

**Avert the Escalating Violence in Didipio,  
Seek Justice for Human Rights Violations  
A Fact Finding Mission Report done in 1-5 April 2008,  
Barangay Didipio, Kasibu, Nueva Viscaya**

**Part 1 - Rationale and objectives for the Mission:**

- On March 22, Manila-based non-government organizations (NGOs) received news that Emilio Pumihic, a long-time resident of Barangay Didipio, Municipality of Kasibu, Province of Nueva Vizcaya, was shot, and Barangay Councilor Eduardo Ananayo, a local village official, was harassed in separate incidents. According to the reports, security forces of mining company OceanaGold Philippines, Inc. (OceanaGold) and the local police from the province of Nueva Vizcaya allegedly committed these acts. The shooting incident and harassment occurred amidst relentless demolitions of indigenous peoples' houses in Bgy. Didipio, Nueva Vizcaya despite the absence of a court order authorizing the demolitions.
- Fearing that the situation might turn for the worse, seven (7) Manila-based local and international NGOs convened immediately on 23 March 2008 and agreed to organise a Fact Finding Mission (FFM) in Didipio at the soonest possible time to avert any further human rights violations and help the affected communities defend their rights.
- Reports have reached that more than a hundred indigenous people's houses had already been demolished in Didipio by the wrecking crew of OceanaGold as of March 2008. Demolition of houses started in December of 2007. The purpose of the FFM is to investigate whether in the conduct of the demolition activities in Didipio, human rights were respected and laws were complied with.
- Prior reports from Didipio residents suggested that demolition crews dismantled the houses and other properties of residents without a demolition order issued by the courts, and that those whose houses already destroyed were not paid in full, if at all, or were not paid the fair and just price of their property and the value of the damage caused them.
- The 15 delegates to the Fact Finding Mission (Attached as Annex "A") came from the Legal Rights and Natural Resources Center (LRC-KsK/FoE Phils.), Task Force Detainees of the Philippines (TFDP), Philippine Human Rights Center (PHILRIGHTS), Alyansa Tigil Mina (ATM), Philippine Rural Reconstruction Movement (PRRM-Nueva Viscaya), Save the Valley, Serve the People (SAVE), Runruno Land Owners Association (RULANAS), Christian Clergy Laity Formation (CLFP), and the Philippine Indigenous Peoples Links (PIPLINKS).
- The Mission pushed through on 01-05 April 2008. The delegates initially attended a meeting of the Nueva Vizcaya-based Alliance of Community Development Advocates (ACDA). Afterwards, the groups discussed the specific objectives of the Mission and teams were formed together with the local support groups in Nueva Vizcaya.
- The delegation agreed to cover various issues and concerns in the community and to map out a comprehensive data-gathering. Four teams were formed from amongst the FFM participants.
- The first group focused on the demolition incidents and were assigned to look into the incidents accompanying the alleged illegal demolitions of OceanaGold as well as the conditions of the displaced families.

- The second team looked into other alleged human rights abuses committed by OceanaGold, entities related to the mining company’s operations, and the local police authorities. The shooting incident and the various harassments happened in the duration of the demolition activities of OceanaGold.
- The third team conducted interviews with OceanaGold company officials and with its private security forces, the Philippine National Police (PNP) detailed in Didipio, as well as with the local village/ barangay officials to get their own comments and perception on what is happening in Didipio.
- The last team was tasked to speak with the community elders and document the historical accounts of the indigenous peoples of Didipio.
- Community and company interviews were done from April 02 to 04, 2008.

**Part 2 - Summary of findings for the Mission**

**A. Demolitions**

As of April 2008, 187 indigenous peoples houses have already been demolished that started since December of 2007.

The demolition of indigenous people’s houses was done in the absence of a court order authorizing such demolition plan of mining company OceanaGold Phils, Inc...

Respondents attested that the demolition teams did not show any court order or a sheriff of the court to enforce such order that their properties will be taken away from them.

We refer to The Philippine Constitution that clearly states, “No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.<sup>1</sup>”

Mining company OceanaGold disturbed a community living peacefully and displaced the indigenous peoples that inhabited Didipio since 1950s.

Majority of the affected indigenous families have already left Didipio, most of them according to their friends found temporary shelter in the houses of their relatives living in nearby villages.

The demolitions took place without a clear plan for relocation or resettlement. Some have simply set-up makeshift tents on a lot adjacent to their demolished house. They said, “they have to stay there until such time they are able to find a place to resettle”.

