



Fighting Back: Citizens Response to Development Aggression

By Shubert L. Ciencia¹

The environment has always been a flashpoint between the state and its citizens. There were the Kalingas and the Chico Dam, the Bataan Nuclear Power Plant which became a major grievance against the Marcos regime, mining operations in Mt. Diwalwal in Mindanao, and the coal-fired power plants in Zambales, Pangasinan and Quezon. These are just some of the big issues. Every day, communities across the Philippines confront environmental issues that threaten to

disrupt their way of life. And most of the time, these communities fight back.

The environment is the cornerstone of sustainable development. Is there enough for everyone? Will the current consumption rate leave just enough for the next generations? Who should pay for the mess we are in now? The cases that will be discussed are all about fighting back. These are the small fisherfolk of Manila Bay and their struggle to protect their dwindling source of livelihood; these are the upland communities of Nueva Ecija who resisted a national project that will uproot them from their communities; and these are the people of Nueva Vizcaya who fought for control of their own resources, and the Ifugaos who are still fighting for them.

The cases highlight key environmental issues in local areas and how citizens confronted these. They provide deep insights on development issues from the perspective of those living in the primary impact zones, and the challenges to be confronted

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in realizing Goal No. 7 of the Millennium Development Goals or MDGs² in the Philippines.

Nueva Vizcaya: The Dams of Casecnan



Source: Philippine Convention and Visitors Corporation website.

Conwap Valley has been home for centuries to the Bugkalots or Ilongots, the handsome and gentle people of the forest. It is part of what remained of their territory that once stretched from Palanan in Isabela to Casiguran, Aurora, and encompassed parts of what are now the provinces of Quirino, Nueva Vizcaya, and Nueva Ecija. History has portrayed the Bugkalots as fierce headhunters. In reality, they peacefully co-exist with other tribes. Headhunting was only done to right a wrong, as a means of survival, and to defend.

Straddling the Conwap Valley are 57,930 hectares of the Casecnan River Watershed Forest Reserve and the Carranglan-Pantabangan Watershed Reserve Pilot Area. By Philippine law, these watersheds are protected areas. They serve as catch basins that feed the headwaters of major river systems that in turn provide water for domestic, industrial and agricultural consumption. Both watersheds also host a rich variety of flora and fauna: 15,000 hectares of old- and secondary-growth virgin forest of indigenous Philippine species like narra, tuai, molave and malaruhat; and endangered and rare animals like the Rufous hornbill, the Philippine deer and eagle, Bleeding Heart pigeon,

wild boar and monkeys, the civet cat, and the gray heron. In fact, species of 77 birds, eight reptiles, and three amphibians are found in the area.

Besides the Bugkalots, communities of migrant families from the Cordillera region like the Ifugaos, Ibalois, Kalanguyas, and Kankanaeys have found refuge in Conwap Valley. They were survivors of giant dams: Pantabangan, Binga, Ambuklao, and Chico. As fate would have it, they will have to learn to live in the shadows of the dams they would like to forget in a place where they have learned to call home.

In November of 1995, amidst strong resistance from communities within the Conwap Valley and local government units of Region II, construction began on the \$500-million Casecnan Multipurpose and Irrigation and Power Project (CMIPP). Two diversion weirs 20-25 meters high and 100-200 meters long were to be built to divert the Casecnan and Taang Rivers, and funnel the river waters at a rate of 455,100 tons per year or 1.6 percent of the Cagayan River's total flow, to the Pantabangan Reservoir through a 6.3-meter wide and 25-kilometer long underground tunnel. The promise of the CMIPP was to stabilize the water supply line for 103,000 hectares of rice land in Central Luzon and to irrigate another 50,000 hectares, and in the process generate 140 megawatts of electric power for the Luzon grid. It was to be operated by the CE Casecnan Water and Energy Consortium (CWEC) through a build-operate-transfer arrangement with the national government.

Opponents of the CMIPP have raised two major issues. The first was the threat posed by the project to the tenurial rights of Conwap Valley residents, particularly the Bugkalots who claim the area as their ancestral land. Experience from previous dam projects has shown that indigenous communities were eventually displaced and expelled from their ancestral lands by encroachment from lowland migrants and subsequent forest resource extraction activities.

The second environmental issue was based on legal and natural premises. Both Casecnan and the Pantabangan-Carranglan watershed are protected from exploitation by law. Three major fault lines (i.e. the Philippine, Pantabangan and Denip fault lines) that can generate an intensity 7.8 earthquake in the Richter Scale, and five minor fault lines (i.e. the San Juan, Abuyo, Taang, Jurbas and Be-De fault lines), also traverse the project area. Where to dump the more than 800,000 cubic meters of soil that will be extracted from the tunnel work was also a major environmental concern.

² Target 11 of Goal 7 of the Philippine government on the MDGs concerns the implementation of national strategies for sustainable development by 2005 and the need to reverse the loss of environmental resources by 2015

Experts also assailed the logic of the CMIPP project because the Casecnan and Taang Rivers' excess water of 22.83 million cubic meters is really only available during the rainy months of June to December.

