even while already conducting the interviews, the marines followed the team and deployed ununiformed personnel to surveil the team. The team also later learned that a few more residents from Sitio Kampo were prohibited from talking to the mission team, with a kagawad blocking their way and telling them to simply go home.

III. Methodology and Limitations

The fact-finding mission probed the violations on socio-economic rights in Taytay, Palawan through a focus-group discussion with the fisherfolk residents of the island Brgy. Paly. A facilitator sat down with around 30 gathered fisherfolks, who responded to questions on their livelihood and current socioeconomic status. All FGD participants live at the shoreline, whose houses are within the vicinity of where the discussion took place. Much of the information gathered is narrative based on the accounts of FGD participants. Details vary from one participant to the other; paper trail is needed to supplement the accounts of the participants, especially the legal bases behind their experience.

Key-informant interviews were likewise done with victims of civil and political rights violations, particularly harassment and red-tagging. Their narration was noted and a factsheet was used as a format to document their cases.

The same method was done for members of PLORMMM in Brgy. Poblacion.

IV. Findings

***Factsheets of the cases are available upon request**

A. Disruption of Livelihood in Brgy. Paly

The poverty-stricken island barangay (village) Paly in the municipality of Taytay, Palawan is home to more than 2,000 people who mostly rely on small-scale fishing for livelihood. The small fisherfolks interviewed during the mission shared they have experienced significant abatement in their livelihood since the latter part of 2019.

The small fisherfolks get much of their income from the capture of lapu-lapu. They usually sell a kilo of good-size wild lapu-lapu for at least PHP 3,000 (USD 58), while a kilo of cultured lapu-lapu is PHP 800 (USD 16). The monthly average earning per family is around PHP 30,000 (USD 580).

In November 2019, however, barangay officials and traders told them that the seasons for catching lapu-lapu is already in implementation. They can only catch lapu-lapu from September to February the next year – when the waves are too strong for them to do so. The sea is calmer during the off-season, starting in March up to August, but only commercial fishing is allowed to operate.

Because it was the on-season at the time, the small fisherfolks' income plunged. By January this year, traders stopped buying their catch. Since then, interviewees said that they earn little to no income. Some families have relied on the Pantawid Pamilyang Pilipino Program, a government dole-out program, for survival.

To cope, some of the fisherfolk have relied on the sale of other fish they catch as feed to fish farms that culture lapu-lapu, priced at **PHP 20 (USD 0.4) per kilo**. But these farms have told them that the provincial government is planning to ban lapu-lapu culture fishery, which would entail the total loss of small fisherfolks' livelihood. In fact, some of the local fisherfolks have already relocated to the mainland for better livelihood opportunities. According to the interviewees, the ban gives way to the monopoly control of Governor Jose Alvarez of the industry. He owns a commercial hatchery in Brgy. San Vicente, where traders now source their lapu-lapu.

On top of the fishing seasons and the lapu-lapu ban, the Sangguniang Barangay (village council) recently required the small fisherfolks to pay PHP 20 (USD 0.4) per kilo every time they are to go off to sell their catch. The barangay gets PHP 5 while the PHP 20 goes to the municipal government. This is an additional financial burden to the small fisherfolks.

Among the policy behind these restrictions is the Administrative Order No. 5, which was passed by the Palawan Council for Sustainable Development (PCSD). They expressed that they were not properly consulted before their implementation. Due to the situation and ongoing restrictions, the group consulted raised that they rely more heavily on government dole-outs such as 4Ps because their livelihood can no longer provide for their needs.

Interviewees said the fishing restrictions are related to a demolition plan in the island. In early 2019, sometime before May, surveyors came to Paly to measure the coastal area. Houses located 20 meters from the coastline were told that they have no relocation, while the surveyors offered to buy the houses of those at the additional 20 meters. Locals are uncertain of the development project that will be built in the island, but it has already secured permit from the Taytay mayor's office. The fisherfolks suspect that it is an eco-tourism project owned by Gov. Alvarez.

According to local media, the island has been in dispute since the 1990s because of mining. Various private entities have asserted claim over the island. The residents, who have already been in the island for at least 70 years, were able to assert their right to stay in the past two decades.

The militarization in the community has also affected their livelihood. The fisherfolks now live and fish in fear. Members of the local chapter of PAMALAKAYA, an organization of small fisherfolks in the Philippines, were particularly hit. PAMALAKAYA previously opposed the lapu-lapu fishing ban and the enforcement of fishing seasons in Paly in 2016 and 2019 respectively. Since the intensified counter-insurgency campaign, the organization has been considered as equivalent to the communist rebel group New People’s Army.

