

Controversies in the left on the land reform issue (part I)

Monday 16 June 2008, by [Akbayan](#), [Anakpawis](#), [Bayan Muna](#), [CASINO Teddy](#), [CASIPLE Mon](#), [Gabriela](#), [HONTIVEROS Risa](#), [ILAGAN Luz](#), [MARIANO Rafael](#), [OCAMPO Satur](#), [Philippine Daily Inquirer](#), [Reform CARP Movement](#) (Date first published: 16 June 2008).

The debate on the eventual extension of the CARP land reform program in the Congress has provoked a violent political confrontation within the Left. We are publishing below a number of relevant documents, which we may complete later.

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Unparliamentary?

Philippine Daily Inquirer

MANILA, Philippines - Bayan Muna Party-List Rep. Satur Ocampo felt personally offended. After Akbayan party-list Rep. Risa Hontiveros Baraquel criticized Bayan Muna for "colluding" with lawmakers identified with landowners to "cripple, maim and kill" agrarian reform, Ocampo responded by taking to the floor of the House and calling the criticism a "personal assault."

He added: "I would assume that Congresswoman Baraquel knows my background, that I have for 40 years been fighting on the side of peasants. My family is a tenant family and I would never at any instance collude with landowners."

His colleague in Bayan Muna, party-list Rep. Teddy Casiño, said Akbayan's criticism was beyond the congressional pale. Casting "unfounded aspersions on our motives without addressing the legitimate issues," he said, "is the height of irresponsibility and unparliamentary practice."

Nonsense, Baraquel replied. This is all part of the give and take of legislation, "part of that parliamentary process" that the gentlemen from Bayan Muna allege has been outraged.

We have to agree with Baraquel. In the first place, both Ocampo and Casiño have exercised their parliamentary privilege, frequently and fiercely, to criticize fellow lawmakers on the other side of a policy debate or issue. On many instances, we have found common cause with them. In the impeachment wars of 2005 and 2006, for instance, both Ocampo and Casiño helped argue the case against the checkbook loyalty of the House majority, which voted to reject the impeachment

complaints.

Indeed, the militant lawmakers in the House (including but not limited to the three Bayan Muna representatives) have helped paint a more accurate portrait of Congress by including the colors of personal motive and pork barrel disbursements in their political palette. The public sees this burst of color as a necessary corrective to the bland image-making of administration politicians. (It helped that a legislator like the late Crispin Beltran lived a life in direct contrast to that of the average administration congressman.)

Second, Ocampo and Casiño seem to suffer from the congressional equivalent of the intentional fallacy. Just because they seek to achieve what they call “genuine agrarian reform” does not necessarily mean that that in fact is what they have achieved, or even found. Implementation is different from intention. Indeed, Baraquel’s main argument for collusion rests on a related and fundamental principle: By their fruits you shall know them.

“The statement I made about the collusion ... against the agrarian reform bill is based on our track record of actions or interventions on this CARP extension bill,” Baraquel said. She pointed to two rotting fruits: Bayan Muna’s decision to vote with pro-landowner lawmakers to require more regional hearings, even after regional hearings had already been conducted; and the party-list group’s decision to vote against the committee report on House Bill 4077, the substitute bill Malacañang certified as urgent.

Last, but not least, the “genuine agrarian reform bill” or GARB favored by Ocampo et al. offers its own unique and perhaps even insurmountable set of problems. As Baraquel pointed out in a letter to media: “GARB is not about agrarian reform. It does not seek to give to the farmers the land they till since ownership of the land goes to the State. Agrarian reform transfers ownership to the farmers; GARB, on the other hand, applies a stewardship principle where the State owns the lands and merely ‘lends’ it to the farmers. As seen in China and Zimbabwe, this does not guarantee tenurial protection to farmers. The claim that it seeks to give to the farmers for free should be corrected, since full ownership is not in reality given to farmers.”

To be sure, anyone conscious of recent political history should appreciate the underlying tension between Bayan Muna and Akbayan. We cannot imagine Ocampo and Casiño crying foul if the charge of collusion had come from the right; it would have been water off a duck’s back. But coming from the same side of the political spectrum they occupy, the charge is stickier, carries a little more sting.

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<http://opinion.inquirer.net/inquire...>

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Politics in land reform extension

By Mon Casiple

The House of Representatives has just passed a joint resolution which

said that the land acquisition and distribution component of CARP would not expire on June 10 Tuesday but on December 3, 2008. Malacañang, for its part, signified that the resolution is an "urgent certified measure." The Senate has yet to take up the matter.

What happened was a delaying tactic designed to muster more support for the beleaguered measure. However, there is a strong possibility that time may well run out on it. Despite all efforts from the Church and civil society supporters, as well as GMA's increasingly ineffective intervention, the landlords and the Communist Party of the Philippines may possibly have their way in depriving the Filipino peasants a viable process to own their lands at present.

For all its defects, the Comprehensive Land Reform Law has historically been the only law that enabled a significant majority of the Filipino peasants to own the land they tilled. Against the frantic and sometimes violent objections of landlords, CARP implementation has now covered more than 70% of the initial target. The main effort therefore is to continue this trend and plug the loopholes created by the landlords.

To a large extent, this is covered by the present House Bill 4077 which targets five reform areas: 1) the funding and extension of land acquisition and distribution, 2) strengthening gender parity in the program and recognize women as program beneficiaries and mandating gender-responsive support services, 3) recognition of the exclusive jurisdiction of DAR in AR-related cases, 4) the reinforcement of legal standing of farmers in legal cases, and 5) the indefeasibility of CLOAs and emancipation patents.