Women and children of the indigenous families are the most affected as the makeshift tents could only protect them from light weather conditions and would be not enough to shelter them against harsher weather conditions.

Such conditions are hard to imagine with the accompanying trauma of witnessing their houses being torn down by people unknown to them.

People fear of getting their houses demolished whenever they left to work in the farm. In the past, almost all of the family members share the load of cultivating and planting crops in their

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<sup>1</sup> Philippine Consti., Section 1, Article III, Bill of Rights

farm. The situation now reduced that capacity as they cannot afford leaving their house unguarded. Some of their relatives are helping them cope with the situation.

Families who already negotiated with the mining company said that the compensation they received was not enough to start a new life as they now have to buy everything essential as a result of the loss of their farmland.

The footbridge constructed sometime in 2004 to connect Sitio Dagupan to the center of Didipio was cut-off by the mining company last March 2008. It is now difficult and dangerous for children to cross the river going to school located at Centro Didipio.

The other roads in the village were affected by the earth moving operations of the mining company and subsequently closed it to traffic. Farmers had to transport their produce on foot in sacks or baskets to the center of Didipio which they intend to sell in downtown markets. Some of the produce was left to rot instead for the difficulty of transporting them or the additional expense of hiring people.

The irrigation was affected as well by the earth moving operations of the mining company as the soil are purposely dumped into the canals leading to the farms as alleged by the indigenous farmers.

#### **B. Demolitions attended by violence against Indigenous Peoples**

The shooting incident of 22 March 2008 (holy week) highlighted the violent conduct of the demolition activities of OceanaGold. Emilio Pumihic was shot by OceanaGold's security guard Whitney Dongiahon using his service firearm at close range. (Attached as Annexes "**B**" and "**B-1 to B-3**" are affidavits of Emilio Pumihic and witnesses, Whitney Dongiahon's counter affidavit "**C**", spot report of the Brgy. Captain of Didipio "**D**", and medical certificate of Emilio Pumihic "**E**".)

Councilor Edwardo Ananayo, a village official of Didipio was harassed on the same day by a police officer named SPO4 Noel Valdez exemplifying the lack of respect and recognition on the part of the local police mandated supposedly to maintain peace and order in the community.

Councilor Ananayo was humiliated in front of his son and other members of the community on the night of 22 March 2008 as he was slapped on the face by SPO4 Noel Valdez accusing him of instigating other villagers opposing the mining company in firing their guns that night to scare off the staff of OceanaGold. (Attached as Annexes "**F**" and "**F-1 to F-3**" are affidavits of Councilor Ananayo and witnesses, and the extract from the police blotter "**G**".)

In a separate incident on the 2<sup>nd</sup> week of February 2008, Romeo Guimbangan's house was demolished and pushed over a cliff. According to his neighbors, Mr. Guimbangan's house was bulldozed without any prior information to him or his family. The family was eating breakfast inside the house when they heard the bulldozer coming. They requested that they be allowed to finish their breakfast first and also requested that the demolition team defer for a time the demolition of their house until he find somebody to explain to them whether the actions of the mining company is right. It will also give them time to secure their belongings and move to another place to resettle.

The demolition team suggested to ask help from the barangay council and Mr. Guimbangan asked the demolition team to wait for him until he comes back as he seek for advice. While he was way, it was then that the demolition team executed their inhuman act.

**C. Forced Negotiations, Divided Community**

The price of land at present being offered by mining company OceanaGold keep on going down to its lowest price of 50 thousand pesos. Respondents however say that in 2006 (pre-construction stage) the mining company somehow offered a “reasonable” amount of compensation which amounted to as much as 1.1 million pesos. They now question OceanaGold’s land acquisition process and the different pricing schemes offered to people forced to negotiate.

Barangay Captain Paulino Baguilat<sup>2</sup> in an interview with the fact finding mission team confirmed that the initial phase of the land acquisition process of the mining company in 2006 was giving a reasonable amount of compensation to landowners willing to negotiate for the sale of their lands. He was then an “aquisitor” of the mining company at the time and also benefited by selling his own land.

Captain Baguilat shared that the recent incidents prompted him to ask OceanaGold mining company to stop temporarily its demolition activities and to review its land acquisition process that to his own assessment is chaotic and causing confusion among the people.

