

(UPDATED)

SEN. AQUINO MUST GIVE A SUBSTANTIAL RESPONSE TO THE LUISITA CONFLICT

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1. Q: Is the demand for justice in Hacienda Luisita that is being articulated by militant groups mere “leftist propaganda” and part of politicking during election season? Are militant groups merely sour-graping for not getting a senatorial seat in Noynoy Aquino’s Liberal Party?

A: The unrest in Luisita is real, as real as the 7 strikers who were killed on November 16, 2004. The demands of the farmers and workers for land and justice are legitimate and are not part of some election spin against Aquino’s presidential bid. The conflict has its roots in the failure of the Aquino land reform law way back in 1989. The land dispute and ensuing labor problem has its roots in the stock-distribution option which makes farmers nominal stockholders but who end up receiving nothing for their labor. Instead of direct land distribution, farmers got shares from the Luisita corporation controlled by the Cojuangcos. The SDO has failed to eradicate poverty in the hacienda. The strike in 2004 was the result of unfair and inhumane labor conditions in the hacienda and the management’s refusal to address the demands of the farmer workers which included an increase in wages, medical and other benefits. The management responded with the illegal dismissal of the workers and the union leaders, thus forcing the sugar mill and farm workers to go on strike. The strike ended a year later, but the hacienda remained under the control of the Cojuangco-Aquino family.



While the Presidential Agrarian Reform Council has revoked the SDO of the Hacienda in 2005, a case remains pending before the Supreme Court because the Luisita management blocked the order of the PARC.

This only means that the issue in Luisita is yet unresolved. The question of land distribution remains hanging as the management refuses to give up the SDO. Senator Noynoy Aquino, in an interview with the Inquirer which appeared on November 10 invoked the “inviolability of contracts” with the farm workers as the basis of upholding the SDO. What he didn’t say though is that it was the hacienda management which violated the SDO provisions in the first place, as seen from the report of the PARC. The failure of the SDO, including the violations of its provisions, was the basis of the strike in 2004.

2. Q: Sen. Noynoy Aquino is only a minority stockholder in the hacienda, having only 4% of the shares. Why is he being asked to speak up on the issue when is in no position to influence management decisions?

A: Sen. Aquino is being asked to make his stand clear on the issue of Luisita not just because he’s an individual shareholder in the corporation but because he is seeking the highest office in the land. People want to know how he will handle an agrarian reform conflict involving his close relatives. It is a legitimate test of his leadership and stand on issues. The position of president carries the legal and moral responsibility of ensuring that social justice is achieved, especially for the most oppressed. Will Sen. Aquino’s relations with the owners of HLI stand in the way of that mandate? If Sen. Aquino succeeds in becoming president, will he implement genuine agrarian reform (and not SDO) or will HLI be spared from land distribution for another six years?

To hide behind the mantle of “minority shareholder” is to totally miss the gravity of the land reform problem that has confronted all previous governments.

Even if Sen. Aquino does divest of all his holdings in HLI, that will not address the farmers’ demand for land. He would just be washing his hands of any involvement in the land conflict. Selling Luisita to another investor will also not address the demand for land. Ownership will merely change hands from one landlord to another.

We must add that other presidential bets must also make clear their stand on Luisita. This is not just a problem of Sen. Aquino, though he apparently carries the greater burden of explaining his position. We also want to know, are the other presidential aspirants willing to implement genuine land reform and bring to justice the perpetrators of the extrajudicial killings?

3. Q: Weren't the farmers themselves who entered into the Stock Distribution Option in 1989? They wanted this arrangement in the first place. The management is merely trying to preserve this "contract".

A: The passage of the SDO in 1989 was chockfull of deception and coercion. And if the farmers were indeed happy with the arrangement, there would not have been unrest leading up to the November 2004 strike. The strike was clear proof that the SDO did not uplift the situation of the farm workers.

Historical data will show, particularly the pay-slips of the farm workers, how oppressive the stock-distribution option has been the past two decades. Under this scheme, farmers are made to believe that they are stockholders in a corporation where management control still resides with the Cojuangco-Aquino family. To get their "share" of the profits, they are required to work a certain number of man-days a year. Over time, mechanization and other schemes gradually reduced the man-days allowed the farm workers. They will not only NOT GET their share in the profits but will also be reduced to abject indebtedness to the Cojuangco estate.

It is this oppressive situation which makes workers receive only P9.50/day because of all the deductions that are made to pay for the daily needs of the workers (which are supplied by management itself). The stock distribution option merely gave a new face to semi-feudal exploitation. The pay slips will bear this out.

While on the topic of the "contract", it bears mentioning that the HLI management was the first to violate the SDO agreement. Atty. Jobert Pahilga of SENTRA writes "On October 14, 2003, the Supervisory Group of Hacienda Luisita, Inc. filed a petition before the DAR to revoke the SDO, saying the HLI was not giving them dividends, their one percent (1%) share in gross sales and thirty percent (33%) share in the proceeds from the conversion of 500 hectares of land. They likewise cited other violations by the HLI of the MOA and that their lives have not improved contrary to the promise and the rationale for the adoption of the SDO".

These and other violations by management prompted the Presidential Agrarian Reform Council to revoke the SDO of Luisita. This should have paved the way for land distribution to the farmers. However, the HLI management filed for a TRO before the Supreme Court. The "status quo" prior to the PARC order is now being observed.

4. Q: Isn't it inappropriate for Sen. Aquino to comment on the land dispute at this point when a case is pending before the Supreme Court? He is leaving the issue to management which is directly involved in the case.

A: It is not inappropriate for Sen. Aquino to speak out. In fact now is the best time for him to speak out on the issue because he has the whole nation's attention, being the front-runner in the presidential derby.

So far Sen. Aquino has defended the SDO, saying that all was well before the 2004 strike. "From 1958 to 2004, residents and workers had jobs. From 2004 to 2009, they had no jobs. My focus is how to get them back to their jobs, how to get them jobs," he said.

"I really would not want to engage in a never-ending debate as far as the details and issues [are concerned]. It's the companies and beneficiaries who are in a better position to answer questions."

Surely, all was not well before 2004 which is why there was a strike. The "never-ending debate" exists because of the never-ending efforts of the management to block genuine land distribution to the farmers. If Sen. Aquino wants to give the farmers and residents jobs, the best way to do this is through genuine agrarian reform, that of giving land to the tillers. Continuing with the SDO means depriving the farmers and residents jobs, land and dignity. As long as the Cojuangco-Aquinos have a monopoly control of land, there will never be social justice in Luisita.

Instead of evading the issue, Sen. Aquino must engage it head on. Will he stand for the farmers and workers? Will he support the junking of the Stock Distribution Option? Will he support land distribution? Will he help bring to justice those involved in the massacre and other cases of extrajudicial killings?

The response should be sooner than later. November 16 is the 5th anniversary of the Luisita Massacre. Incidentally, on the same day, the Liberal Party will hold its convention to formally endorse Aquino's presidential bid. ###