The campaign against the Casecnan dam started in 1992 when Bugkalot tribal chieftains from Quirino, Nueva Vizcaya and Aurora approached the Philippine Rural Reconstruction Movement's (PRRM) Nueva Vizcaya Branch for assistance. It was a dark and rainy early morning, an omen of the days to come. These chieftains together with PRRM, the then Office of Northern Cultural Communities (ONCC), the Save the Sierra Madre Movement, the Diocese of Bayombong and another local NGO based in Nueva Vizcaya started a series of dialogues with local officials on the project impact. With the campaign peaking in 1993, the Bugkalots and other tribal chieftains submitted a declaration to the provincial legislature of Nueva Vizcaya formally declaring their opposition to the CMIPP project and threatening to revive their headhunting practice to defend their ancestral lands. In a Tulag Tribu held in 1994, all indigenous tribes in Nueva Vizcaya came together to participate in the campaign. Through the Lubong Intayon Salakniban Movement, large mass actions against the CMIPP project were undertaken, sparking congressional hearings.

But the national government and CE CWEC never relented, as they were determined to build their dam at all cost. Promises of jobs and assurances of compliance to the Environmental Compliance Certificate³ (ECC) were made. Projects and government largesse poured in: dispersal of farm implements and livestock, provision of agricultural technology support and various livelihood projects, construction of access roads and irrigation systems, installation of energy and potable water facilities, provision of educational scholarships. When these failed, other forms of not-so-gentle persuasion were employed.

Pressured from all sides, most Bugkalot leaders finally agreed to negotiate. They would accede to the CMIPP project if the following demands were provided: recognition of their ancestral domain claim; provision of more livelihood projects; giving of priority to Bugkalots in employment

opportunities that would be generated by the CMIPP project; the provision of educational scholarships; construction of vital infrastructure facilities; and the creation of a Bugkalot municipality. Both the national government and CE CWEC agreed to the demands.

The CMIPP project finally started commercial operations in December of 2001 after almost two years of delay and an additional cost of \$150 million. In its wake, it had pitted upland versus lowland communities, civil society organizations versus the government, and finally the gentle people of the forests against their own kind. But the dams of Casecnan is an issue that refuses to die.

The Bugkalots found out late that they have been had. The Certificate of Ancestral Domain Claim (CADC) was awarded to them on February 01, 1996 and their request for an access road has been realized. But the delivery of other promises soon petered out. Five cooperatives were established as conduits for livelihood project under the supervision of the Bugkalot Association of Casenan (BAC) but have closed shop after two years. The livelihood projects also stopped coming. Bugkalots were employed in the first phases of the project, but were later terminated until only 30 remained. The CMIPP explained that they needed skilled workers and the Bugkalots were only needed in the construction phase. The scholarships were discontinued. Equipments were turned over to them but they were not trained to use these. And the Bugkalot municipality remains a promise. The dams have been constructed. The Bugkalots are no longer needed.

Not long after the CMIPP project's commercial operation began, a Citizens' Irrigation and Power Project (IPP) Review Commission urged President Gloria Macapagal-Arroyo in 2002 to rescind the contract with CE CWEC because it was found to be grossly disadvantageous to the government. The Freedom from Debt Coalition (FDC) listed these controversies hounding the project:

- Violation of the amended Build-Operate-Transfer (BOT) law that prohibits granting any subsidies and extending guarantees to any unsolicited proposal. The National Irrigation Administration (NIA) and the National Power Corporation (NPC) have guaranteed to pay for the water and energy products whether these are actually delivered or not.
- Premature approval by the Investment Coordinating Committee (ICC) – the interdepartmental body that approves projects of the national government. The ICC approved the project despite its insufficient technical merits, environmental hazards and lack of a Social Impact Analysis (SIA).

³ The ECC requires the following: formulation of a watershed management plan, socio-economic monitoring plan, water quality monitoring plan, housekeeping and spoils management plan, and a design and implementation program; creation of an Environmental Guarantee Fund to cover the expenses for the said plans and program; creation of a multipartite monitoring team; and to undertake an annual information and education campaign on the importance of wildlife and diversity.

The project's financial viability is questionable, its hydrological estimates outdated. No appropriate geotechnical studies were conducted. Furthermore, an ECC was issued to the project even without the required Environmental Impact Analysis (EIA).

- Unfair absorption risk by the government.

The NIA has to pay \$72.7 million/year and NPC to pay \$36.4 million/year, whether the water or power are delivered or not. The upgrading cost of P3.5 billion for irrigation facilities and the erection of transmission lines will also be shouldered by NIA and NPC. The national government will reimburse all tax payments of CE CWEC and pay its losses in the event of a natural disaster.

- Possible violation of the constitutional requirement of a 60 percent Filipino ownership in companies engaged in the extraction of the country's natural resources. The CE CWEC is a 100 percent foreign owned company.

