

Agrarian Reform, Conflict, and the Use of the Courts: The Case of Dingle, Iloilo

*G. Sidney Silliman**

Programs such as land reform or the establishment of cooperatives among tenant farmers are likely to produce a degree of conflict among the members of a community experiencing these reforms. Such conflict might appear in the form of elections, petitions to government officials for redress of grievances, or group violence. Court cases is another form in which struggles may appear. Courts are one of the arenas to which persons bring their conflicts: thus an examination of disputes, in this case those related to land, is one method by which the nature of conflict may be better understood.

The focus of this essay is a rural community and its court cases with the intent of setting forth some observations about the nature of conflict in relation to the present Philippine government's agrarian reform

program. The court cases examined in this essay are those filed during 1973 from the municipality of Dingle, Iloilo. This rural community of approximately 27,000 persons is of particular interest in that it was the focus of a variety of government reform programs in that year. Operation Land Transfer was begun in Dingle shortly after the declaration of Presidential Decree No. 27, when the Department of Agrarian Reform (hereafter DAR) began the process of identifying tillers and landowners in early December, 1972. In May, 1973, DAR Secretary Conrado Estrella came to participate in the distribution of Land Transfer Certificates (LTC) to some tenants of the town and the surrounding areas. In conjunction with this program and in line with Presidential Decree No. 175, the Department of Local Government and Cooperative Development

* The author is Associate Professor at Chaffey College, California. He resided in Iloilo, Philippines, while undertaking this research.

established seventeen Samahang Nasyon (barrio associations) as a first step toward forming agricultural cooperatives. Both of these programs are intended to redistribute power and wealth to some degree by transferring control over land, credit, status, and organizations from one group to another. Such a redistribution produces struggles in a community.

This essay will not discuss all conflict related to the agrarian reform program which occurred in this municipality in 1973. The discussion will be restricted to some general observations about those conflicts revealed in court cases docketed in the Court of Agrarian Relations (located in Iloilo City) and civil cases filed in the Dingle Municipal Court. There will generally be no discussion of the 35 criminal cases filed in the Municipal Court due to the difficulty in relating them to the agrarian reform program and individual cases will not be discussed. It is the apparent pattern which is significant and which will be pursued in this essay.

The primary observation is that the number of cases filed in the Court of Agrarian Relations (hereafter CAR) from Dingle was higher than in previous years and that

more cases were filed from Dingle than from other towns of Iloilo Province.

The monthly reports of the CAR show that a total of forty-five cases involving land in Dingle were filed in 1973.¹ In contrast, the number of cases filed in previous years was much lower:

1972	26 cases
1971	15 cases
1970	7 cases
1969	4 cases
1968	1 cases

Not only are the number of cases greater than in previous years, Dingle has more court conflicts entered in the CAR than other towns of the province. In 1973 a total of 422 cases were filed with the CAR from 39 places. Three towns had forty-three cases; three had 20 to 23 cases; five had 14 to 18 cases; four had 10 to 11; the remaining towns had 7 or fewer cases. Dingle, with forty-five, filed the highest number, seconded only by Bingawan and Sara with forty-three cases each. Oton ranked third with twenty-three.²

The second observation is that the conflict reflected in court cases does not appear to be related to a significant degree to Operation Land

Transfer or to the establishment of the Samahang Nayon.

According to a late 1972 and 1973 survey by the DAR and the Bureau of Lands, Dingle has 513 owners of rice and corn land and 959 tenants. It is precisely these two large groups that Operation Land Transfer was designed to affect. When OLT initially was implemented in Dingle, 468 land transfer certificates were issued to the tenants of eighty landowners.³ It is expected that such a program of social change will produce a large number of court conflicts. But of 45 CAR cases filed from Dingle, only in nineteen had a LTC been issued in the name of one of the parties. In only four of the fourteen civil cases filed in the Dingle Municipal Court had a LTC been issued to one of the defendants, and two of these cases involved the same person. With regard to landowners, only ten of those affected by OLT were involved in disputes in the CAR and only two were party to a civil suit in the municipal court.⁴

It is also observed that there is no major correlation between the litigants in the courts and those holding official positions in the Samahang Nayon. These barrio level groups are composed largely of

tenant farmers, although small landowners could, and a few did, join. The Samahang Nayon has been organized as part of the support for the land reform program and is designed to improve the lot of tenant tillers through cooperative economic effort. It is expected that the Samahang Nayon or its membership might have participated in various conflicts, being competitive with moneylenders, with the Farmers Cooperative Marketing Association (formed under the Agricultural Credit Administration), and with landlords in that the organization is geared to support the transfer of land from one social stratum to another. An examination of the data shows that only seven officers out of a total of ninety-eight for the seventeen Samahang Nayon were parties to a CAR case or a civil suit. An additional five serving on Samahang Nayon committees were also involved in court cases. Yet even this total of twelve persons is not high. Examining the total number of CAR, civil, and criminal cases, in only fourteen instances were one of the litigants an officer or a committee member of the Samahang Nayon (and included in the figure are two persons involved in two cases each).