According to some members of the community, it seemed that the so called “reasonable” price offered by the mining company in the early stage of its land acquisition process was only meant to entice the landowners to sell their lands and thereafter made their objective in dividing the people.

The “scheme”, according to the people opposed to the mining project proved to be effective and worked to the advantage of the mining company. Complimented by the “policy” of OceanaGold mining company to “demolish now and negotiate later”<sup>3</sup> which they heard and read from newspapers that reached Didipio village, some of the people now saw the situation getting from bad to worse and thought of selling their lands and properties despite the low offer for fear of getting nothing in return.

Fellow community members confirmed that policy when some of them witnessed Mr. Ramoncito Gozar expressed OceanaGold’s intent to continue the “dismantling” of houses in Didipio under direct examination in a case<sup>4</sup> pending before the Regional Trial Court of Bayombong filed by peasant and indigenous peoples who are members of Didipio Earthsavers Multi-Purpose Association (DESAMA) challenging the demolition activities of OceanaGold.

Landowners who are forced by the situation to negotiate after accepting payments from the mining company for selling their lands and properties are made to sign a waiver which according to their recollection as they were not provided a copy contained the following terms: (1) they will not join any activity against OceanaGold with emphasis on joining barricades; (2) they will not buy another parcel of land within areas that will be cleared (which areas the mining company

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<sup>2</sup> Recently deceased. On May 28, his lifeless body was found by his daughter around 70 meters away from their house in Didipio. He was apparently gunned down.

<sup>3</sup> Expressed by Mr. Ramoncito Gozar in an interview with a reporter from Philippine Daily Inquirer, Mr. Melvin Gascon.

<sup>4</sup> Ananayo, et al., vs. OceanaGold Philippines, Inc., et al., Civil Case No. 1008, Branch 30, Regional Trial Court, Bayombong, Nueva Vizcaya.

does not disclose); (3) they cannot take part in any other negotiation or in behalf of other landowners; (4) they will not join other residents trying to stop the demolition activities.

**Part 3 - Recommendations:**

The result of the Fact Finding Mission based on the assessment of the team through the interviews with the respondents from Didipio community and data collected finds enough evidence to start an investigation on the many possible human rights violations committed against the indigenous peoples of Didipio community.

OceanaGold mining company stands to answer for all the alleged human rights violations as the principal entity responsible in the conduct of its mining operation in Didipio. Various incidents that affected the peace and order of Didipio community happened in the context of OceanaGold mining company's land acquisition process and demolition activities.

The Philippine National Police – Regional Mobile Group of Nueva Vizcaya and Quirino Provinces detailed specifically in Didipio should also be accountable for the series of violent incidents that happened in Didipio that the local residents declare they are actually playing the same role of private Sagittarius security agency.

The Philippine National Police was there when the shooting incident on 22 March 2008 happened but the suspect still managed to evade arrest. Also, a member of the PNP is accused of a physical harassment by a village official.

The situation is getting worse over time and needs immediate intervention to prevent any further damage done to life and property of every individual member of Didipio community.

1. We ask the Commission on Human Rights to act on this report for further verifications and investigation to avert the escalating violence in the indigenous community of Didipio;
2. We ask for the investigation of the illegal demolition of indigenous peoples houses in Didipio;
3. We ask for a separate investigation on the participation of Philippine National Police - Regional Mobile Group detailed in Barangay Didipio, Kasibu, Nueva Viscaya for their alleged involvement in the demolition of houses and acts violating the rights of indigenous peoples in Didipio;
4. We also ask for a separate investigation on the participation of Sagittarius Security Agency acting like a private army of the mining company. The shooting of Emilio Pumihic sowed fear in the community, worse the perpetrator filed counter charges on the victim and blamed for the incident;
5. We also ask to look into the checkpoints installed by the company making it difficult for the members of the community travelling to and from Didipio as well as to move freely around the community. Harassment incidents also happen to residents even on walking in the streets of the community especially during nighttime.

**Part 4 - Details of Stories and Findings of the Mission**

The demolition activities that started in December 2007 have put great stress on the indigenous peoples of Didipio. Majority of the people in Didipio would always direct their concerns to the mining operations of OceanaGold as the main cause of all the uncertainties now unfolding into their everyday life.

The once quiet and peaceful community with only the sounds of cricket and dancing fireflies at night are now replaced with the noise from the trucks, payloaders and other heavy equipments of the mining company working round the clock almost 24 hours a day.