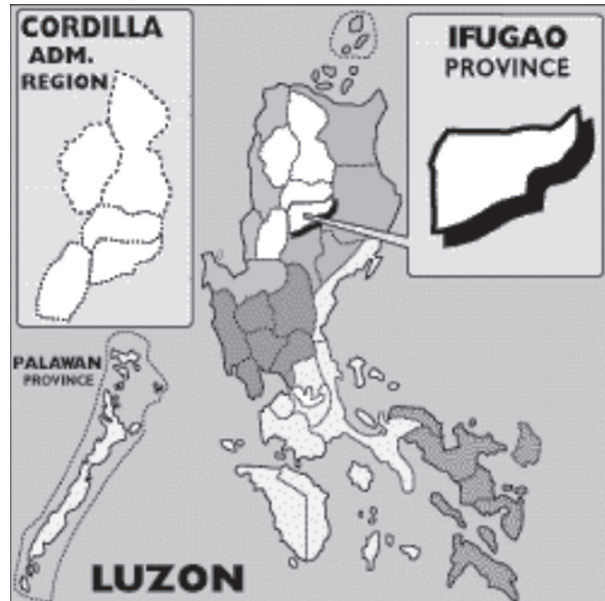
The question now is, are the costs worth the project's benefits? The Department of Agriculture (DA) has scaled down CMIPP's irrigation capacity from 50,000 to 35,000 hectares. At the cost of P718,842.00 to P1,028,571.00 per hectare. The electricity at \$0.16 per kilowatt hour will be the most expensive among all independent power providers in the Philippines and whether delivered or not will be shouldered by consumers through the power purchase adjustment (PPA). No doubt, the cultural, social and environmental costs will be staggering.

Looking back, it has not been a lost cause for the forest people. The campaign has propelled the CMIPP issue into the national consciousness that galvanized various reactions. The pressure forced the CE CWEC to redesign the project and reduce it to a small-dam category. Which means that there will be no submersion and dislocation. This alone is a major victory for the Bugkalots.

Still what is clear for Bugkalots is the government's tyranny in forcing a project that they never wanted. This battle of small communities versus the monolithic national government has been a difficult campaign, and the scars will stay for a long time. But the dams of Casecnan will be remembered less as a symbol of the Bugkalot's defeat than another monument to government failure. It was built at the wrong place, for questionable intentions, and at too high a price.

Ifugao: conserving a heritage

It has been called the eighth wonder of the world. The stairway to the skies. Dating back to 1,000 BC, it has been hewn by bare hands and



Source: Lakbay Pilipinas website

indigenous knowledge. It was built not by slaves but by voluntary labor and out of necessity. It is a complex system of interconnected ecosystems, architecture, and spirituality. Stretched from end to end, the terraces can circle half the globe. Long the stuff of legends, the Ifugao terraces are in most grave danger, however.

Because of its outstanding universal value as a living cultural landscape, the Ifugao terraces was included in the United Nations Educational, Scientific and Cultural Organization's (UNESCO) World Heritage List in 1995. The specific areas covered are the stone-tiered and amphitheater-like Batad terraces, the pot-like Bangaan terraces, the terraces of Nagacadan in Kiangyan and in Mayoyao, and the terraces of Hungduan, the only municipality of Ifugao to be included in its entirety in the World Heritage List.

The listing could have provided a much-needed push for the preservation of the Ifugao terraces. As a signatory to the *UNESCO Convention Concerning the Protection of the World's Cultural and Natural Heritage*, the Philippine government is obligated to "ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage... (and) shall do this to the utmost of its resources...". In 2001 and almost six years after its listing, however, the Ifugao terraces made it to another list: List of World Heritage in Danger. And, unless immediate and dramatic measures are effected to reverse the terraces' deterioration, it will lose its World Heritage Status. Worse, the terraces

will just rot and crumble, lost forever to the next generations of Filipinos.

The decline of the terraces actually represents what is happening to the province of Ifugao, which is ranked fifth among the Philippines' 15 poorest provinces, with a poverty incidence of 67.1 percent. Nestled on the mighty mountains of the Cordillera, Ifugao is home to the gentle tribes of the Tualis, Ayangans and Kalanguyas. Almost home, unless something is done to stop the exodus of people from the province.

Out-migration because of limited livelihood opportunities is fast becoming a major concern in Ifugao. Around 70 percent of the Ifugaos rely on agriculture as their main source of livelihood. And agriculture for them means mostly one rice cropping every year on an average of 0.15-0.88 hectare. The rice fields are 96 percent terraced, and subsistence swidden farming thrives. Agriculture is a losing proposition, considering a net loss of P0.59 for every peso invested. Rice sufficiency is good for only 5.1 months. As a result, the Ifugaos leave to work elsewhere. Most of the time, they never come back. Not surprising, today, 25-30 percent of the terraces are abandoned.