Because of the redtagging, fisherfolks from Paly who relocated at the mainland had difficulty looking for jobs as alternative source of livelihood. They experienced discrimination and were turned down from opportunities.

B. Forced Surrender and Harassment

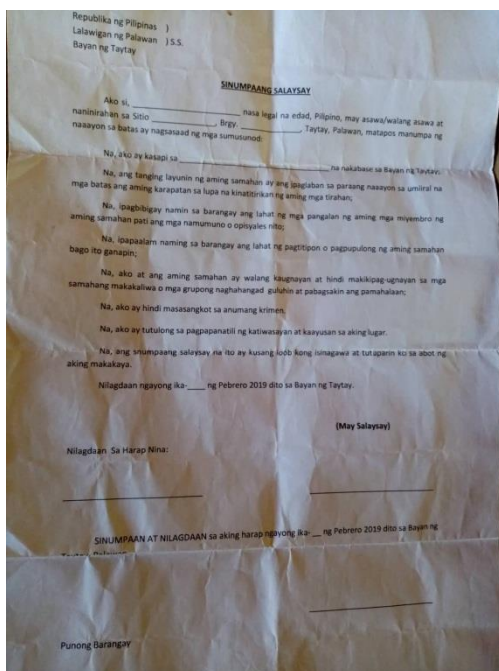


Figure 1: Copy of the blanket affidavit shown by the Marines

The cases in PLORMM mostly constitute of forced surrenders and incessant harassment. Led by the 3rd Marine Brigade making rounds on people’s homes with ready-made affidavits to be signed by the members of PLORMM, with the purpose of “clearing their names”. Those who refused to sign were continuously threatened with statements that insinuate the future involvement of family members. This has fomented a coercive environment that alludes to the endangerment of lives, not only to the members, but also extending to their kin. A total of 17 cases were recorded for the barangay.

In Paly, at least 18 individuals were victims of false allegations and various forms of threats and intimidation by the 3rd Marine Brigade, bivouacked in the island barangay’s town hall. The people’s right to organize is also restricted, through certain strategic tactics, such as the creation an entirely different organization spearheaded by the barangay officials, and through

outright harassment of members and leaders of the red-tagged organization.

The following are some of the specific cases of harassment documented by the team:

1. PLORMM member was told he should sign the blank affidavit if “he still loves his wife and children.” This was said by armed soldiers who were in full battle gear in front of the member’s wife and 4 minor children.
2. Current Pamalakaya-Paly chairperson was bribed by the barangay captain with Php20,000 to step down from the organization, sign an affidavit that he will “surrender” and be transferred to a new

organization formed by the Marines. This parallel organization will allegedly be called “Mangingisda.”

3. Continuous meetings called by the 3rd Marine Brigade in Paly, particularly by Lt. Bermudez, which repeatedly red-tag Pamalakaya. Leaders of the organization who refuse to “surrender” are being denied documents. The wife of a leader was initially denied a certificate of indigency by the barangay because of her and her husband’s affiliation with Pamalakaya.

4. Due to the continuous red-tagging of Pamalakaya, residents and members came to the barangay hall to surrender their Pamalakaya IDs for fear of being harassed or deprived of services from the local government.

5. PLORMMM leaders were coerced to sign an affidavit which restricts them from engaging with other organizations that are considered by the government as “front organization” and limits them from conducting meetings and launching campaigns. The affidavit effectively asks members to report everything to the barangay officials and the marines.

6. PLORMMM officers who simply want to “clear their name” and who went to the marines camp at Montevista were interrogated, used to profile the organization, asked to sign an affidavit which effectively turns them into informants on the organization’s activities, and even directly invites them to be intelligence assets of the marines.

C. Impact on Children

As per the reports of the locals, the marines freely enters and exits the school premises of the Paly National High School to perform civic military operations (ie.provide services among the students



Figure 2: Children's activity in Brgy. Paly, February 19, 2020, facilitated by the children’s Rehabilitation Center (CRC).

such as free haircuts, taekwondo trainings and film showings of videos vilifying legitimate organizations). This directly violates policies basing on the RA 7610 Art. 10 Sec. 22 declaring Children as Schools of Peace, the Philippine being a signatory to the United Nations Convention on the Rights of a Child (UNCRC) Art. 32, and the CARHRIHL.

Such gesture is putting the children in great danger as military personnel are subjected to attack anytime. On the other hand, children involved in any organization are also very vulnerable with the army’s presence

as red-tagging is eminent in the area.

Additionally, there were unverified accounts of arbitrary identification of people being associated with the New People’s Army. One instance where a high school student was about to get a haircut and the military implied that he was part of the rebel group because of the red scarf tied on his wrist.

Children of Pamalakaya leaders were also bullied in school because of the harassment and red-tagging faced by their parents.