**A. DEMOLITIONS**

**Uncertain resettlement, increased threats to vulnerable groups**

- The FFM interviewed 12 affected indigenous peoples' families mainly from Sitio Bacbacan where massive demolition of houses took place. 187 houses have been demolished since December 2007. Majority of the affected families have already left Didipio. Some have found temporary shelter from relatives' houses outside of Didipio, or simply set-up makeshift tents on the lot or area where their houses once stood because they could not find a place in which to resettle.
- A number of these indigenous people's families have resided in the area since the 1960s. The rest are recent migrants to the area (2-3 years), who have moved to Didipio after being displaced from Baguio, Benguet and other neighboring provinces.
- The demolitions took place without a clear plan for relocation or resettlement. Some families, who were still in the process of negotiating with the mining company regarding just compensation for the demolition of their houses, received some compensation. However, the amount given was not arrived at mutually by the families and the mining company as negotiations was still ongoing. They were not advised where they could resettle. The other families did not receive any compensation at all.
- The makeshift tents could only protect the families from light rain, but would not be enough to shelter them from harsher weather conditions. Women and children of the indigenous peoples' families are the most vulnerable to such conditions with the accompanying trauma of witnessing their houses being torn down by people unknown to them.
- The uncertainty in settlement, in turn, affects their food production capacity. For fear that another demolition would take place; they hesitate or refuse to leave their homes to proceed with land cultivation. Current food supplies of the affected families come from their relatives, or are bought using the compensation money given by the mining company.
- The footbridge constructed sometime in 2004 to connect Sitio Dagupan and Sitio Bacbacan was also demolished by the company around March this year, making it now difficult for children crossing the river going to school,
- Farmers find it hard transporting their produce to the center of Didipio, and consequently to downtown market. Farmers had to carry on foot their produce as the roads leading to the center of Didipio community were closed as a result of the earth

moving activities by the mining company. Some of the produce is left to rot as they will incur more expense by hiring people or an animal for transportation.

- The irrigation in Sitio Bacbacan was affected due to the earth moving activities where the soils are dumped into the irrigation canal the farmers were using for a long time.

#### **Demolition attended by Violence against Indigenous Peoples**

- The demolition activities in Didipio became violent as highlighted by the shooting of Emilio Pumihic by a security guard when the former tried to stop, together with some neighbors, the demolition of the house of Samuel Bidang.
- The accounts from the neighbors who witnessed the incident said that when Emilio saw the demolition crew starting to demolish the house of his neighbor, he shouted at the demolition crew, grabbed a crowbar and asked the crew to stop the demolition as his friend, Samuel Bidang was inside taking a nap.
- The demolition crew ignored Emilio's plea. Two security guards restrained him by holding both of his arms, and Whitney Dongiahon of Sagittarius Security Agency, shot him at close range while he was struggling to free himself.
- Emilio was immediately rushed to the provincial hospital of Lagawe and was treated of his gunshot wound. The bullet pierced his upper right arm and exited through the upper right part of his back. He was confined for several days upon doctor's advice.
- While in the hospital, with the aid of the Nueva Vizcaya Criminal Investigation and Detection Team (NVCIDT), Emilio executed an affidavit and narrated the events that led his hospitalization.

#### **Demolish Now, Negotiate Later**

- During the interview by members of the FFM, a leader of the demolition team was interviewed and introduced himself as Engr. Valdez<sup>5</sup>, he said that OceanaGold contracted his services in 2007 for the specific purpose of clearing the mining impact area. Engr. Valdez also shared that his team, composed of 70 men, is responsible for demolishing the houses of owners who have negotiated with the company and where payment was already settled.
- The FFM also learned from Engr. Valdez that there are four (4) "types of demolition team" categorized, as follows: (1) a demolition team tasked to demolish the houses of residents who have settled and have been paid; (2) a demolition team that forcibly demolishes houses; (3) a demolition team that provides assistance to house owners voluntarily offered to dismantle their houses; and, (4) a demolition team that acts as an "augmentation".
- Security guards contracted by OceanaGold from Sagittarius Security Agency aid each demolition team together with the local police from the Regional Mobile Group.
- Further discussions with Engr. Valdez revealed that the demolitions were done without a special court order of demolition.<sup>6</sup> Their demolition operations were based only on the

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<sup>5</sup> The fact finding team forgot to ask his full name

<sup>6</sup> Rule 9, Section 10 (d), Rules of Court.

contract and orders coming from the (bunkhouse) office of OceanaGold and that the company never showed any document or court order to him on the basis of which he could ascertain the legality of the service they will provide.

