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SENATE

P.S. Res. No. 929

Introduced by **SENATORS LEILA DE LIMA, FRANKLIN M. DRILON, PAOLO BENIGNO "BAM" AQUINO, RISA HONTIVEROS, FRANCIS "KIKO" PANGILINAN, and ANTONIO "SONNY" F. TRILLANES IV**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE RECENT MASSACRE IN SAGAY, NEGROS OCCIDENTAL, WITH THE END VIEW OF ADDRESSING SOCIAL INJUSTICE AMONG FARMERS, PROMOTING GENUINE RURAL DEVELOPMENT AND AGRARIAN REFORM TO ASSURE THAT JUSTICE WILL BE SERVED BUT, AT THE SAME TIME, ADDRESS THE PLIGHT OF FARMERS WITH RESPECT TO AGRARIAN REFORM

1 WHEREAS, Article II, Section 10 of the Constitution states that “[t]he State
2 shall promote social justice in all phases of national development”;

3 WHEREAS, Article II, Section 21 of the Constitution likewise provides that
4 “[t]he State shall promote comprehensive rural development and agrarian reform”;

5 WHEREAS, Article XII, Section 1 of the Constitution further mentions in part
6 that “[t]he goals of the national economy are a more equitable distribution of
7 opportunities, income, and wealth”;

8 WHEREAS, Article XIII, Section 1 of the Constitution commands that “[t]he
9 Congress shall give highest priority to the enactment of measures that protect and
10 enhance the right of all the people to human dignity, reduce social, economic, and
11 political inequalities, and remove cultural inequities by equitably diffusing wealth
12 and political power for the common good. To this end, the State shall regulate the
13 acquisition, ownership, use, and disposition of property and its increments”;

14 WHEREAS, Article XIII, Section 4 of the Constitution states in part that “[t]he
15 State shall, by law, undertake an agrarian reform program founded on the right of
16 farmers and regular farmworkers, who are landless, to own directly or collectively the

1 lands they till or, in the case of other farmworkers, to receive a just share of the fruits
2 thereof. To this end, the State shall encourage and undertake the just distribution of
3 all agricultural lands, subject to such priorities and reasonable retention limits as the
4 Congress may prescribe, taking into account ecological, developmental, or equity
5 considerations, and subject to the payment of just compensation”;

6 WHEREAS, the first and second paragraphs of Section 2 of Republic Act No.
7 6657, otherwise known as the “Comprehensive Agrarian Reform Law of 1988”, declare
8 that “[i]t is the policy of the State to pursue a Comprehensive Agrarian Reform
9 Program (CARP). The welfare of the landless farmers and farmworkers will receive the
10 highest consideration to promote social justice and to move the nation toward sound
11 rural development and industrialization, and the establishment of owner
12 cultivatorship of economic-size farms as the basis of Philippine agriculture;

13 WHEREAS, the Supreme Court, in the case of *Association of Small*
14 *Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*,¹ stressed that
15 the purpose of the Comprehensive Agrarian Reform Law is “freeing the farmer from
16 the iron shackles that have unconscionably, and for so long, fettered his soul to the
17 soil”;

18 WHEREAS, the Supreme Court, in the aforementioned case,² justified the
19 expropriation of land allowed under the Comprehensive Agrarian Reform Law and so
20 declared that “[t]he expropriation before us affects all private agricultural lands
21 whenever found and of whatever kind as long as they are in excess of the maximum
22 retention limits allowed their owners. This kind of expropriation is intended for the
23 benefit not only of a particular community or of a small segment of the population but
24 of the entire Filipino nation, from all levels of our society, from the impoverished
25 farmer to the land-glutted owner. Its purpose does not cover only the whole territory
26 of this country but goes beyond in time to the foreseeable future, which it hopes to
27 secure and edify with the vision and the sacrifice of the present generation of Filipinos.
28 Generations yet to come are as involved in this program as we are today, although
29 hopefully only as beneficiaries of a richer and more fulfilling life we will guarantee to
30 them tomorrow through our thoughtfulness today. And, finally, let it not be forgotten
31 that it is no less than the Constitution itself that has ordained this revolution in the

¹ G.R. No. 78742. (July 14, 1989)

² *Ibid.*

1 been the prison of their dreams but can now become the key at least to their
2 deliverance”;

