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Notes and Comments

Land Conflict at Central Mindanao University: October-December, 1971

MARDONIO M. LAO

In October 1971, trouble erupted at Central Mindanao University (CMU), a government-run institution located in Musuan, Maramag, Bukidnon on the Island of Mindanao. The problem began when 500 bolo-armed farmers belonging to the Federation of Free Farmers (FFF) entered and occupied part of the 3,401 hectares of the University reservation. The occupation lasted until December 1971, and left serious consequences. The rice, cacao and coffee plantings in the area occupied by the farmers were destroyed. Ten hectares of lowland palay field prepared by the trainees of the University Manpower Training Program became idle. Ten hectares of palay ready for harvest when the trouble started and an estimated 300 cavans of high-yielding palay seed for sale to the Bukidnon farmers were wasted. The only bridge that connected the University main campus and the FFF occupied area was under the farmers' control. The many heated altercations between the FFF farmers on one side, and the University administration with the Philippine Constabulary on the other almost resulted in a bloody confrontation. Cooler heads, however, prevailed in the tense situation; hence, no casualty was reported except the abduction of the two-year old son of the University president allegedly by someone from the opposing camp. The boy was, however, redeemed and the culprit was dealt with accordingly.

What was the cause of the trouble? This note will attempt to give some possible answers.

THE BACKGROUND

Central Mindanao University began as a settlement farm school that catered to the teaching of advanced agriculture. The school was established in 1911 at Mailag, a former barrio of Malaybalay, the capital town of Bukidnon. In 1927, it moved to Managok, another barrio of Malaybalay, and was operated as the Bukidnon Rural High School. In 1939, it became the Bukidnon National Agricultural School (BNAS). It remained in Managok until the outbreak of the Second World War.

The war destroyed major installations of the school: "ricelands were rendered unproductive," and the "roads were made impassable" after years of neglect and isolation.¹ This, and the need to situate the BNAS on a bigger site for development purposes were the reasons for its transfer to a new place at Musuan.

On 12 July 1946 the BNAS was established in Musuan. To decide on the exact area of the school site, a preliminary survey was conducted from July to August 1946. The survey revealed, among other details, that several Maranao and Bukidnon native families had already settled on the proposed school reservation. The native-occupants feared that their cultivated lands might be included in the proposed reservation. So they reacted by sending a telegram on 5 March 1954 to then President Ramon Magsaysay requesting His Excellency for the exclusion of their cultivated farmlots from the proposed school site.² The telegram was endorsed to the Director of Lands who noted that his office would "interpose no objections of the reservation of lands in favor of the Mindanao Agricultural College (MAC) subject to the condition that the claim of the different occupants thereof be excluded therefrom if the school authorities are not in the position to reimburse the occupants of the value of their improvements."³

There was, however, no substantial action on the petition until 14 January 1958 when President Carlos P. Garcia signed Proclamation No. 476. The proclamation reserved an area of 3,401 hectares of prime land at Musuan for the MAC, subject to "private rights, if any there

1. Elvigia Parel, "Central Mindanao University, 1927-1968," *CMU Journal of Science and Technology* 1, no. 1 (July-December 1968): 1.

2. Two years before this, the BNAS was converted into the Mindanao Agricultural College (MAC) by virtue of R.A. 802 on 21 June 1952. The MAC became Central Mindanao University (CMU) by virtue of R.A. No. 4498 passed in 1965.

3. "Letter of Zoilo Castrillo to the Petitions of the CMU reservation" in Report of the Cudal Committee, MSS, p. 1.

be." In the reservation were included the cultivated farmlots of the natives.

The first attempt to hammer out a solution to the conflict was through a cadastral hearing on 17 April 1961 in the Municipality of Maramag where the MAC was then located. Sixty-four persons registered their claims during the hearing. After this, no follow-up was ever made on the matter until ten years later when a local Presidential Action commission on Land and Agrarian Problems (PACLAP) committee was organized in Bukidnon. The PACLAP was later converted into the commission for the settlement of Land and Agrarian Problems or COSLAP. The committee, headed by the PC Provincial Commander of Bukidnon, took up the mothballed land problem in Musuan. In its 5 May 1971 meeting, it recommended to the national chapter of the PACLAP the "segregation of 400 hectares from the CMU reservation" for distribution to rightful owners. To restrain the implementation of the recommendation, the CMU administration filed civil case number 505 (Prohibition With a Writ of Preliminary Injunction) against the Bukidnon PACLAP committee. The unresolved case was overtaken by the October 1971 unrest.

