

MOBILIZING FILIPINO WOMEN TO ACQUIRE LAND

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Au mois de septembre 1984, un typhon a détruit les cabanes où vivaient les habitants d'un village de pêche sur la côte de Lizada, Toril, ville de Davao. Après avoir reconstruit leurs baraques sur des terrains plus élevés, les victimes du typhon furent arrêtées; les terres qu'elles occupaient appartenaient à une société bancaire. Un groupe de femmes de la communauté décida de s'organiser pour acheter ces terres. Avec l'aide du Centre de développement de Mindanao et du Centre de ressources légales des Philippines, elles ont formulé une stratégie efficace pour réaliser leur but.

The strategy outlined in this article addresses the socio-economic problem of unequal distribution of land in the Philippines and how the women of a poor fishing community in Toril, Davao City, can secure title to the land they are occupying for housing. The strategy aims to empower low-income women by educating them about their rights and about the available legal and socio-economic resources to enable them to fully participate in the community decision-making and negotiations to secure ownership, title and control of land for housing. The major activities that have been undertaken and continue to be used are: community education programs on the law; collective action and mobilization; lobbying at policy-making levels; public pressure on government officials and agencies; building effective grassroots organizations; training activists at the grassroots level; and building networks.

Since 1981, the Kahayag Foundation has been sponsoring consultations on "Alternative Law" to bring together various individuals and groups who have been using law to empower the poor. Some of the low-income women living on the shoreline of Lizada, Toril, Davao City, attended one of these consultations. Sometime in September 1984, big waves caused by a typhoon destroyed the shanties of the people living in the fishing village along the shore where these

women lived, forcing them to move back to higher land where they rebuilt their shanties. They were arrested and brought to the military station of the Metropolitan District Command for investigation. They were released after a representative of the Ministry of Social Services and Development arrived and certified that they were indeed victims of the typhoon. The people later found out that the land they moved to was owned by a banking corporation. Representatives from the Metropolitan District Command and the bank-owner ordered the people to immediately vacate the land. The problem was that they had no other place to go. They began meeting to find solutions to their problem. A group of women from the community decided to confer with the branch manager of the bank to investigate the possibility of buying the land. The price quoted and the period for making the payment was not within the capability of the people in the poor fishing village. Two of the women who attended the alternative law consultations led the group to see the City Mayor about their problem. The Mayor assured them that he would do his best to find solutions. He instructed them to go to the Slum Improvement and Resettlement office (SIR) so that a project study could be made. Since the officer in charge was out at the time, the delegation went back to the Mayor, who then advised them to look for a lawyer who could help them.

The women sought the help of the Mindanao Development Center, a community development center run by priests and lay workers in the city slum area, and of the Kahayag Foundation. Both agencies referred them to Emelina Quintillan, a lawyer who heads the Filipina Legal Resources Center. The Executive Director, Irene M. Santiago, wrote to the bank-owner's Vice-President in the head office in Manila about the people's problem. When the women from the troubled community at Lizada, Toril met with Attorney Quintillan, it was learned that there were 231 families occupying the land owned by

the bank, which covers an area of about three hectares, and that these families were very poor (fishing is their only source of livelihood). The women were told that nothing could be gained unless the 231 families organized and arrived at a common decision about their objective. They were informed that if they needed help in organizing and more information on the law, the Filipina Legal Resources Center could provide them with the assistance. Attorney Quintillan then got together with Lourdes Alvar, a trained community organizer who has had extensive experience in working with people at the grassroots level, to study the case of the people of Lizada, Toril and to determine the best approach. When the women from Lizada, Toril returned to the Legal Resources Center, with the information that the people of the community were eager to get organized and to consult with a lawyer, a meeting was scheduled.

The heads of the 231 families of the subject community (men and women; husbands and wives) met from morning until evening at the town hall near the area occupied by the people to discuss their land problem, with the community organizer facilitating. On that occasion, Attorney Quintillan explained, in layperson's language, the relevant laws that could be used for or against the people in their quest for land ownership. Various options and legal remedies were also presented to the people. This was followed by an open forum. Because women were running the meeting, the women participants were more confident and were ensured equal opportunity to participate in the deliberations and to speak out. The people finally opted to buy the land and agreed to make a proposal to the landowner for installment payments through the formal representation of a lawyer from the Filipina Legal Resources Center. While formal representation was being made with the top officials of the bank-owner at their head office in Manila, the women continued to mobilize and take collective action to pressure government officials and agencies to implement social welfare laws *vis-à-vis* the property rights of the owner.