Furthermore, there appears to be no correlation between the rank of

the towns according to the number of cases filed in the CAR and the number of LTC distributed. Pototan, for example, had the most number (906) of LTC issued but it only had twenty CAR cases. Tigbauan which comes second to Pototan in the number of LTC issued (618) had only five CAR disputes. Sara with 157 LTC issued and Bingawan with none, on the other hand, had 43 cases each.

This lack of correlation is significant. One possible explanation for this apparent lack of struggle is that the mere fact of martial law discourages conflict. A better explanation is that the reform programs had not progressed far enough in 1973 to provoke significant levels of conflict: less than 16% of Dingle landowners were affected by Operation Land Transfer; less than 50% of Dingle tenants received LTC; and no transfer of land actually transpired. The Samahang Nayon were still in the process of being organized and trained and posed no direct threat.

The third observation is that the number of cases filed in the CAR is directly related to the dynamic role played by a particular attorney of the Bureau of Agrarian Legal Assistance (BALA) of the DAR.

The **Monthly Report of the CAR-Iloilo** lists the lawyers for each of the litigants in a particular case. For the year 1973 the records show that a single attorney from the BALA served as counsel in thirty-four of the forty-five cases. The role of this attorney becomes even more significant in light of the fact that not a single case was filed from Dingle after he resigned in late September, 1973, even though a new BALA lawyer replaced him at the end of October. A comparison between this attorney and his replacement reveals a difference in attitudes and style.

The first lawyer maintained his residence in the poblacion and was readily accessible to the tenant farmers. On almost any day, it was possible to find farmers at his house bringing complaints or seeking legal advice. The availability of this attorney was complemented by his empathy for the tenants. He frequently provided bus fare out of his own pocket for needy clients from Dingle to the CAR in Iloilo City. He crossed rice fields to visit homes of some farmers. In addition, he favored a radical land reform program and believed that the retention limit for landlords should be zero. His replacement, however,

feels that the retention limit for owners should be twenty-four hectares (in contrast with Presidential Decree 27 which established seven hectares as the retention limit) and that tenants should migrate to new areas if they wish land. This replacement attorney maintains his residence in Iloilo City and only comes to Dingle once a week. He is very reluctant to take the initiative in using the court to protect the interests of tenants and often advises his clients to settle out of court.

The differences between these two attorneys is reflected in the number of cases in which they were involved. While the second attorney initiated no cases, the first attorney participated in over 75% of the cases filed in the CAR in 1973.

The fourth observation is that the role of the active BALA attorney is part of a pattern of participation in court cases by government organizations.

Forty-one of the forty-five cases from Dingle were disputes in which one of the several lawyers from the DAR served as counsel. In addition, a BALA attorney served as counsel in two of the fourteen civil cases in the municipal court. This pattern of participation extends back to

1972 when the predecessor of the BALA, the Office of Agrarian Counsel (OTAC)⁵, served as counsel in nineteen of the twenty-six cases filed in the CAR.

The non-legal staff of the DAR also plays a role with regard to conflict in the courts. The broadest dimension of this role is that of mediator. Periodically the regional office of the DAR and the field technicians receive complaints. They investigate the situation, then hold a conference between the parties to seek some form of resolution. DAR personnel play mediator roles, as in the conflict over irrigation water in one of the barrios of Dingle. In this conflict, the National Irrigation Administration and the president of the Small Landowners Association filed criminal complaints against the president of a barrio association for interference with an irrigation canal and for "grave coercion." Staff members from the regional office of the DAR and Dingle field technicians intervened and tried to persuade the parties to settle the conflict amicably. But where mediation is unsuccessful, as in the above case, DAR personnel actively support tenant farmers. In the above case, the DAR demonstrated support for the tenant by

providing a jeep to transport an attorney from the Citizens Legal Assistance Office in Iloilo to Dingle to defend the barrio association president. In another instance, a BALA lawyer assisted tenant-farmers in drawing up a petition of grievance which was sent to the President of the Philippines and to several national administrative agencies. Another example is that DAR farm management technicians frequently participate in the sharing of crops. This is especially so in those situations where there is a dispute over the correct portions for the owner and the tenant. The technicians legally witness the sharing and also provide moral support to the tenants. This kind of role may be best summarized by the concept that some of the DAR staff, especially the field technicians, have formed a clientele relationship with the tenant farmers.

