I. Rationale

A National Solidarity and Fact Finding Mission was conducted on December 15-16, 2016 in Tagum City to gather facts and information on the violent dispersal and shooting of Madaum Agrarian Reform Beneficiaries Association Inc. (MARBAI) farmworkers reclaiming 145-hectares of land awarded to them but was landgrabbed by Lapanday Foods Corporation (LFC).

The mission was organized by the Kilusang Magbubukid ng Pilipinas (KMP) and Unyon ng Manggagawa sa Agrikultura (UMA), participated by KARAPATAN National, Anakpawis Partylist, KMP-Southern Mindanao Region, KARAPATAN-SMR, Mag-Uuma Alang Sa Tinood Nga Repormang Agraryo (UGMAD-TRA or Farmers’ Union For Genuine Agrarian Reform), Hugpong sa mga Mag-Uuma sa Walog Compostela (HUMAWAC), PASAKA, Gabriela, Anakbayan, Center for Trade Union and Human Rights (CTUHR), Pesticide Action Network-Asia Pacific (PAN-AP) and other organizations.

More than 300 farmworkers and land reform advocates joined the mission. The main form of data gathering was through the conduct of Key Informant Interviews, Focus Group Discussions and Ocular Inspection.

Among those interviewed were farmworkers and leaders of various organizations present during the farmers’ camp-out from December 8 to 15 inside the Lapanday banana plantation; the wounded victims of the shooting incidents and other witnesses.

The objectives of the solidarity mission are as follows: Establish concrete facts on the shooting incidents against farmers and agricultural workers; extend solidarity to the members of MARBAI, UGMAD-TRA and other groups; to document the onerous and exploitative Agribusiness Venture Agreement (AVA) between Lapanday and farmworkers’ cooperatives and ensure justice for the victims of the attacks.

II. Background

Around 159 farmworkers who organized themselves under the MARBAI have launched militant actions and assertion to reclaim the 145 hectares of land awarded to them by the government in 1996 through the defunct Comprehensive Agrarian Reform Program (CARP).

In the 1990s, the land formerly owned by the Hijo plantation was voluntary offered for coverage. The land was awarded to employees and three groups of ARBs where formed. In 1999, the Hijo
Employees Agrarian Reform Cooperative 1 (HEARBCO1) entered into a growership contract with Lapanday and Global Foods Corp. for a period of 10 years. After a decade, the HEARBCO1 incurred debts amounting to P1M. A majority of HEARBCO 1 farmworkers rejected the renegotiated contract with Lapanday because it is highly disadvantageous to the farmworkers. The said employees organized and formed MARBAI and filed for a petition to reinstate them to their tillage. A compromise agreement was reached in 2011, reducing the farmworkers’ debt to P800,000. On December 2015, the Department of Agrarian Reform Adjudication Board issued a final and executory order reinstating MARBAI farmworkers to the land. The current DAR under Secretary Rafael Mariano, started the installation process in October this year.

Farmworkers asserted their moral and rightful claim over the lands to gain control of the productive lands that was landgrabbed by the Lapanday Foods Corporation (Lapanday) owned by the Lorenzo family.

Using onerous, deceptive and exploitative provisions of the Agribusiness Venture Agreements (AVA), Lapanday took over the lands intended for MARBAI (119.25 hectares) with 159 ARB members, resulting to the dispossession of the farmworkers despite MARBAI not being a party to the AVAs.

III. General Account of the incidents (December 8-15, 2016)

On December 8, 2016, at around 7 in the morning, Santos Paglinawan, former sheriff of DAR Davao Del Norte arrived at the Madaum Agrarian Reform beneficiaries Association Incorporated (MARBAI) camp site. Paglinawan told and convinced around 30 to 50 farmworkers that it is safe to enter the Lapanday Banana Plantation because he already disarmed the security guards. However, he failed to convince the farmworkers. Later, he called someone over the phone. Few minutes after, around 10 armed men in plainclothes arrived to persuade the farmworkers to enter the plantation but their efforts were futile. The armed men left.