The strategy and activities of the community were formulated by the concerted efforts of the women of Lizada, Toril, the community organizer, the lawyer and the staff of the Filipina Legal Resources

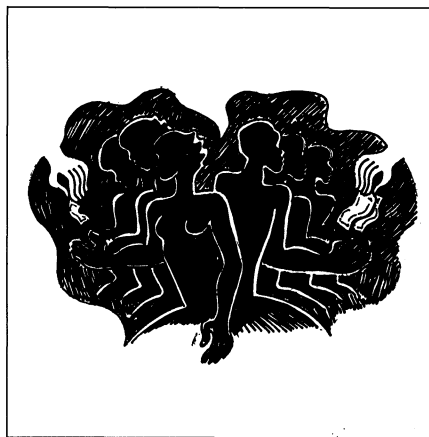
Center. The initiative came from the women of Lizada, Toril; the organizing and mobilizing skills were provided by a trained community organizer; the legal literacy and other necessary legal services were provided by the lawyers and staff of the Filipina Legal Resources Center; and the linkage and network support was provided by the Kahayag Foundation.

The strategy used in this case was action-oriented and was focused on the cultural structure of the legal system, which restricts women's ability to provide for their personal and family needs. The activities were directed towards demystifying the law and establishing a more accessible legal system for women. The socio-economic and psycho-cultural condition of the women in the community dictated the approach to be used. In a fishing community where women were left at home while the men were at sea, the lack of security in their homes, the fear of being ejected, and the harassment of the landowners were felt more intensely by the women who were more often confronted with these glaring realities. The need to find solutions to the problem of land for housing was, therefore, more imperative for the women. The strategy, however, had to be within their capabilities and resources.

These women exist on a minimum subsistence level and have had very little education. In contrast, the laws are written in a foreign language (English) and traditional legal services are on a one-on-one (lawyer-client) basis, are litigation-oriented, and are expensive. To enable the women in this particular community to use the legal system to their advantage, knowledge of the laws relevant to their problem and understanding of the legal



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system must be brought to the grassroots level. To be able to act on what they know, they had to have *accessible* alternative remedies. For more effective learning, the women of Lizada, Toril were involved in almost all the procedures and activities undertaken by the Filipina Legal Resources Center concerning their problem. With the active participation of women, the community had the prerogative of deciding what course of action to take every stage of the negotiations with the landowner. For a traditional lawyer, the process is tedious; but the strategy is necessary if the aim is to minimize, if not completely eliminate, constraints that restrict women's development. The Filipina Legal Resources Center plans to involve more law students, women lawyers, social workers, and psychologists in the strategy to provide them with the exposure and the training in advocacy skills.

The problem of the women of Lizada, Toril was not just a simple case of acquiring land for the landless. It was also a problem of protecting the marginalized sector of society from the legal repercussions of their transgression into the landowner's property when such transgression was necessary for their survival. The property rights of the bank-owner, however, are unique. Banks in the Philippines are required by law to liquidate or dispose of their acquired real property assets within a period of five years. The land occupied by the subject community where the women live is an acquired asset of the bank, having been foreclosed from a mortgagor, which needed to be disposed. Hence, the people came up with the proposal to buy the land. Collective action and mobilization would pressure government officials and agencies to implement

social welfare laws to facilitate the transfer of ownership from a bank – that didn't really need the land – to the people – who are in dire need of a place to stay.

The women of Lizada, Toril, the community organizer, the lawyer and staff of the Filipina Legal Resources Center were fully and concertedly involved in the strategy activities. The women of Lizada, Toril took the lead in mobilizing the people in their community. The community organizer immersed herself in the community and became one with the people. She acted as the link between the Filipina Legal Resources Center and the community in disseminating information, receiving feedback, acting as adviser on non-legal matters, monitoring the progress of the planned activities, and reporting with the women to the Filipina Legal Resources Center. The Filipina Legal Resources Center provided a legal consultant for the people of Lizada, Toril, provided a lawyer to represent them at the head office of the bank-owner, provided continuing consciousness-raising seminars to women and legal education to the community, conducted dialogues and with the people to find out their other problems, and documented all proceedings with the assistance of the community organizer and a representative from the women's group of Lizada, Toril. The community organizer also sat with the Filipina Legal Resources staff in the translation of relevant laws into a language understandable at the grassroots level. Kahayag Foundation played a supportive role in the purely legal aspect of the strategy, but played a major role in providing linkage, network, developing skills in advocacy, and resources for livelihood.