THE OCCUPATION OF CMU

Meanwhile, chapters of the FFF had been organized in the various provinces of the country, including the province of Bukidnon. Some of the claimants to portions of the CMU reservation became members of the Bukidnon FFF Chapter. What triggered the outbreak of the unrest was the announcement made by then President Ferdinand Marcos on the segregation of whatever "area . . . in the CMU reservation (which was) occupied by settlers" during the 3 October 1971 FFF National Convention where the president was the guest speaker. The Bukidnon FFF leadership took advantage of Marcos's announcement by organizing the entrance of 500 bolo-armed farmers into the school reservation as a sign of a *de facto* occupancy, twenty days after the convention. Tense and almost bloody encounters between the farmers and the forces of the law occurred in the University until December 1971, as well as the destruction of much government property during the trouble.

The trouble caught the attention of the government authorities. To defuse the otherwise explosive situation, then Acting Secretary of Agriculture and Natural Resources, Jose Drilon, Jr., issued Special Order No. 438 on 26 November 1971, creating a special committee to conduct an investigation of the unrest. Headed by Provincial Board Member Esmeraldo Cudal of Bukidnon, the committee was known

as the Cudal Committee with the following as members: The District Land Officer, the head of the Office of the Register of Deeds, the Provincial Assessor—all of Bukidnon, the CMU legal officer, and an FFF representative.

A series of meetings was conducted by the committee from November to December 1971. In January 1972, it reported that the underlying issue behind the October 1971 unrest was rooted in the demands of the claimants for the "return of their ancestral land-holdings which were inadvertently included in the CMU reservation by virtue of the 1958 Proclamation (Proclamation 476)" of President Garcia. The committee specifically referred to the Bukidnon and Maranao natives who had been occupying parts of the CMU site prior to 1946. As a solution, the committee recommended to President Marcos, through the national chapter of the PACLAP, the segregation of 400 hectares from the University reservation for disposition to the legitimate claimants. This was an affirmation of the earlier recommendation of the Bukidnon PACLAP.

The CMU administration and the Bukidnon FFF leadership agreed on this proposal and the representatives of both sides signed a Memorandum of Agreement in December 1971. Among other things, the FFF members accepted the demand for an immediate withdrawal from the forcibly occupied land. They abided by this term of the memorandum while waiting for the implementation of the recommendation of the Bukidnon PACLAP and the Cudal Committee. The farmers left CMU in the same month and the trouble finally ended.

AFTERMATH OF THE UNREST

On 22 December 1971, the Court of First Instance of Bukidnon, Branch II, handed down a decision in Cadastral Case No. 22. L.R.C. Cadastral Record No. 414 between CMU represented by its President, Dr. Isabelo S. Alcorido, and the claimants who belonged mostly to the Bukidnon tribe. A total of 44 hectares were adjudicated to six out of the sixty-four claimants who registered their claims during the initial cadastral hearing held on 17 April 1961. The claims of other persons were at first rejected by the court for lack of sufficient evidence.

Persistent representations of other claimants, however, moved the court to render an amended decision of the same case on 7 October 1972. This time twenty-six more claimants were granted the right to own their occupied and cultivated lands, with an aggregate area of 275 hectares, under the free patent and homestead law. Together with this decision, the Court ordered that areas "adjacent and around or

near the watershed" of the CMU reservation adjudicated to any of the private claimants "may be replaced or substituted by the University with other areas of equal extent within the specified lots of the reservation" should the University desire to do so in order to protect and conserve its watersheds. Pursuant to this Court Order, an agreement between CMU and the claimants-turned-owners was executed on 4 August 1973. The agreement contained the following: (1) the claimants agreed that CMU would replace or substitute portions of the areas adjudicated to them, which are near, adjacent, and around the watersheds of the CMU reservation; (2) the claimants further agreed to vacate together with their tenants and other persons acting in their behalf, their respective portions which would be replaced and/or substituted, and (3) CMU agreed to allow said claimants to "enjoy whatever fruits they have left and/or existing on the respective portions vacated by them" for one year after the date of the execution of the agreement.

Claimants belonging to the Maranao group, did not submit their evidence of occupancy during the cadastral hearing because they were already promised in 1946 by the first president of CMU that the individual area they occupied at Musuan would be exchanged or substituted in equal size and extent with the lands vacated by the Bukidnon National Agricultural School at Managok.⁴ This promise was never acted upon until the University reservation which included the occupied lands of the mentioned tribe was titled in 1974.