A result of out-migration is the gradual but steady loss of indigenous knowledge and practices. The *tomonaks*⁴ no longer prescribe the pace of agricultural production, the *mumbakis*' importance has diminished, and *ubbo*⁵ has been replaced by government largesse and paid labor. Change in the Ifugao way of life has hastened the decay of the terraces, which are now being converted into multiple agricultural use and, in urbanizing and low-elevation areas, into residential and commercial uses. The introduction of modern technology has boosted agriculture that decreased fertility and increased soil acidity. And the *muyong* – privately owned and maintained forest areas that are crucial in maintaining the terraces' ecosystem – is under siege. Fifty years ago, the total rice terraces in Ifugao covered 15,000 hectares. Today, only half of that remain.

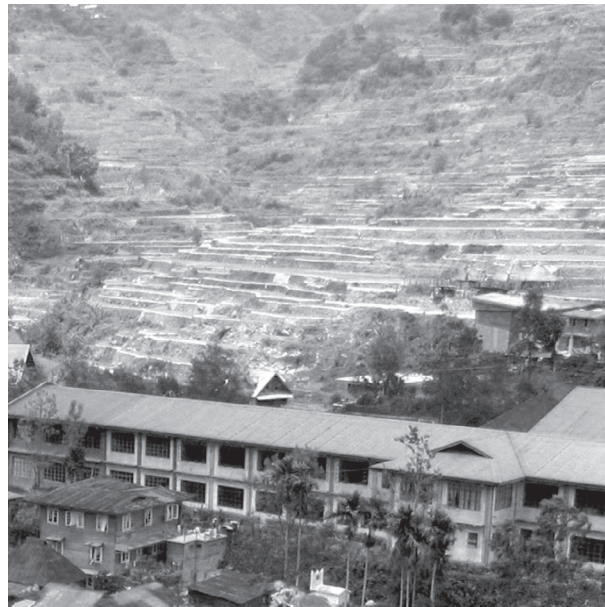
The sorry situation has prompted the formation of the Save the Ifugao Terraces Movement or SITMO, a multisectoral group at the forefront of the campaign to rehabilitate and protect the terraces. Central to SITMO's campaign is the resolution of the Ifugao people's long-standing struggle to secure legal tenure over their ancestral lands, and gain respect for the value of the Ifugao way of life. Along

this line, SITMO is also working to improve the Ifugao people's quality of life, rehabilitate and protect the terraces, and promote an ecocultural tourism program.

Organized on March 11, 2000, SITMO's advocacy for the preservation and protection of the terraces and the Ifugao way of life has spanned three presidencies. During the time of President Fidel V. Ramos, the Ifugao Terraces Commission (ITC) was established to coordinate preservation efforts as a response to the UNESCO World Heritage listing. The ITC facilitated the formulation of a 10-year terraces rehabilitation plan that emphasized on developing the local tourist industry. Millions of pesos were poured on the construction/rehabilitation of access roads and the development of so-called tourist spots. Even the tin roofs of houses near the terraces were painted green to blend with the rice of the terraces.

But little less has been done. The problem was the ITC's mandate: only to coordinate. Actual project implementation was left with the regular departments of the national government. Unfortunately, the real intent of conserving the terraces was forgotten in the mad rush for commercial tourism and infrastructure development. It was this condition that urged a small group of Ifugaos to advocate that development in Ifugao be strongly linked to the conservation of the terraces and the Ifugao way of life.

This was how it was when the short-lived regime of then President Joseph Estrada took up the Ifugao cause. One of the president's first acts was to abolish the ITC and replace it with the



⁴ The *tomonaks* and *mumbakis* are indigenous priests who preside over traditional Ifugao rituals.

⁵ The *ubbo* is the Ifugao's version of the *bayanihan*.

Banaue Rice Terraces Task Force (BRTTF). And yet again, this task force had a limited project implementation mandate like the ITC. Nevertheless, the ITC watchdog group saw this as another opportunity to push the terraces conservation agenda. They worked with the BRTTF in introducing a land use planning workshop to assist the Ifugao local government units in formulating their comprehensive land use plans (CLUP). The Save the Ifugao Terraces Movement (SITMO) had been organized and was working with the BRTTF on a Geographic Information System (GIS) when President Estrada was replaced by then Vice-President Gloria Macapagal-Arroyo.

Under President Macapagal-Arroyo, the BRTTF suffered the fate of its predecessor. It was also abolished. This time, there was no replacement. From here, the provincial government took over and created the Ifugao Rice Terraces and Cultural Heritage Office (IRTCHO). As recognition of its work, key individual members of SITMO were invited to serve as the technical staff and consultants of IRTCHO.

Through the IRTCHO and a \$75,000 emergency technical cooperation assistance program grant from UNESCO, the 10-year rice terraces master plan was updated to feature a more comprehensive approach based on the principle of integrated area development. Components of natural resource management, sustainable agriculture, basic social services delivery, and renewable energy were integrated and enhanced. A 5-year enhancement plan was then submitted to UNESCO. The IRTCHO was also able to access a P50-million grant from the National Commission on Culture and Arts (NCCA). It also conducted two international workshops: the first one for the stakeholders and a review of the master plan; and the second, for a second master plan review to identify specific projects and produce proposals for funding.