- Halfway through a negotiation with the mining company **Romeo Guimangan's** house was demolished and pushed over a cliff. According to Romeo Guimangan's neighbors, his house was bulldozed on the 2<sup>nd</sup> week of February 2008 without the prior information to him or his family. His family was eating breakfast inside his house when they heard the bulldozers coming. They requested that they be allowed to finish eating first before the team demolish his house. He was also asking the demolition team to defer the demolitions until he found somebody who would explain to him whether the acts or the intent of the company was right and until they have taken their things and moved them to a safer place. The team told him to ask help from the barangay council. He asked permission from the demolition team to wait for him as he first seeks advice from the barangay council and others. While away, the team demolished his house. Many of his personal belongings were still inside his house when it was bulldozed.
- The scheme or policy of "Demolish Now Negotiate Later" was first expressed by Ramoncito Gozar, OceanaGold's Vice President for Communications and External Affairs in an interview with journalist Melvin Gascon and was published at Philippine Daily Inquirer (PDI). He said that OceanaGold intends to demolish houses in Didipio despite the opposition from the community because under the Financial and Technical Assistance Agreement (FTAA) with the government, the company is allowed to conduct clearing and construction operations, which includes demolition of houses and other structures for the development of the mine site. To answer a community resident's question about their right to be properly compensated, and remarks about how the operations show an utter disregard for the welfare of the Didipio residents, Gozar said they will "demolish now, negotiate later."
- On 05 March 2008, while under direct examination in a case<sup>7</sup> pending before the Regional Trial Court of Bayombong filed by peasant and indigenous peoples who are members of Didipio Earthsavers Multi-Purpose Association (DESAMA) challenging the demolition activities of OceanaGold, Mr. Gozar again expressed OceanaGold's intent to continue "dismantling" houses in Didipio. Mr. Gozar in the same interview with PDI invoked OceanaGold's right purportedly under the Mining Act of 1995 to enter lands and clear the area in Didipio for its mining operations.
- OceanaGold mining company as of April 2008 has demolished 187 indigenous people's houses and displaced hundreds of families without any relocation component and plan to ensure their welfare.
- Families had to cope with the eventual change in their daily life without a secure family shelter, uncertain source of income and livelihood as a result of the agricultural lands

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"(d) Removal of improvements on property subject of execution. – When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court."

<sup>7</sup> Ananayo, et al., vs. OceanaGold Philippines, Inc., et al., Civil Case No. 1008, Branch 30, Regional Trial Court, Bayombong, Nueva Vizcaya.

converted to mine operations, and the uncertainty of the peace and order in the community getting worse every time with the presence of security forces of OceanaGold and the local police.

**B. FORCED NEGOTIATIONS, DIVIDED COMMUNITY**

- It is worth noting that with the ongoing demolition of houses and with the extremely divided situation of the community over the issue of mining in Didipio, as of April 2008 the price of land and other properties owned by the residents is now decreasing to its lowest offer of 50 thousand pesos by OceanaGold, where in 2006, when negotiations first started the price offered by the mining company amount to as much as 1.1 million pesos.
- An important and crucial aspect of this trend was when OceanaGold successfully dismantled some pockets of resistance put up by different groups in the community like the Didipio United People’s Association (DUPA<sup>8</sup>). OceanaGold allegedly negotiated with the leaders of DUPA and offered them an amount for their properties much higher than those offered to DUPA members. This led to DUPA’s collapse because some members alleged that they were betrayed and were left to negotiate on their own without the support of their association.
- According to some Didipio residents, during the pre-construction stage of OceanaGold in mid-2006, they felt that the company offered somehow a “reasonable” amount of 250 thousand pesos for a house regardless of its size, with an additional 40 thousand pesos as disturbance fee and 100 thousand pesos for the lot, compared to what the company is currently offering, which, to them, is simply too low.
- Captain Paulino Baguilat<sup>9</sup> and Bonifacio Guimpayan were reportedly among the 12 individual landowners who collected from the mining company a sum in the amount of around 1.1 million pesos when the company started buying land and properties in the area.
- In an interview with the FFM, Captain Baguilat said that when he was still the “acquisitor” of the mining company, the individuals who immediately negotiated to sell their properties were satisfied with the transaction.
- According to some members of the community who were interviewed by the FFM, it seemed that the company’s offer of a higher price during the early stage of land acquisition was meant to entice landowners to sell their lands.
- The residents interviewed also added that some of those who negotiated entered into talks with the company because they felt the situation was getting worse and that they had better sell their properties now despite the low offer instead of getting nothing in the future. Purchase of the land and houses stood between 10 thousand to 50 thousand at this stage and the separate disturbance fee was no longer part of the offer.
- Some of the respondents even alleged that Jake Foronda, General Manager of OceanaGold was making money out of the transactions. They alleged that there was a