This clientele relationship is one which has replaced a similar type of relationship between the farmers and the PANELFU (formerly Panay-Negros Laborers and Farmers Union, now the Philippine Association of Nationalistic Employees, Laborers, and Farmers Union). This private association had been active in organizing strikes and demonstrations and had provided legal assistance

for farmers. In this regard, the records of the CAR indicate that in 1971 the PANELFU defended litigants in eleven of the fifteen cases filed from Dingle while the OTAC was involved in only three cases for the same period. Yet in 1972 and 1973 PANELFU only counseled one case in each year from Dingle while the OTAC and the BALA were involved in 18 cases in 1972 and 41 cases in 1973. Thus the government agency has replaced a private association as a major source of support for the tenant farmers.

Another example of this pattern of participation by government organizations in court cases is found in the record of the number of civil cases filed in the Dingle Municipal Court for the past few years:

1973	14 cases
1972	3 cases
1971	2 cases
1970	1 case
1969	4 cases
1968	0

Of the fourteen cases filed during 1973, eight were filed by the Agricultural Credit Administration for collection of overdue loans.

The general pattern of increased organizational involvement is reflected as far back as 1948. Since

then there have been six years in which the number of civil cases exceeded ten and in four of these six years a government agency filed a large number of suits. In 1952 eight of the total of thirteen cases were filed by the Provincial Fiscal for real estate taxes. In 1952 there were a total of thirty-five civil cases with thirty-two of these filed by the Republic of the Philippines for the cost of fertilizer. In 1960 twenty-three of twenty-seven cases were filed by the Agricultural Credit and Cooperative Financing Agency. However, in 1957 and in 1967 the situation was slightly different in that the largest number of complaints was filed, not by a government agency, but by private individuals for a sum of money.⁶ Yet the years 1952, 1954, 1960 and 1973 do show significant involvement by the government.

The fifth observation is that associational groups did not play a major role in court conflicts in 1973. Reference has already been made to the minimal involvement of the PANELFU. The limited role of the Dingle Federated Farmers Association and the Dingle Small Landowners Association should also be noted.

The Federated Farmers Association was formed in March, 1973

and is composed of six barrio level organizations. Formed under the guidance of DAR technicians, its membership is largely tenant farmers. It might be expected that such organization would be involved in agrarian conflict. Yet its involvement in court cases is low. Several members are parties to disputes but there is no permanent fund established for the purpose of helping members who are involved in court cases. In two instances, the membership was asked to donate small sums of money to help defray the cost of transportation to the CAR in Iloilo City and to provide rice for the families of two members involved in court cases. While the leadership argues that the litigants are "fighting on behalf of all tenants," the organization has not adopted formally or consistently a strategy of group pressure through the courts.

However, the president of the Federated Farmers Association does play a role in some conflicts. The president encourages the members to support their fellow tenants. This most often takes the form of exhortation at group meetings and seldom involves discussion of particular types of actions which might be taken. He talks of group solidarity, common interests of tenant-

tillers, and the need for mutual support. The president of the federation also serves as a go-between. In the irrigation dispute mentioned previously, the president attempted to persuade one of the plaintiffs to withdraw the charges and settle out of court. In other situations tenants approach the president with regard to a dispute and he would then bring it to the attention of the proper authority, such as the DAR technicians, the BALA attorney, or local officials. In some instances conflict was resolved without a court case. But in some instances a court case was initiated as a consequence of the president's action. Outside of the above, the federation has not participated in court conflicts. Members who face court cases pursue them without this organization's support.

One other associational group expected to be involved in cases reflecting conflict over the agrarian reform program is the Dingle Small Landowners Association. This group was formed in late 1971 after the passage of Republic Act 6389 (Code of Agrarian Reforms) with the purpose of promoting". . . the interest and welfare of small landowners economically, socially, and politically. . . ."7 It has been an active interest group, circulating

among its membership and presenting to the government petitions seeking changes in the agrarian reform laws in January and in November, 1972. In February, 1973, the association tried but was unsuccessful in mounting a letter-writing campaign regarding agrarian reform.

But the Landowners Association during 1973 was not particularly active with regard to litigation. Only one of its officers was in a CAR case and only two others were parties to municipal cases. The president of the organization is a lawyer, yet he is not inordinately involved as counsel. Of the forty-five cases involving land from Dingle in the CAR, he is counsel in only four.⁸ It is true, however, that the president had filed a complaint, along with the National Irrigation Administration, against the president of one of the member groups of the Federated Farmers Association. Some tenants state that his action is part of a landowner conspiracy to stop the land reform program. They argue that this president of one of the local tenant groups is being taken to court as an example and so that the farmers will become "cool" towards land reform.

The sixth and final observation is that the landowners of Dingle

have made minimal use of the CAR in pursuit of their conflicts while tenant use has been relatively higher.