Parallel to and complementing IRTCHO were the SITMO initiatives: comprehensive and integrated community-based models for terraces conservation that were designed and implemented in several Ifugao villages. It has forged partnerships with the Department of Environment and Natural Resources (DENR) in implementing community-based forest management (CBFM) projects, and with the National Commission for Indigenous People (NCIP) in pursuing and protecting the Ifugao people's ancestral domain claims. With PRRM, SITMO engaged in a protracted media campaign to bring the issue of the Ifugao terraces conservation to the national consciousness. It has continually

engaged national and international policymaking and financing bodies, and submitted a 5-year conservation and management program to UNESCO. Just when things were peaking up, however, it was election season again.

Politics has been the bane of SITMO's initiative to conserve the rice terraces, derailing inroads made and pushing back major breakthroughs. Although the newly-elected provincial governor had officially committed to continue the IRTCHO project, no tangible action has been made so far. For SITMO, it might as well start again from scratch.

To address the disruptions caused by politics, SITMO believes that a stronger institution with enlightened Ifugao citizens and civil-society organizations should be created to constantly prod the current and future owners/managers of the terraces on the priceless value of this indigenous legacy.

Despite the obstacles, SITMO is relentless in its work. It envisions the province of Ifugao as a rights and heritage center for all indigenous communities in the Philippines, and the recognition of the terraces and watershed's role in national development, especially for Northeastern Luzon. But for this to happen, the terraces must survive. For the terraces to survive, the Ifugaos should stay. And for them to stay, enough jobs and social services must be there.

Then perhaps, the terraces will live for

Nueva Ecija: Of Cows and People



Source: Provincial information website

another thousand years.

THE golden arch of McDonald's and Jollibee's jolly bee have become icons of a good burger. And

Filipinos have grown to love burgers. And fast, as seen in the rising demand for beef over the years. The bad news is, increasing beef production had a negative impact on the environment. For every one quarter-pound hamburger produced, 6 square yards of forests are cleared and 165 pounds of living matter destroyed⁶.

Beef production has pitted cows versus humans. In fact, cows (and cotton) got more aid and subsidies than people in 2000. In the Philippines, the competition has shifted to living space. When then President Ramos signed Presidential Proclamations No. 750, 751, and 752 allocating portions of the Penaranda River Forest Reserve (PRFR) and the Fort Magsaysay Military Reservation (FMMR) in Nueva Ecija for the relocation of the offices and facilities of the DA's National Stock Farm, the nightmare of 136 families began; and the dreams of 1,330 agrarian reform beneficiaries to finally have their own lands after 27 years of struggle were tragically shattered.

The proclamations, signed on February 26, 1996, cover 1,000 hectares of the PRFR and 500 hectares of the FMMR. These are part of a 5,665-hectare area being earmarked by the Department of Agrarian Reform (DAR) for distribution to agrarian reform beneficiaries. It is also the rice granary of nearby communities in Palayan City and General Tinio town. That the relocation site is within the PRFR, one of Nueva Ecija's four major protected watershed areas where the head-waters of the Rio Chico and Tabuating Rivers are located, is another irony.

The project in question, the General Tinio National Livestock Center (GTNLC), aims to further develop the cattle industry through technology research, development, extension and dispersal. It is effected by the national government's plan to develop government-owned prime real estate — in this case the Alabang Stock Farm property — to raise money for the government. It is, indeed, beneficial to the government and the cattle raisers of General Tinio. But not for the people who make their livelihood at the project site.

The GTNLC was officially inaugurated despite strong opposition from affected families. In response, the Pag-asa Multipurpose Cooperative organized a campaign against the GTNLC project. The cooperative was supported by affected communities from Palayan City who organized themselves into the Kalikasan Federation Incorporated

(KALIKASAN), and joined by families from the primary and secondary affected areas in General Tinio who had organized the Ugnayang Pamayanan para sa Kalikasan at Kabuhayan (UPPAK). And they fought back.

On March 25, 1996, at least 218 affected families sent a petition to President Ramos, urging him to suspend the implementation of the GTNLC project because the required EIA has not been conducted and the required ECC has not been issued by the DENR. The petitioners pointed out that Proclamations 750 and 752 which allocated the land area for the national stock farm resettlement require an EIA and the issuance of an ECC before any project development activities can be conducted. The petitioners also complained about the undemocratic process in the GTNLC project implementation and added that farming which they do right in the project site is their only livelihood and that only a few people would actually benefit from the project. Furthermore, the site for the GTNLC project was already appropriated for distribution to agrarian reform beneficiaries by Executive Orders 407 and 448 issued by then President Corazon C. Aquino.