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<sup>8</sup> DUPA, about 200 Ifugao’s mostly small-scale miners who bought small parcels of lots in the two hectare property of Mr. Peter Cayong in 2006 and set up barricade when demolitions started in December 2007

<sup>9</sup> Recently deceased. Just last week, on 28 May 2008, his lifeless body was found by his daughter around 70 meters away from their house in Didipio. He was apparently gunned down.

big discrepancy in the price being offered by Mr. Foronda compared with the offer of Mr. Gozar. According to those who have experienced negotiating with both on different occasions, Mr. Foronda allegedly offers between 10 thousand to 50 thousand pesos only, while Mr. Gozar's offer is up to 250 thousand pesos. When they opted to negotiate with Mr. Gozar they were referred to negotiate again with Mr. Foronda.

- According to some of those who have negotiated with the company, after payment, they were made to sign a waiver agreement which contained the following terms: (1) they will not join any activity against OceanaGold with emphasis on joining barricades; (2) they will not buy another parcel of land within areas that will be cleared (which areas the company does not disclose); (3) they cannot take part in any other negotiation or in behalf of other landowners; (4) they will not join other residents trying to stop the demolition activities. They were not given a copy of such waiver document.
- One interviewee named Mrs. Juliet Tukkad said that she was not opposed to the idea of the company's operations in Didipio. However, now that the company has turned its back to them with the unfulfilled promises and their lands and properties taken away she now regrets having supported the company in the beginning. She now says "I don't have the courage now to look Mayor Tayaban<sup>10</sup> straight in the eye".
- Promises made by OceanaGold in its pre-construction phase include that they will employ the heads of the families and other individuals capable of doing work in the company. A respondent claimed that he was given training in the past to operate heavy equipment but worked only on a contractual basis. The respondent was laid off when OceanaGold's sub-contractors came with their equipment and operators.
- OceanaGold assured that their properties would be purchased at reasonable prices, but it kept going down now and the disturbance fee no longer part of the offer plus the fact that OceanaGold did not provide any relocation. The promise of scholarship grants for 2 children for each family was reduced to only one child and was given only for select members of the community.
- Livelihood and other development projects were limited to pig dispersals to a few members of the community.

#### **COMMUNITY RESISTANCE**

- On 27 February 2008, upon the filing of the case by Didipio Earth Savers Multi Purpose Association (DESAMA)<sup>11</sup>, the RTC, Bayombong issued a three (3)-day temporary restraining order (TRO) against OceanaGold's demolition activities in Didipio. The TRO was subsequently extended to 17 more days.

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<sup>10</sup> Mayor Romeo Tayaban of Kasibu, a known anti-mining advocate. Together with the Sangguniang Bayan of Kasibu, they filed a case against OceanaGold challenging its operations on grounds of lack of local government consent. The case is pending with the Supreme Court (Hon. Tayaban, et al. vs. APMI, et al.), G. R. No. 181121.

<sup>11</sup> **DESAMA** – established in 1997 by Didipio residents against the large-scale mining operation of Climax Arimco. DESAMA espouses the negative impacts of large-scale mining in the life and livelihood of the community. Since 1997, DESAMA as the organisation of the people of Didipio opposed to large-scale mining operations has gone even to the Supreme Court in challenging the constitutionality of the Mining Act of 1995 (RA 7942).

