



**Perry Diaz**

# *PerryScope*

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## *The Dumagats and the Land-grabbers*

**SACRAMENTO, CALIF., Mar. 11 (PinoyGlobal)** - A few weeks ago, a group of mostly Dumagat farmers made allegations that presidential candidate Manny Villar and his wife Cynthia grabbed 480 hectares of their land in Norzagaray, Bulacan. According to the farmers, Villar and his wife Cynthia -- through their companies, Capitol Development Bank and Manila Brickworks, Inc. -- obtained a loan from the Banko Sentral ng Pilipinas (Central Bank of the Philippines) and secured it with the farmers' land. When the Villars failed to repay the loan, BSP foreclosed the property. In September 2008, the farmers filed a plunder case against the Villars with the Office of the Ombudsman. They also filed criminal charges against them for swindling which is still pending in court.

Capitol Development Bank (now Optimum Development Bank) and Manila Brickworks, Inc. have interlocking directories. Mrs. Villar was the president of Capitol Development Bank at the time the Norzagaray property was mortgaged to BSP.

The Dumagats

The indigenous Dumagats -- taken from the words "gubat" (forest) and "hubad" (naked) -- were a nomadic people who, in earlier days, moved from forest to forest using "kaingin" (slash-and-burn agriculture) to survive. However, they always went back to Sitio Karahume at the foothills of the Sierra Madre mountains. It was their home.

The Dumagats have been cultivating their Norzagaray land since the 1960s. However, their ancestors have occupied

the land since time immemorial. In 1960, they applied for free patents to their ancestral land. In 1964, the Department of Agriculture and Natural Resources awarded them an "Original Certificate of Title" (OCT No. P-858/Free Patent No. 257917). It was issued on April 27, 1964 by the Register of Deeds of Bulacan. With a title to their land, the Dumagats felt secure. Little did they realize that it was the beginning of a long struggle with land-grabbers.

Enter the Puyats

According to the Bulacan Special Task Force on Ancestral Domain (BSTFAD), "everything changed when the late businessman Vicente Puyat of Manila Brickworks Inc. came to set up business in the area. In no time red brick structures of the Puyat ranch replaced the thick forest cover. The ranch was set up to raise cattle."

Marcelino San Jose, a former Dumagat chieftain said, "Puyat bulldozed the mango trees that grew beside every hut." Then the Puyats brought in armed men to guard the ranch. The Dumagats were forcibly driven away from their land. Fearing the armed guards with Armalites, about half of the Dumagats in Sitio Karahume left their homes and moved to the hills. Those who chose to stay had to pay an exorbitant "rent" to the Puyats.

The Puyats' cattle ranch didn't prosper too well. They converted their business into pineapple farming and poultry-raising. But that failed too. Makes one wonder if it was bad karma that caused their misery.

Exit the Puyats, enter the Villars

Then in 1995, according to BSTFAD, “Manila Brickworks was forced to sign an agreement with Camella & Palmera Homes to pursue a housing and development project.”

In April 1998, the Villars’ Capitol Development Bank (CDB) obtained two loans totaling P1.5 billion, payable after 180 days, from the Bank Sentral ng Pilipinas (BSP). The loan was secured by nine “Transfer Certificates of Titles” (TCT’s) which covered the parcels of land held by Manila Brickworks.

During that time, the Villars closed CDB and transferred all its assets and liabilities to another bank they owned, the Optimum Development Bank (ODB).

In 2001, ODB signed a “deed of real estate mortgage” for the Norzagaray property in favor of BSP. Two years later, BSP foreclosed the Norzagaray property when ODB defaulted on the P1.5-billion loan originally taken by CDB which was used by the Villars to build homes on the Norzagaray property.

What happened?

Evidently, there were two Original Certificate of Titles (OCT’s) for the same property. On the one hand, the Dumagat farmers held OCT No. P-858 which was awarded to them on April 27, 1964 by the Department of Agriculture and Natural Resources. However, in March 1987, a fire gutted the Registry of Deeds of Bulacan destroying all copies of land titles in their vault. When the Dumagat farmers filed for a reconstitution of their “Original Certificate of Title” in 2004, they were told that the property was already foreclosed by BSP and that the bank had taken possession of the titles of the land.

On the other hand, Manila Brickworks claimed that its “Transfer Certificate of Title,” TCT T-1182 (M), emanated from OCT No. 287 dated July 25, 1944. It was alleged that OCT No. 287 was issued under a sales patent authorized under Sec. 122 of Act 496 of the Land Registration Act of

the US Government. But the Philippines then was under Japanese wartime occupation. So how could an OCT be issued when the Philippine commonwealth government was not in existence at that time? It is the opinion of many that if an OCT was indeed issued during the Japanese occupation, it would be deemed fake; therefore, null and void. And all TCT’s that emanated from a fake OCT would also be deemed fake.

Another important factor is that the Norzagaray property was a “forest land” before it was awarded to the Dumagat farmers. As a rule, a “forest land” is deemed public domain and therefore it is NOT an “alienable and disposable” property. In layman’s term, it means that a “forest land” cannot be transferred or sold to a new owner. How could OCT No. 287 then be issued legitimately to a “new owner” -- whoever that may have been -- and consequently “transferred” to Manila Brickworks, Inc.? The only exception to the rule that a “‘forest land’ is not an ‘alienable and disposable’ property” would be when the government recognizes the “ancestral domain” claims made by indigenous tribes as was the case of the Dumagats in 1964.

Land-grabbing

In essence, the Puyats and Manila Brickworks, Inc. couldn’t possibly have taken title to the Norzagaray “forest land” because Philippine law would not allow it. Therefore, the OCT No. 287 that was issued in July 1944 was probably a fake title and the nine TCT’s that emanated from it and used by the Villars’ companies to secure their P1.5-billion loan from BSP would be deemed fake titles as well. In the opinion of many people who have looked into this matter, this was a classic case of land-grabbing.

The question is: How much did the Villars pay the Puyats for the purchase of Manila Brickworks? Since they defaulted on their P1.5-billion loan from BSP, they could have gained a lot of money if they only paid the Puyats a fraction of the loan they got from BSP. To a shrewd and astute businessman like Manny Villar, it’s called “leveraging.” To others, it’s called “profiteering.” But to the deprived Dumagat farmers, it’s called “land-grabbing.”