3 WHEREAS, in year 2000, at least 32 farmers applied for the Comprehensive
4 Agrarian Reform Program (CARP) coverage in Hacienda Nene owned by Ms. Carmen
5 Tolentino in Purok Firetree, Sagay, Negros Occidental. Despite the release of the
6 Notice of Coverage by the Department of Agrarian Reform (DAR) in 2014, no
7 enforcement of the said order occurred since there were already 25 co-owners of the
8 farm land as declared by the owner. The beneficiary-farmers were also told that the
9 property has been mortgaged to the bank, further stalling the process under CARP that
10 was initiated by the Notice of Coverage. Despite the complaints referred to the DAR,
11 it had nonetheless failed to act on it³;

12 WHEREAS, the farmer-beneficiaries, who belong to the National Federation of
13 Sugarcane Workers (NFSW) fighting for the CARP coverage in Hacienda Nene,
14 occupied the farm in the morning of October 20, 2018. They started their “bungkalan”
15 activity wherein they cultivate idle portions of private lands. As the group claims, their
16 actuation in “Bunkalan” demonstrated their urgent call for genuine agrarian reform
17 and equitable distribution of lands⁴;

18 WHEREAS, initial police reports and survivors’ testimony revealed that while
19 the farmers who belong to the NFSW group were resting at their makeshift shelter in
20 the night of October 20, 2018, at least nine (9) of them, two of whom were minors and
21 4 were women, were treacherously fired upon and slain by some 40 armed men⁵;

22 WHEREAS, in the search for justice, the Philippine National Police (PNP) has
23 formed a Special Investigation Task Group (SITG) to probe the fatal shooting of nine
24 farmers at a sugarcane plantation in Sagay City.⁶ Likewise, the Commission on Human

³ Gomez. C. (22 October 2018) *Sugarcane farm massacre survivors: We just want a share of the land* Retrieved from: <https://newsinfo.inquirer.net/1045733/sugarcane-farm-massacre-survivors-we-just-want-a-share-of-the-land>

⁴ Tuyay F. (21 October 2018) *Massacre in Negros: 9 workers killed; land dispute eyed* Retrieved from: <http://www.manilastandard.net/news/top-stories/278584/massacre-in-negros-9-workers-killed-land-dispute-eyed.html>

⁵ Espina M. (21 October 2018) *9 farmers killed at Negros Occidental hacienda* Retrieved from: <https://www.rappler.com/nation/214796-farmers-killed-sagay-negros-occidental-hacienda-nene-october-20-2018>

⁶ Gacia M. (22 October 2018) *SITG to probe killing of 9 farmers in Sagay, link to Red*; Retrieved from: <https://news.mb.com.ph/2018/10/22/sitg-to-probe-killing-of-9-farmers-in-sagay-link-to-reds/>

1 Rights (CHR) has created a fact-finding team to also probe the same massacre to “find
2 out the truth in the incident towards ascertaining accountabilities”⁷;

3 WHEREAS, it is reported that both the PNP⁸ and the Armed Forces of the
4 Philippines (AFP)⁹ are initially attributing this attack to the New People’s Army,
5 supposedly as part of the alleged “Red October”;

6 WHEREAS, there were also reports that private armies and paramilitary groups
7 backed by the military and police, such as Special Civilian Armed Forces Geographical
8 Unit Active Auxiliary (SCAA) and Citizens Armed Forces Geographical Unit
9 (CAFGU),¹⁰ were behind the series of intolerable assault and killings against peasant
10 leaders in the Negros Islands¹¹;

11 WHEREAS, the initial findings of a fact-finding mission conducted by human
12 rights and leftist groups on the incident claimed that Hacienda Nene lessor Mr. Allan
13 Simbingco and other identified landowners¹² related to a big political clan, who
14 reputedly maintains private armies¹³, were allegedly behind the massacre. These
15 aforementioned private armies listed in the report were composed of former
16 Revolutionary Proletarian Army (RPA) and active members of Special Civilian
17 Auxiliary Army (SCAA). New Local SCAAs are commonly known to protect haciendas
18 in Negros and are under the control of the local government¹⁴.