Upon the affected families' request, DAR conducted a survey of the disputed area on June 6, 1996 and recommended the transfer to DAR of the Department of National Defense's (DND) reservation covered by EOs 407 and 408, and the holding of a top-level meeting among the DND, DENR, DAR and DA to decide on the issues raised in the GTNLC project. At the request of the Konfederasyon ng mga Nobo Esihano para sa Kalikasan at Kaayusang Panlipunan or Konped Kalikasan — a provincial federation of NGOs and POs in Nueva Ecija that supported UPPAK and KALIKASAN'S campaign, Peasant Sector Rep. Leonardo Q. Montemayor filed House Resolution 700 directing the House Committees on Ecology, Agrarian Reform, and Agriculture and Food to jointly conduct an inquiry on the negative impact of the GTNLC project. Dialogues were held among the affected communities, DA's Bureau of Animal Industry (BAI), NGOs, and local government units. The Task Force Fort Magsaysay Military Reservation created by a presidential directive also recommended securing the land tenure of families and the establishment of permanent communities within the FMMR to enhance socioeconomic development.

Encouraged by the positive results of their campaign, 68 affected families again issued a position paper on August 26, 1996 reiterating their demand to suspend all project development activi-

⁶ www.envirolink.org, "The Beyond the Beef Campaign: Environmental Devastation", Undated.



ties in the contested area pending the conduct of an EIA and issuance of an ECC. They argued that the GTNLC project will be detrimental to the PRFR because cattle raising will cause soil compaction, loss of vegetative cover, and erosion and siltation of waterways. The cattle raisers' practice of burning vegetation so young grass shoots will grow and provide forage for the cattle is bad, they said. The cattle will also compete with them in water consumption. One thousand heads of cattle will require 45,000 liters of drinking water a day, equivalent to the consumption of 750 persons or 125 families — the size of an average barangay.

The affected families then called for the relocation of the GTNLC project to areas where it will be less disruptive. They said 4,000 hectares are currently leased to 24 cattle raisers in General Tinio through Pastureland Leasehold Agreements (PLA) and Forestland Leasehold Agreements (FLGA). They urged the DENR to either cancel or not renew these PLAs and FLGAs so the land can be used for the GTNLC project. They demanded the recognition of the affected communities and other farmers' claim to the relocation area, noting that 90 percent of land distribution in General Tinio is already in favor of cattle raisers. They also wanted affected communities included as primary project beneficiaries so they would be entitled to a support program which includes allocation of 300 hectares for a community reforestation project, and participation of all affected sectors in monitoring the GTNLC project monitoring.

Despite strong opposition to the GTNLC project and the ongoing processing of environmental

requirements, the BAI proceeded to develop the contested site. Crops planted by the affected families were plowed and grazed by a flock of sheep. Infrastructure was set up and armed guards deployed to secure the project area and keep farmers away.

Acting on the complaint of affected families, the DENR ordered the BAI on January 7, 1997 to stop all GTNLC related activities for violation of Presidential Decree 1586, which provides for an Environmental Impact Statement System. The DENR's Environmental Management Bureau (EMB) inspected the site and recommended that: BAI first conduct an in-depth study on the potential environmental impact and social acceptability level of the project; that all project activities be suspended until the issuance of an ECC; that BAI officials be investigated administratively for possible violation of PD 1586; and that the issuance or non-issuance of ECC be finally decided because of the GTNLC project's location in two environmentally critical areas.

Finally, DENR served a Notice of Violation on BAI on June 4, 1997 for violations of PD 1586 and Department Administrative Order (DAO) 37 series of 1996. The BAI was ordered to cease and desist from all activities in the contested area, and to pay a fine of P50,000. The DENR also disapproved BAI's succeeding request for site and infrastructure development and ordered it to allow cultivation in the contested area while the ECC is being processed.

But a double whammy snatched victory away from the affected families. Just when the EMB had already organized a review committee to conduct an EIA of the project, the DENR's own regional office suddenly issued an ECC on August 04, 1997 that blatantly violated DENR's own policies: only EMB can conduct an EIA, which will be the basis of ECC issuance or non-issuance, if the project in question is environmentally critical and located in an environmentally critical area. At the same time, a campaign of harassment was intensified and the affected families found themselves pitted against each other. They psyched themselves up for a violent confrontation as a last resort, but the tired, harassed and internally polarized complainants later gave up. They decided to negotiate with BAI.

They accepted BAI's offer of a new 1-hectare farm site and 1 head of cow for each family. But since the farm sites being offered to them were not fit for agricultural production, they opted to have two heads of cows instead. They did not have much choice.

It was not a losing fight, though. The campaign had exposed the inequitable distribution of land in General Tinio and the irreversible effects of open cattle grazing in the area. Upland families found out that the cattle ranchers' ownership claim to their grazing areas are only temporary stewardships that are about to expire. This expose and discovery prompted DENR Undersecretary Delfin Ganapin to issue a Department Administrative Order for the nonrenewal of expiring PLAs and FLGAs not only in General Tinio but in the whole country. And UPPAK, which shifted its campaign to equitable land distribution, was awarded more than 1,000 hectares for a community-based forest management project.

Looking back, the campaign could have been won through the EIA system. But again, the powerful stakeholders on the other side would stop at nothing to push the project. And most of the time, the government would oblige. As in General Tinio, the communities had nothing to rely on but themselves to protect their living space.