- Members of DESAMA filed the complaint for Injunction and Damages with prayer for ex parte Temporary Restraining Order and/or Writ of Preliminary Injunction through their counsel Legal Rights & Natural Resources Center (LRC-KsK/FoE-Phils.).
- The 20-day TRO relief ended on 18 March 2008 and the community members of Didipio trooped to Bishop Villena's residence in Bayombong on 17 March to request for his intervention and to specifically ask the bishop to communicate with OceanaGold not to continue the demolition activities in Didipio for the duration of the holy week.
- Sr. Eden Orlino, SPC, of the Diocesan Social Action Commission of Bayombong (DSAC Bayombong) accepted the plea of the Didipio people in behalf of the bishop. Mr. Arnel Arrojo, OceanaGold's site development manager, accepted the request through a phone call made to him by Sr. Eden.
- On Black Saturday, despite OceanaGold's commitment not to continue with the demolition during the holy week, a shooting incident happened involving a resident who was shot by a security guard, and a barangay official and his son were harassed by a member of the Philippine National Police on 22 March 2008. On the same day, two hundred more additional men arrived in Didipio to beef up the demolition crew of OceanaGold.
- Members of DESAMA until now is defiant and is staging a barricade to protect what still remains to be their properties against the demolition crew of OceanaGold mining company. They have successfully won a 20-day TRO against the demolitions in February to March and the Preliminary Injunction is still being heard at the RTC in Bayombong, Nueva Viscaya.

#### **Breakdown of Law and Order**

- The baranggay council of Didipio with the developments and incidents unfolding in the community as a result of the demolition and operations of OceanaGold is virtually non-existent or incapacitated to protect its constituents in the face of human rights violations perpetrated by OceanaGold's security forces.
- Appeals were made by the members of the baranggay council to the mining company to first squarely settle the disputes over the land acquisitions and attend to the grievances even after the shooting incident but it fell on the company's calloused and deaf ears.
- Barangay Captain Paulino Baguilat on his part appealed to the mining company to stop temporarily its demolition activity and advised OceanaGold Company to review its land acquisition process.
- The harassment made to Councilor Eduardo Ananayo exemplifies the lack of respect and recognition on the part of OceanaGold when SPO4 Noel Valdez slapped Councilor Eduardo Ananayo when they were at Centro, Didipio and then brought the village official and his son to the Community Relations Office of OceanaGold for more questioning. (Attached as Annex "\_\_\_\_\_" is the affidavit of Councilor Eduardo Ananayo)
- SPO4 Valdez accused Councilor Ananayo of instigating some members of the community by firing guns at night to scare people working in the company. The incident happened on the night of Black Saturday of 22 March 2008 on his way home after attending a meeting with fellow members of DESAMA organisation.

- The appeal from the Bishop to OceanaGold mining company to stop its violent demolition activities was not the first. Mayor Tayaban of Kasibu also called the attention of OceanaGold with regards to the conduct of its the demolition activity that already violates certain rights of his constituents. Mayor Tayaban asserts that OceanaGold's Didipio gold-copper project still lacks the local government consent and they should stop their demolition activities.

**Part 5 - BARANGAY DIDIPIO: Brief Background and History**

- The interview with the "elders" was to get an overview of the history of baranggay Didipio and verify previous data collected over the years that past. The objective was to establish facts that the indigenous peoples in Didipio has the right to claim ownership of the land (ancestral land) in contrast to the accusations against them as IP "settlers" or "squatters".
- The enquiries generally delved on why they settled in Didipio and the circumstances that made their decision to migrate and leave the place they originally inhabited; customary laws, practices and traditions and of course how the present conflict in Didipio which concerns mining affected their way of life.
- At least 7 families were identified who constituted the first Didipio community in the 1950-1960's when they were allowed to inhabit in the hunting ground of the Ilongot's (Bugkalot Tribe) through a simple tribal negotiation. The negotiation was facilitated by then Mayor Carnate of Kasibu.

**The Exodus**

- The migration of indigenous peoples to Didipio mostly came from Kiangan and Hungduan, Ifugao province in batches in 1950 to 1960's. They left Ifugao mainly for reasons that there is not enough land, and life was hard.
- A tradition in Ifugao dictates that properties the parents may have will all go to the eldest as heir among the sibling and that leaves the others with nothing. We then asked the elders if that is one case why they left Ifugao and they said it was part of the circumstance, hard life and poverty made them decide to look for other lands until they found Didipio.
- They find Didipio as the answer to their prayers but encountered problems in their attempt to settle there immediately as it was known to them as the hunting ground of the Ilongot tribe (now called Bugkalot tribe). They sought help from then Mayor Carnate of Kasibu and facilitated a dialogue with the Bugkalot tribe. The result, the Bugkalot tribe generously allowed them to inhabit in Didipio.
- Manong Andres Lumatic in his recollection of their life in Ifugao states "even if we work hard in the farm, there is not enough we can produce to sustain the family". He adds by saying "here in Didipio life is different and a lot better, water is abundant, and the soil fertile that we can grow almost any kind of plants". Since they settled in Didipio, they are producing rice, bananas, camote, citrus, pomelos, coffee and they are raising hogs and chicken in the backyards.