A beneficiary narrated that an unnamed man who seemed like hiding a gun tucked in his waist, arrived and insisted to enter the camp site but MARBAI members refused.

At 2:00pm on the same day, an armoured personnel carrier and a 6x6 army truck carrying soldiers from the 46th Infantry Batallion stopped in front of the camp site. One of the soldiers got off the vehicle and inquired about the problems in the area.

On December 9, MARBAI members attempted to enter the plantation. However, the armed security guards fired around 2 warning shots. Despite the warning shots, the farmers negotiated with the guards and while the negotiation was ongoing, the guards continued to fire around 30 more (warning) shots. Nevertheless, the farmers were able to enter the plantation at around 12:15pm. The security guards come from ACDISA security agency and their team leader was identified as a certain ‘Vicente’. Security guards from other agencies were also present in the area.
On December 10, MARBAI farmworkers saw armed security guards of Lapanday Food Corporation (LFC) harvesting bananas in the plantation.

On December 11, many supporters left the protest campout, leaving at least 300 MARBAI farmers peacefully occupying the compound.

From December 9 to 11, PNP personnel were posted outside the Lapanday gate. An unidentified police officer left his cellphone number to one of the leaders of MARBAI and told the farmers to contact him in case of any untoward incident.

On December 12 at 7am, farmers saw Lapanday harvesters escorted by nine armed security guards still harvesting bananas. The MARBAI farmers and peasant leaders Renante Mantos and Lito Lao approached the harvesters and security guards and asked them to stop harvesting the bananas. Mantos and Lao explained that the 145-hectares where they were harvesting is now owned and controlled by the farmer-beneficiaries. The ARBs demanded the guards to leave at once.

The farmers saw one of the guards talking to someone on his cellphone. There are noticeably more armed security guards hiding behind the banana trees.

Mantos called the cellphone number gave by the police to ask for intervention. He tried to call the number seven times. He also sent SMS but still got no response.

At around 7:20AM, more or less 20 to 30 armed guards suddenly appeared. They wore black long sleeves and some are wearing masks. They began firing their shotguns at the farmers. The ARBs scampered away and took cover to avoid being shot.

Seven people were wounded. All of them were brought to Davao Regional Hospital in Tagum City.

At around 9am, right after the shooting incident, Lapanday sprayed chemicals and pesticides within the premises of MARBAI utilizing a small aircraft used in aerial spraying. During this time, almost 300 members and supporters were having breakfast. Some were coming from the plantation where the shooting incident happened. They were forced to throw their food and water that have been contaminated by the pesticide. All of them went inside the chapel and MARBAI office to seek shelter.

In the afternoon of the same day, MARBAI leaders along with other support groups went to the Tagum City Police Station to blotter the incident. The group headed to the office of the chief of police to secure a copy of the incident report. However, the chief of police Laudemer Laude refused and said that they will only release the incident report if the court will require them.

MARBAI leaders asked Laude about their immediate plans regarding the security of the MARBAI farmworkers. Laude said that he cannot assure the security of the farmworkers since he cannot enter a privately owned property. He also said upfront that he believed that MARBAI farmworkers hired private armies and were hiding firearms.
On **December 13**, the farmworkers continued to cut the banana trees within their 145-hectare of agricultural land.

On **December 14**, at around 7am, ARBs were called by their leaders in the area where they already saw 10 to 20 armed security guards. The farmers had an orientation before they continued cutting down the trees. Afterwards, they proceeded to their assigned areas. The guards signalled them to leave the area.

At around 7:30am, the guards fired at them. Some of the farmworkers left but others remained. The guards were approaching the farmers while they continue firing. The farmworkers had no choice but to leave and seek shelter. Two workers sustained gunshot wounds. Five of the farmworkers were left behind and could not surface from their hiding place for fear of being hit by bullets. They hid in the canal for two hours.