The summary records of the CAR (as well as the docket of the Dingle Municipal Court), such as the monthly reports, do not indicate whether the parties to a dispute are tenants or landowners. However, the records do list the type of action requested by the plaintiff and, based on the assumption that certain types of action are requested by landowners and certain types by tenants, it is possible to identify the status of the plaintiff from these records. It is assumed that requests for "ejectment" and "forcible entry" are normally made by landowners and that "fixing of rentals", "shifting to leasehold", and "re-instatement" are normally requested by tenants. Thus it is possible to tabulate the number of cases in any one year which request the above types of action and reveal the pattern of use of the CAR.

The data suggests that landowner use of the CAR has been rather low. Over the past five years there are no requests for "forcible entry," and the requests for "ejectment" are as follows:

1973	4 cases
1972	6 cases
1971	3 cases

1970	5 cases
1969	2 cases

In contrast, tenant use of the CAR has been relatively higher, as indicated by the following figures:

1973	35 cases
1972	17 cases
1971	14 cases
1970	2 cases
1969	2 cases

These are requests for reinstatement, fixing of rentals, and shifting to leasehold.⁹ These figures not only indicate a greater use of the CAR by tenants but also point that the increase after 1970 correlates with the role played by formal organizations such as the PANELFU in 1971 and the OTAC and the BALA in 1972 and 1973.

The civil cases in the Dingle Municipal Court provide an interesting comparison with the above pattern of use. For all the years since 1948, there has not been a single request for fixing of rentals, shifting to leasehold, or for reinstatement. Tenants may have initiated cases in the Municipal Court for other actions but it appears that they do not use this court for resolution of agrarian conflict. Landowners, on the other hand, have used the Municipal Court. In the

years 1969 to 1973, there was one request for ejectment and eight cases of forcible entry. This pattern may be extended in that from 1948 to 1973, there was a total of forty-eight requests for forcible entry and four requests for ejectment. These cases come to slightly more than 25% of the total of 200 civil cases heard by the Municipal Court.¹⁰

The generally low use of both the Municipal Court and the CAR by Dingle landowners suggests that they have not needed the courts to resolve agrarian conflicts as they have sufficient independent power to handle disputes by other means. For example, some landowners refused to allow tenants the use of their water pumps. Others closed private roads, thus preventing crops from being taken to market. Still others forcibly plowed already planted fields and replaced the crop with sugar cane. The tenants, with no alternate sources of power, have utilized the CAR to resolve their struggles.

During the last three years these struggles have been closely related to the implementation of a portion of the Philippine Government's land reform program. Prior to 1971 (the data is available back to 1964) there was not a single case filed in

the CAR from Dingle requesting either shifting to leasehold or fixing of rentals. Yet in 1971 there were eleven requests for shifting to leasehold and one request for fixing of rentals. In 1972 there were fifteen requests for the latter and thirty-two in 1973.¹¹ This reflects the fact that under the present laws, the tenant has a right to a leasehold relationship with his landlord rather than share tenancy and that the land reform agencies have implemented this provision in Dingle. The municipality was declared a land reform area in April, 1971 (thus there should have been an automatic shift to leasehold), and the first cases appeared that year. But in this respect the courts are used more often in 1973, a reflection of the activity of the DAR.

In conclusion, it should be emphasized that the preceding observations are based exclusively upon the study of cases from a single municipality. The observations cannot be regarded as conclusive: yet these points do suggest that it would be useful to study the cases of other rural towns in that such disputes provide a perspective for studying conflict. To the extent that conflict is related to change, court cases provide an index of change.

NOTES

1. Reference to cases in the Court of Agrarian Relations from Dingle means cases involving land in that community. The summary records of the CAR do not show the towns in which the litigants reside but do show where the land in question is located.
2. Clerk of Court. *Monthly Report of the Court of Agrarian Relations-Iloilo, 1968 to 1973.*
3. The actual number of tenants who received LTC is in doubt. Some tenants received two certificates while some did not receive any because of errors or because of non-attendance in the distribution ceremony. But over 400 tenants received LTC as a result of the May, 1973 distribution.
- 4; Based on a comparison of the DAR's "Master List of Tenants Issued Land Transfer Certificates", the court docket of the Dingle Municipal Court, and the *Monthly Report of the CAR.*
5. The Office of the Agrarian Counsel was abolished by President Marcos' Letter of Implementation No. 4 of October 23, 1972. OTAC records, equipment, and some personnel were transferred to the Bureau of Agrarian Legal Assistance of the DAR.
6. Docket of the Dingle Municipal Court.
7. "Constitution and By-Laws of the Dingle Small Landowners Association." Article 1, p.1.
8. *Monthly Report of the Court of Agrarian Relations-Iloilo, 1973.*
9. *Ibid.*, 1969-1973.
10. *Op. Cit.* Docket of Dingle Municipal Court.
11. *Op. Cit.* Monthly Report of the CAR- Iloilo, 1964-1973