- Manong Prudencio Ansibey was happy in saying that they made the right decision in leaving Hungduan, Ifugao for Didipio, for reasons that he was able to raise his family and had five children who are now able to attend to the needs of their own respective families. He remembers the hard the 3-4 day trek from Ifugao to Didipio, they were 62 in the group with children in tow. They brought rations with them and cooked food along the way. When they reached Didipio, they started planting camote (sweet potato) to sustain them while still clearing some of the lands to grow other crops. They took shelter underneath the trees until they are able to build houses.
- Soon there are more groups coming in to Didipio with bigger compositions that also came from Kiangan, Ifugao. To the elders' accounts, there are about 3 to 5 more batches with a composition of 25-30 people.
- The population of Didipio right now is about 200 families, majority are Ifugao (90-95%) and the rest are from the tribes of Kankana-ey, Igorot, Kalanguya and others.
- With the dominance of the Ifugao in the community, most of the present generation in Didipio ascribe themselves as Ifugao even with the intermarriages that happened in the past decades.
- The methodology employed on population surveys on ethnicity is also being questioned by some elders of the community and say's should be corrected. What was actually done is just merely asking who the head of the family is and what ethnicity he comes from, and that it. It is imperative that Indigenous peoples be given the preference to choose on how should they be addressed or ascribed of.

#### **Baranggay Didipio**

- In 1972, Didipio became a separate baranggay from being a Sitio of Barangay Malabing. Sitio Papaya and Sitio Binugawan also became separate barangays at the same time. Juan Pumihic served as the first Baranggay Chieftain after serving as council member of Barangay Malabing. Manong Andres was appointed as Secretary to the baranggay also after serving as council member of Barangay Malabing representing Sitio Wangal until 1972.
- From 1960 and before Didipio became a baranggay, the elders are the ones who manage conflicts and order in the community but they usually talked about cooperation in farms and other activities in the community.

#### **Land Tenure**

- A land titling was supposed to take place in 1972 but it was unfortunate that the surveyor they met and did the land survey in Didipio in 1958 died by this time. His name was Engr. Domingo Miranda they have known from the people of Barangay Billet and asked to do the same land survey for Didipio. Since Engr. Miranda's death, they did not pursue nor search for other avenue to have their lands titled.
- Tax declarations are the only documents they have now and they are paying such to the municipal government in the amount of 200 pesos since 1969. Of the 200 pesos, 100 pesos goes to the municipal government of Kasibu and the other 100 pesos they said was for teachers' salaries.

#### **History of mining in Didipio**

- Gold panning in Didipio started in 1975. More people started to come to Didipio from neighboring provinces. At the time, a road (logging road) was already available constructed by Luzon Loggers Inc. (LLI) in 1974.
- The gold panning activity in Didipio prompted the interest of Mayor Bumolo of Kasibu to apply for a mining permit with a certain person the elders only knew as Mr. Calderon. They lost in their bid to get a permit which was awarded to a person named Gonzales. The people only knew of this Gonzales thru Mayor Bumolo himself who told them that another person was also applying for a mining permit in Didipio.
- Primarily, the people who came from Benguet introduced gold panning, the Kankana-ey's came to Didipio specifically to do gold panning and small-scale mining, according to the elders.
- Small-scale mining in Didipio thrived until it was closed down in 2007 by the Provincial government of Nueva Viscaya and MGB-DENR. Small-scale mining operators reached more than 300 from data collected by the DSAC Bayombong in December of 2006; most of them came from the provinces of Benguet and Baguio.

This fact finding mission report was prepared by Mr. Ronald A. Gregorio of the Legal Rights & Natural Resources Center – Luzon Regional Office with contributions from Ms. Emy Tapiru of the Philippine Human Rights Information Center.

This first draft of the report was made after the majority of the participants to the mission conducted an assessment immediately after the conclusion of the mission. The draft document report was then circulated for comments and to include additional data that we may have overlooked, also to ascertain that the data collected are correct. The succeeding draft integrated the reports that came from each team formation that conducted the interviews. Final editing was done and finalised this June 2008.

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