In Barangay Montevista, upon interview with the PLORMMM members, they were home visited by the marines and forcing PLORMMM members to clear their names by signing an affidavit waiving their rights on association after the organization's chair was arrested due to trumped up charges.

One case is of the PLORMMM's secretary where her family was visited seven times. On the sixth visit, the family was threatened by the marines saying "diba mahal ang mga anak mo?", "diba mahal mo ang asawa mo?" as she refuses to sign the affidavit she forced to sign. The children aged 15, 12, 10 and 3 witnessed the threat.

V. Summary and Analysis

Through TF-ELCAC, varying degrees of collusion between state forces and local authorities were observed. In Paly, the mere presence of the Philippine Marines within the vicinity of the Barangay Hall and their influence on the decisions of the Barangay Captain has propelled them to a position of authority exceeding that of the Barangay Captain. In terms of impact, this has restricted free movement of the fisherfolk. Taytay LGU's direct partnership with GIDC has resulted in the prioritization of business interests over the rights of resident farmers and fisherfolk.

Testimonials and narratives point to the state armed forces' presence as an overwhelming factor that hinders them from exercising their right to livelihood and the full enjoyment of human rights. Baseless allegations connecting PAMALAKAYA to the Communist Party of the Philippines (CPP) and the New People's Army (NPA) have compromised the security of the members and everyone else on the island. Because they cannot consult among themselves to come up with a consolidated decision on their welfare, they have become vulnerable to the economic policies of the LGU and the provincial government. One interviewee who refused to disclose her identity explained that some traders are advised against procuring their products. This has caused additional loss to their already meager household income.

PLORMMM in Poblacion faces a similar situation. With the arrest of their chairperson, Norlie Bernabe, on trumped up murder charges that emerged from the organization's affiliation with Anakpawis Partylist in 2019, GIDC has been assured of a smoother takeover over the residents' landholdings.

Policies enabling the fishing restrictions are gross violations to people's right to food. Small fisherfolks are food producers yet they themselves have no food to eat due to the little to no income they earn. These policies did not undergo proper consultation with the residents, which signifies the absence of due process.

This can result in a higher rate of hunger prevalence and malnutrition in the already depressed island. Worse, the fishing restrictions may lead to starvation in the long run if left unaddressed.

The demolition threat on top of the constraints to fisherfolks' economic activities is a clear indication of attempts to forcefully evict them from the island to facilitate development aggression.

Redtagging also limited the opportunities of the small fisherfolks in finding alternative sources of livelihood, as well as in asserting their right to livelihood and confronting these policies collectively.

Tanggol Magsasaka recommends the government to recognize people's organizations as legitimate actors that perform their roles to uphold public interest. It is also recommended for the government to support and strengthen community organizations such as PAMALAKAYA and PLORMM because they enable people to act and move to gain what is rightfully theirs. More importantly, the authorities should implement programs that would address the needs of the people, improve their situation, and guarantee the enjoyment of the fruits of their labor.

VI. Recommendations

General findings suggest that these recent cases of militarization in isolated rural areas that directly affect the already poor conditions and the livelihoods of the marginalized sectors have stunted their path towards holistic development.

From the results of the fact-finding mission, organizations that form Tanggol Magsasaka will endeavor to call on:

1. The Commission on Human Rights (CHR) and other concerned government agencies to review and validate the findings of the fact-finding team, as well as conduct an on-site inspection of the offices to certify said spaces as legal and official organizational offices;
2. The CHR to check the processes conducted by military units in said areas, particularly the use of blanket affidavits, red-tagging, and use of coercive circumstances to urge individuals to sign;
3. Review the enabling policies and laws behind the fishing restrictions experienced by the small fisherfolks from the national to the barangay level. Assess how due process took place especially in their local approval and implementation;
4. Probe the legality and environmental impacts of the slated development projects in the island, especially the mining activities;
5. Review the impact of the implementation of Palawan's Provincial TF-ELCAC, particularly on the people's freedom of association, freedom of expression and right to organize;
6. Amplify the call for food sovereignty and the right to livelihood in national and international channels. Twelve organizations from Asia, Africa, and WANA (West Asia and North Africa) have already endorsed the petition initiated by an international formation of advocates of the right to food calling out the repression experienced by fisherfolks and farmers in Palawan and the rest of the nation;
7. Use the documentation of the FFM team to raise the issues of the community to the United Nations Human Rights Commission (UNHRC) for the conduct of an independent and impartial investigation; and
8. Recognize the legitimacy of organizations, stop the redtagging and harassment of the local fisherfolks and farmers, and pullout the Marines stationed in the communities and hold accountable the perpetrators of human rights violations among their ranks.