As for the GTNLC project, the cows have to survive on water and forage that must be transported from other areas because of a perennial water shortage. The affected families were proven right after all, and that gave them a sense of victory somehow. Meanwhile, life had to go on. They opened new farms (read: squatted) within the PRFR and FMMR area. Perhaps the cows won't catch up with them this time. But then again, burger sales are increasing.

The second battle of Manila bay

Besides boasting of having the most beautiful view of the setting sun and hosting several ports where hundreds of sea vessels dock and sail out everyday, Manila Bay is also intricately woven into the rich tapestry of Philippine history. Perhaps the most easily recalled event is the "Battle of Manila Bay" where Admiral George Dewey routed the Spanish armada and started the great American assimilation of their little brown Filipino brothers. Today, another battle is raging. But there will be no armadas to sink and admirals to call the shots. This battle is between the rickety bancas of small fisher folks and the techno-savvy commercial fishing vessels of moneyed capitalists.

An average of 25,046 metric tons of fish are caught annually in the Manila Bay area. This represents 2.8 percent of the country's national fish production and is shared by 300,000 fisherfolks and their families and 1,400 commercial fishing vessels. What ignited the war is who gets more of the dwindling fish catch, who is to blame for this, and what should be done to reverse this trend.

From 1992 to 1995, a Resource Ecological Assessment was conducted in the Manila Bay area by the Department of Agriculture, the Bureau of Fisheries and Aquatic Resources (BFAR), and the Mandala Development Corporation. The study that was funded by a loan from the Asian Development Bank generally concluded that Manila Bay is in a



critical ecological condition. The destruction of Manila Bay's habitat and the depletion of its aquatic resources were primarily caused by the extensive and destructive practices of commercial fishers, the study said.

That Manila Bay is overfished and over exploited is a fact. What used to be a small fisher folk's average daily catch of 50-80 kilograms has alarmingly dwindled to 3-5 kilograms. That is if they are lucky enough. In fact, the DA issued Fisheries Administrative Order (FAO) 175 in 1991, ordering a 5-year ban on commercial fishing in Manila Bay. But this was not implemented owing to strong opposition of LGUs in the Manila Bay Area.

Taking off from FAO 175 and pressed by the urgent need to protect their main source of livelihood, the Kalipunan ng mga Maliliit na Mangingisda ng Manila Bay or KALMADA launched a campaign to declare a 9-month "closed season" on all forms of commercial fishing specifically the use of trawls, motorized push nets, Danish seines, and super lights in Manila Bay every year for seven years. This was stated in a draft Sarado Manila Bay Fisheries Administrative Order (SMB FAO) that also includes the establishment of a Manila Bay Management and Development Task Force and the imposition of stiffer fines on all violators.

KALMADA argued that only commercial fishing vessels should be banned because their technology and capital had enabled them to freely and uncontrollably deplete Manila Bay's resources. On the other hand, small and subsistence fishers fish mainly on municipal waters and rely on traditional fishing methods.

A case in point on the commercial fishing vessels' unfair competitive advantage is the use of super lights or metal halide lights powered by generators, batteries or dynamos in attracting schools of fish. Section 93 of the Fisheries Code prohibits the use of super lights in municipal waters and bays. In fact, super lights should only be used in special economic zone areas that are located 200 kilometers away from the shoreline. However, the powerful intensity of super lights operating outside municipal waters can still effectively attract fish within municipal waters. On the other hand, small fisher folks only use ordinary incandescent bulbs and petromax lights. There are currently 944 registered commercial⁷ fishing vessels operating super lights in violation of Republic Act (RA) 8550.

⁷ Volt Contreras, "Manila Bay Dying From 'Light Fishing'" in the Philippine Daily Inquirer, 11 August 2000.

KALMADA's campaign from mid-1998 until early 2001 helped produced tangible results that they hoped would lead to the closure of Manila Bay to commercial fishing. On May 08, 1998, the DA (Department of Agriculture) finally issued DAO 03, which is the Implementing Rules and Regulations of RA 8550. On May 1999, the coastal municipalities of the League of Municipalities of the Philippines (LMP) called for the immediate drafting of guidelines for the delineation of municipal waters. The DENR's National Mapping and Resource Information Authority (NAMRIA) then issued the initial technical guidelines in accordance with Section 123 of RA 8550 which is based on the Archipelagic Principle.

The legal basis of the Archipelagic Principle is imbedded in Article 3 of the 1987 Constitution which states that, "The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein... The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines". The unity of land, water and people into a single entity is the underlying principle of an archipelagic state. And this unity serves as the basis in determining the landmass that is equivalent to bodies of water. Because of this principle, the proportion of water to land has been prescribed for all archipelagic states under international treaty limits.