The activities of the strategy were plan-



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**“The Filipino Woman’s Place
in the Struggle for
EMANCIPATION,
NATIONAL LIBERATION
& WORLD PEACE”**

*Graphic from a Forum '85 Workshop brochure
Credit: Gabriela (Philippines)*

ned and decided upon collectively through constant consultations between the Filipina Legal Resources Center and the women of Lizada, Toril. The people of the subject community formed an association and most of the officers are women. The task or working committees of the association are headed mostly by women. The Filipina Legal Resources Center is headed by a lawyer with two full-time staff of law students and it works with several volunteer lawyers and law students. The community organizer works with the Filipina Legal Resources Center on a contractual basis, although there are plans to taking her in as a staff member of the Center. Kahayag Foundation is a non-profit corporation: while the Board of Directors decide on the policies, the day-to-day operations are headed by an Executive Director with several full-time staff. Kahayag Foundation supports the Filipina Legal Resources Center in administrative and funding matters.

The strategy, as planned, has been well-implemented. It has deterred the landowner from proceeding with his intended court action: he is now willing to negotiate with the people on the proposed purchase. The collective action of the people has called the attention of government officials to the plight of the people in

Lizada, Toril, Davao City: they are being pressured to implement social welfare laws. An alternative action has been planned which would involve the National Housing Authority to consider buying the land for the people. The initial response of this agency on the request of the City Mayor for them to purchase the land is that the agency does not presently have money for this project. However, the City could be pressured to attend to this problem in the event that the landowner refuses to sell the property to the people. Meanwhile, the initial reaction of the bank-owner has considerably changed from his aggressive stance to a position of reasonable consideration of the people’s plight. The legal literacy activity has had tremendous impact on the confidence and motivation of the people. The understanding of the laws relevant to their problem has given them direction. The presence of the community organizer facilitated their organization. The initiative of the women of Lizada, Toril led to the mobilization and collective action of the community.

The strategy has achieved an increased access to resources for women, particularly low-income women. The Filipina Legal Resources Center has provided them with the needed legal services. They have been beneficiaries of Kahayag Foundation’s assistance in learning skills for livelihood and continuing consciousness-raising seminars. The theory and action approach of the Filipina Legal Literacy Program gave them the opportunity to negotiate with government officials and agencies that could solve their problem. Perhaps the fact that the community organizer, the lawyer and staff of the Filipina Legal Resources Center, the Director of the Kahayag Foundation and most of its staff are all women was a factor that facilitated the communication with the women of Lizada, Toril. Through constant dialogues and conferences with the women of Lizada, Toril – as well as the monitoring of the community organizer – the extent of improvement of the situation the strategy aimed at effecting has been regularly evaluated. The women have been taught to document their activities and regular progress reports are being submitted to the Filipina Legal Resources Center. While there is yet no discernible improvement in the general economic situation of the community, the confidence, the

motivation, and resourcefulness of the people – particularly the women – have greatly improved. Negative attitudes arising out of frustration and feelings of helplessness have been overcome and, with the leadership of the women, the community is moving in the same direction.

The implementation of the strategy involved a concerted effort on the part of deeply committed women whose expertise was complementary. The strength of the strategy lies in the legal literacy program which adopted the “theory and action” method and in effective grassroots organization. It is, however, limited by the lack of proper orientation and experience of the Filipina Legal Resources support staff who were exposed to this type of case for the first time. Since the law schools in the country study the law in a context isolated from the social and economic forces that affect its formulation and implementation, very few lawyers and law students view law in its developmental and proactive aspect. Hence, there is a need to train more lawyers and law students to be grassroots activists and to educate them about women’s issues.

Very often women have access to law because of the legal aid services provided by many lawyers’ organizations – but access to law does not necessarily mean access to justice. What is legal is not always just and equitable. It is, therefore, necessary that the legal system and the problem to be solved must be viewed in a holistic manner and the aim must be clear. An understanding of the attitudes, behavior and needs of the beneficiaries of the law is necessary for effective planning and prioritizing of activities. Monitoring the activities is important. The strategy can only be effective if the people feel the need and see its relevance to the solution of their problem.

Irene M. Santiago is Executive Director of Filipina Legal Resources Centre. Emilina O. Quintillan is a lawyer who heads the Filipina Legal Resources Centre. Both women played an active role in implementing the strategy outlined in this paper, which was presented to the Nairobi Third World Forum on Women, Law and Development.