19 WHEREAS, the aforementioned massacre exhibits the decades-old failure of
20 the government’s agrarian reform program to accord the farmers their right to till their
21 lands, and extricate their families from the vicious cycle of poverty. This is not an
22 isolated case as it only reflects the prevailing situation in many farm lands around the

⁷ ABS-CBN News (22 October 2018) *CHR sends fact-finding team to probe Sagay massacre*; Retrieved from: <https://news.abs-cbn.com/news/10/22/18/chr-sends-fact-finding-team-to-probe-sagay-massacre>

⁸ Buan, Lian. (23 October 2018). *NBI steps in to probe massacre of Sagay farmers*. Rappler. Retrieved from: <https://www.rappler.com/nation/214991-nbi-steps-in-sagay-massacre-investigation>

⁹ Aguirre, Len. (24 October 2018). *‘Sagay 9’ Massacre Bahagi Ng Nabigong Red October Plot—AFP*. DWIZ. Retrieved from: <http://www.dwiz882am.com/pagpatay-sa-sagay-9-bahagi-ng-nabigong-red-october-plot-afp/>

¹⁰ Ellera, T. (24 Oct. 2018) *CHR: More could have died in Sagay massacre* Retrieved from: <https://www.sunstar.com.ph/article/1770704>

¹¹ Cañet, C. (10 May 2018) *Progressive groups condemn killing of peasant leader*. Retrieved from: <https://www.sunstar.com.ph/article/1742482>

¹² Cuason C. (27 October 2018) *NFSW supports FFM findings in Sagay 9 Massacre* Retrieved from: <http://dzhnews.com.ph/nfsw-supports-ffm-findings-in-sagay-9-massacre/>

¹³ *ibid*

¹⁴ Layug, M (27 October 2018) *Private army responsible for Sagay massacre —NFSW* <http://www.gmanetwork.com/news/news/nation/672655/private-army-responsible-for-sagay-massacre-nfsw/story/>

1 country, necessitating immediate attention of government to address the plight of our
2 Filipino farmers¹⁵;

3 WHEREAS, the death of the farmers should lead to a stronger program to
4 implement social justice measures and protect our impoverished countrymen. It
5 should not be used as a political device to impute criminal acts against critics of this
6 administration without any factual basis;

7 WHEREAS, the government, along with its officials must be reminded that the
8 assurance of a just distribution of agricultural lands and the upholding of the right of
9 farmers and regular farmworkers, who are landless, to own directly or collectively the
10 lands they till, have been enshrined in our Constitution and entrenched in the
11 jurisprudence of our Supreme Court;

12 WHEREAS, the effective implementation of Republic Act No. 6657, or the
13 Comprehensive Agrarian Reform Law, is a means to undertake the just distribution of
14 all agricultural lands, thereby benefiting not only the helpless farmers and their
15 families nor a particular community of segment of the population but of the entire
16 Filipino nation¹⁶through the greater productivity of agricultural lands;

17 WHEREAS, aside from pockets of investigations led by various agencies
18 seeking accountability for the lives lost in this eventuality, the government should not
19 only prosecute those responsible to the killings but should probe and swiftly respond
20 to the primal causes of the continued landlessness of many Filipino farmers that
21 shackle them and their families to the chains of poverty and social injustice and
22 engender the almost endless agrarian unrest throughout our countryside;

23 WHEREAS, the equitable distribution of the nation's wealth, as mandated by
24 no less than the Constitution must be prioritized, and the right to own and till lands
25 must be championed and pursued;

26 WHEREAS, the indiscriminate and thoughtless killing of the members of the
27 impoverished and marginalized sectors of the society by those who circumvent the law,
28 such as powerful landowners and local warlords, must be put to an end;

¹⁵ SunStar Cebu(21 October 2018) *Justice for slain Negros farmers sought*
Retrieved from: <https://www.sunstar.com.ph/article/1770325>

¹⁶ *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*
G.R. No. 78742. (July 14, 1989)

1 **NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY**
2 **RESOLVED BY THE SENATE** to direct the appropriate Senate Committee to
3 conduct an inquiry, in aid of legislation, into the recent massacre in Sagay, Negros
4 Occidental, with the end view of addressing the primary causes of social injustice
5 against our farmers, and finding remedial legislative measures to help ensure that
6 same incidents will not happen again, while supporting efforts towards genuine rural
7 development and agrarian reform in our country.


Adopted,

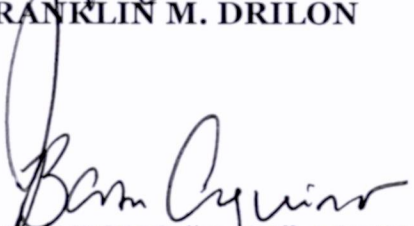

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