It seems clear that the Maranao claimants have a rightful claim over their lands now included in the titled Central Mindanao University reservation. The Director of Lands, Zoilo Castrillo, in his fourth Indorsement to the Secretary of Agriculture and Natural Resources dated 4 October 1954 noted "that it has been ascertained that several portions of the said land (i.e., proposed BNAS, then MAC and finally CMU reservation) are actually occupied and cultivated by farmers from Dologon and Guinoyoran, Maramag, Bukidnon; and by Moros from barrio Valencia of the same Municipality, the improvements thereon consisting of root crops, vegetables and fruit trees." Second, Proclamation 476 dated 14 January 1958 signed by President Carlos P. Garcia, reserved an area of 3,401 hectares for the Bukidnon National Agricultural School, subject however, to private rights, if any there be." Third, President Marcos announced the "segregation of whatever area from the CMU reservation occupied by settlers" dur-

4. The Maranao claimants later organized themselves into the Sinalayan Claimants' Association of Bukidnon represented by Victorio Dulag; and after his death by his brother, Naparete Dulag.

ing the 3 October 1971 FFF national convention. And, fourth, the Dulag group is actually the "Moros" referred to in the quoted statement of Zoilo Castrillo as confirmed by the Cudal Committee. On the strength of this evidence, it is clear that the Dulag group has legitimate right of ownership over parts of the CMU reservation.

But what has the government done in behalf of the claims of the Dulag group? On 5 May 1971, the Bukidnon PACLAP recommended the segregation of 400 hectares for distribution to the rightful claimants including the members of the Dulag group. This recommendation was affirmed by the Director of Lands, Vicente Vandellon, who proceeded to draft a proclamation for the segregation of the said area for consideration of the Secretary of Agriculture and Natural Resources, Arturo Tanco, Jr. The Secretary was expected to indorse the same for President Marcos' signature. On 18 September 1972, Secretary Tanco submitted the draft proclamation to President Marcos. Martial Law had overtaken the problem, however, and nothing was done about it except the titling of the reservation in 1974. Bothered by this development, Dulag followed-up in behalf of his group, the request for segregation of 400 hectares from the already titled reservation, through Ramon N. Cassanova, the Director of Lands, on June 1978. Cassanova requested Solicitor Leonardo Cruz for an amicable settlement of the case in the presence of the Minister of Education and Culture. The settlement of the case dragged on until Victorio Dulag died with the case still pending. Naparete Dulag succeeded his brother, Victorio. He made representation to Josefina Garcia Se, the COSLAP Commissioner, who, in turn, reiterated the previous recommendation of the Bukidnon PACLAP. Until today, however, the case is still not resolved.

Where does the problem lie? The problem lies not with the appropriate higher government authorities. At least the former Secretary of Agriculture and Natural Resources down to the Director of Lands, the Bukidnon PACLAP members and later on the COSLAP Commissioners unanimously agreed that the Dulag group has the right to own a portion of the CMU reservation. They were one in the opinion that 400 hectares of the CMU area should be segregated for distribution to this group of Filipinos.

It seems that the problem lies with the CMU administration. The government officials favored the segregation of the mentioned area: "There only remains for your (the CMU President's) action [to implement the segregation] for final settlement of the [claim]," according to Josefina Garcia Se, in her letter dated 7 May 1985 to Dr. Rodolfo C. Nayga, the CMU President. The CMU administration's reluctance to implement the segregation sprang from the fact that the reserva-

tion is already titled in the name of CMU and that the Dulag group was stopped from prosecuting their claims because of their failure to file the necessary responses during the cadastral case.

CONCLUSION

It is evident that the underlying cause of the October 1971 unrest at CMU was the inclusion in the University reservation of lands occupied and tilled by Bukidnon and Maranao tribes before the Bukidnon National Agricultural School (now CMU) was transferred to its present site at Musuan. Based on Proclamation 476, which reserved 3,401 hectares for the school but subject to "private rights, if any there be," the natives have the legitimate right of ownership of their occupied and cultivated lands. True enough, the government adjudicated some areas of the reservation to their rightful claimants, but the action was so delayed that it took the government nineteen years to settle the claims in favor of the true owners.

Certainly, the concerted entrance of FFF members into the reservation was a preemptive move. That they hoped to acquire lands from the reservation because of their premeditated action was not a remote possibility if viewed within the context of Marcos' announcement that the lands occupied by the settlers would be segregated. But in all honesty, their expectation of land ownership on the grounds of such a preemptive move was weak.

The mass movement was not, however, an exercise in futility. It was a catalyst that alerted the government agencies to the need of a speedy solution to the long-standing claim of the native claimants over parts of the CMU reservation. Its immediate positive effect was the segregation of lands to the rightful claimants more quickly than would have been possible through cadastral proceedings.

Despite the segregation of 319 hectares to thirty-two claimants belonging mostly to the Bukidnon tribe, the land problem at CMU is far from over. Presently Maranao claimants who occupied parts of the CMU reservation before 1946, are still waiting for their share of the land. It is clear that CMU erred on two accounts: (1) The promise made to them by the first University president was not kept and (2) the University reservation was titled despite the unresolved claim of the Maranao group, and despite the pending full implementation of the recommendation of the Bukidnon PACLAP, which was concurred in by higher officials of the government.