KALMADA's campaign has spread beyond the shores of Manila Bay. On October of 2000, then President Joseph Estrada directed the DA and DENR-NAMRIA to implement the technical guidelines. But as fate would have it, President Estrada was ousted by a protest movement that came to be known as EDSA II. The political events of 2001 forced KALMADA to lay low for a while, but took up the campaign again when then DENR Secretary Heherson Alvarez issued DAO 2001-17. What has become to be known as DAO 17 is actually the final version of the guidelines issued by then President Estrada.

According to DAO 17, the reckoning point of municipal waters should be 15 kilometers from the general coastline — a provision that KALMADA believes will effectively close down Manila Bay to commercial fishing. However, contentions on how the 15 kilometer range should apply to municipalities with off-shore islands have polarized the position of commercial fishers against that of small fisher folks. In July 2001, a big group of commercial fishers called as the Alliance of Philippine Fishing Federations, Inc. (APFFI) filed Civil Case No. 01-

102-MN for the prohibition, issuance of a temporary restraining order, and preliminary injunction on the implementation of DAO 17. In the House of Representatives, APFFI allies filed Committee on Appropriations Resolution 2001-01 declaring "legal infirmities" in DAO 17 and recommending its revocation. In response, KALMADA forged a strategic partnership with the League of Municipalities of the Philippines (LMP) and the NGOs for Fisheries Reform (NFR) to pursue implementation of DAO 17 all over the Philippines. This coalition became known as the Movement for DAO 17 or M17.

In lieu of the snowballing opposition to DAO 17, statements of support came from NGOs and POs, LMP chapters, the Vice-Governors League of the Philippines and the League of Provinces. Even the BFAR director who was seen as an opponent of DAO 17 was forced to issue a declaration of support. And in January of 2002, Antique became the first province to implement DAO 17 in its jurisdiction when all its coastal LGUs started the delineation of their municipal waters. This was subsequently followed by the towns of Pio V. Corpuz and Cataingan in Masbate, all coastal LGUs of Surigao del Norte, and the city of Manila.

DAO 17 has become a watershed legislation not only in the Philippines. Rokhmin Dahuri, then the Minister of Marine Affairs and Fisheries of Indonesia, hailed DAO 17 as a landmark action. In June 2002, participants to the First Conference of Archipelagic States declared support for the use of the Archipelagic Principle in delineating municipal waters. At the World Summit on Sustainable Development, Secretary Alvarez was also asked to convene an Asian meeting to discuss DAO 17. He was also invited to speak on DAO 17 at a meeting of the International Coastal Resources Initiatives.

DAO 17, however, would also prove to be Secretary Alvarez's downfall. Members of the House of Representatives Committee on Appointments with vested interests in commercial fishing blocked his confirmation as DENR secretary for his refusal to revoke DAO 17. Even DENR's budget was not spared by some members of the House of Representatives. Finally, President Macapagal-Arroyo replaced Secretary Alvarez in December 2002. Agriculture Secretary Leonardo Montemayor, who supported DAO 17, was also replaced. It was a terrible day for Manila Bay.

The new DENR Secretary, Elisea Gozun, was confirmed by the Commission of Appointments on

March 19, 2003, two days after she issued DAO No. 2003-07 effectively revoking DAO 17. Secretary Gozun also passed on to the DA the responsibility of delineating municipal waters. It was again a victory for the commercial fishers. For KALMADA, it was a blatant sell-off.

With the ball in its hands, DA issued DAO 01-04 on April 2003 for the delineation of municipal waters for both LGUs with and without offshore islands. To KALMADA and other organizations of small fisher folks, the DA guidelines are a watered-down version of DAO 17. They rejected it and called for the total adoption of DAO 17. And for this, they have armed their small boats and their strong hearts for another battle of Manila Bay.

Today, the battle is in court. The commercial fishers and BFAR have filed a petition at Branch 74 of the Malabon Regional Trial Court to clarify the terms used in the delineation of municipal waters. KALMADA and other groups of small fisher folks have also filed a motion to intervene in the case. Whatever the outcome of the case, KALMADA believes it has won the battle. What has been delineated through DAO 17 will remain as it is. And it has forged strong linkages with the LMP and NFR for the many more battles around policy, political trade-offs, and control of fishing grounds.

With support from PRRM, the 6,000 members of KALMADA in 19 municipalities/cities in the Manila Bay area are showing the government and the world what can they do. Their members have reclaimed and maintain a 50-hectare fish sanctuary and a 25-hectare mangrove forest in Orion, Bataan, and another 50 hectares of marine reserve in Maragondon, Cavite. In 1999 alone, their 285 deputized Bantay Dagats apprehended 316 commercial fishing vessels for violations of RA 8550 and collected a total of P1,351,500 in fines.

The campaign was a well-learned lesson for KALMADA. To win a battle, one has to fight on many fronts. In this case, all legislative, executive and judicial arenas were battlegrounds. With this in mind they shift their campaign on municipal water delineation at the LGU level and prepare for the impending review of RA 8550 — where the sharks of commercial fishers are expected to prey — and another encounter with the big commercial fishers. And maybe after this another great big battle, the most beautiful sunset in the world will never set on Manila Bay again.

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