After a few hours, the Tagum City police led by Chief Laude came and told them to stay where they were. The police left and another armed men in civilian clothes arrived. The latter held the five farmers and asked them to board in a police mobile. They were brought to MARBAI office. They were told that they will be brought to the barangay for investigation. They refused to come and jumped out of the police mobile. Because of their refusal to come to the Barangay, they were forced to sign a document which they signed.

Also on this day, Mayor Allan Rellon arrived at the site and angrily declared that he will personally disarm the guards. Despite this, he did not order the police to accost the armed security guards. He instead convinced the MARBAI officers to sit in a dialogue at the Barangay San Isidro Hall. MARBAI chairperson Mely Yu said that the farmworkers wanted the dialogue be held at the chapel located in Barangay Madaum. No dialogue took place on that day.

On **December 15**, the security guards once again pointed guns at the farmers harvesting bananas. The provincial police responded in the incident.

At around 11am on the same day, the vehicle were the fact finding mission delegates boarded was stopped on a checkpoint by armed military men. The Philippine Army and an armoured personnel carrier was also seen entering barangay Madaum.
IV. Findings:

1. Land Grabbing

The land rightfully belongs to the farmworkers. This is where they get their livelihood. However, for the longest time, the LFC continues to harass the farm workers and deny them their right to their land despite legal ownership to the same. LFC is using brute force at all cost including the hiring of private armies, intentional killing and wounding the farmers to evict them from their land.

2. Human Rights Violations Documented

The fact finding mission documented violations of rights of farmworkers such as land grabbing, violation of the right to peaceful assembly, threat, harassment and intimidation, illegal arrest, frustrated murder, physical injuries, coercion and illegal checkpoints. The sudden aerial spraying also posed serious and imminent threat and danger to the health and safety of the member-beneficiaries and their supporters.

3. PNP’S deliberate refusal to arrest the perpetrators

Despite a strong and valid ground to arrest the security guards who fired at the farmworkers, the police refused to arrest them for the lame excuse that Lapanday is a privately-owned property. The PNP is seemingly putting the blame on the farmers by saying that they cannot effect an arrest because an investigation is yet to be made regarding the farmer-victims. The police also blamed the farmers and farmworkers from other organizations in the neighbouring towns who supported, helped and responded during the incident. The police said that they instigated the shooting and hired private armies when in fact they did not.

4. MARBAI farmworkers’ assertion to land and rights

The farmworkers have long been denied of their right to own and till their land by LFC owned by the Lorenzo family. Up to this day, MARBAI farmworkers continue to assert, stand and fight for their legitimate rights to their land in and out of court. Mayor Allan Rellon also refused and failed to protect his constituents and the aggrieved farmworkers from the attacks of the security guards and the non-action of the police.
V. **Recommendations:**

1. Recognize and respect the rights of the farmworkers to till, enhance and enrich their land.
2. To immediately pass and enact HB 555 or the Genuine Agrarian Reform Bill (GARB).
3. Revoke onerous, exploitative and oppressive agri-venture agreements (AVAs) with LFC.
4. Cancel unfair and unscrupulous debts/loans obtained by MARBAI.
5. DAR must fast track the reinstatement of MARBAI farmworkers to the ownership of their land.
6. Investigate and hold LFC accountable for the frustrated killing and wounding of farmers.
7. The DILG must investigate and take proper action regarding the negligence and refusal of the Mayor to act to protect the rights of the farmworkers during the incident.
8. File criminal, civil and administrative charges against the security guards and police.
9. LFC must respect, recognize and keep the farmworkers in peaceful and uninterrupted possession and ownership of their land.
10. Conduct inquiries in aid of legislation that will facilitate the enactment of laws that will uplift the situation of farmers in the country.
11. The issues, welfare and struggles of the farmers and farmworkers of Lapanday are also the issues and concerns of the Filipino people.