Of course, as in any contentious legislation of a divided body as the Philippine Congress, there will be compromises. However, on balance, if a measure will improve the present situation, then there is a basis for supporting such a measure.

It is in this light that the position taken by those who advocate the so-called "Genuine Agrarian Reform Program" or GARP effectively weakens the interests of the Filipino peasantry. By advocating an extremely radical proposal of giving the peasants "free land", they seemingly represents their highest interests. However, they well know that this will not get anywhere near a majority support in a landlord-influenced Congress.

What are they then after? The only political logic is a posturing for a "revolutionary" solution to the agrarian reform issue-which is represented by the CPP agrarian revolution proposal. The problem, of course, is that the battleground here is the parliamentary arena, specifically the Philippine Congress, not the "democratic coalition government" or even the "National Democratic Front" led by the CPP. By this position, the GARP advocates try to persuade people of the necessity for their "revolutionary" solution-only attainable, by their own admission, through a protracted "people's war."

There is an effective collusion between the landlords and GARP advocates in blocking the extension of CARP, although they come from different motivations. The former wants to hold on to the land; the latter wants to sharpen class contradictions. The former wants to maintain an archaic, feudal and regressive social system which has consigned millions of our peasants to poverty; the latter wants to foist an unrealistic, if seductive, vision in service of a failed strategy.

Failure to have an effective land reform program will certainly sharpen the divide between the rich and the poor, not only in countryside but in the whole country. No one will benefit from this but those who would want the failure of the post-Marcos experiment in democratic governance. Genuine democrats cannot afford to lose this one important battle.#

* From:

<http://moncasiple.wordpress.com/200...>

Akbayan's official response to BM/Gabriela/Anakpawis' statements

In a joint rejoinder, Bayan Muna, Gabriela, and Anakpawis dismissed AKBAYAN's statement on the 'synchronicity' in the position taken by landed lawmakers and proponents of the so-called Genuine Agrarian Reform Bill as malicious and irresponsible. They called it a "cheap shot at progressive party-list groups made to gain media mileage for the extension of the bogus Comprehensive Agrarian Reform Program."

I wish to reiterate that the AKBAYAN statement is based on the track record of the Bayan bloc in Congress as far as the bill extending and reforming CARP is concerned.

For one, when landlords in Congress tried to delay the committee deliberations on the bills on CARP through the conduct of yet another series of consultations in different regions, they voted in favor of the motion. This despite the fact that the same bills being tackled in the 14th Congress were already subjected to three regional consultative hearings and several hearings more in the House during the 13th Congress.

At the Committee level, they also voted against the committee report that contained provision to extend the budget for land acquisition and distribution and several reform measures, among them the indefeasibility of CLOAs and EPs, gender-sensitive programs for women farmers, and the exclusive jurisdiction of DAR in handling agrarian-related cases. The committee report is far from perfect, but

it contained provisions that farmers themselves have been pushing for. Furthermore, to kill it at the committee level is to close all opportunities to add other reform measures, such as the prohibition on the conversion of irrigated and irrigable lands and the removal of non-distributive schemes like the stock distribution option.

Finally, in a straw vote during a crucial all-members executive session, they voted against the bill. The bill won with a vote of 97 to 82. However, despite the result and despite its prior commitment to farmers who patiently monitored the bill's progress in Congress for several months, the House leadership decided to defer the decision of the House on the measure. On the eve of CARP's expiration, the House leadership bowed down to a minority that includes solons with landed interests and legislators from the Bayan bloc.

The criticisms leveled by the Bayan bloc against CARP are understandable. AKBAYAN shares the belief that CARP is severely flawed: we have a track record inside and outside Congress of standing up with farmers on cases that include agrarian violence committed by armed goons and the New People's Army and legal harassment employed by landlords against peasants.

We take exception, however, with the tactical and legislative remedies that the Bayan bloc offer. Instead of voting along with the landlords on the bill, they should have supported the extension of the land acquisition and distribution (LAD) since it is the first line of defense for farmers.

The Bayan bloc offer the so-called Genuine Agrarian Reform Bill as an alternative to CARP. This is a problematic assertion.

First, GARB is not about agrarian reform. It does not seek to give to the farmers the land they till since ownership of the land goes to the State. Agrarian reform transfers ownership to the farmers; GARB, on the other hand, applies a stewardship principle where the State owns the lands and merely "lends" it to the farmers. As seen in China and Zimbabwe, this does not guarantee tenurial protection to farmers. The claim that it seeks to give to the farmers for free should be corrected, since full ownership is not in reality given to farmers.

Second, GARB raises a several fundamental constitutional questions.

Mere stewardship violates Section 4 of 1987 Philippine Constitution, which provides for the State to "undertake an agrarian reform program founded on the right of farmers and regular farmers, who are landless, to own directly or collectively the lands they till." GARB thus falls short of the constitutional mandate given to agrarian reform.

GARB also seeks to confiscate 'sullied lands', the determination of which is nebulous. As a confiscatory mechanism, it violates due process of law as enshrined in Article 3, Section 1 of the Constitution.

Furthermore, just compensation is a constitutional requirement. Article XIII, Section 4 of the Constitution, which states: "the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation."

Thus, it is misleading to claim that GARB is the remedy to CARP's flaws. Once enacted, its constitutionality could be immediately questioned before the High Court. Once implemented, it does not guarantee protection for farmers, especially since the country's national government and most of its local governments still act according to feudal interests.

We in AKBAYAN hope that the party-list representatives of the Bayan bloc would not take our critique as a personal affront. Along with various peasant organizations in the Reform CARP Movement, AKBAYAN only aspires for the fulfillment of a constitutional promise - that Filipino farmers would own the land they till.

Rep. Risa Hontiveros

AKBAYAN Representative

On the connivance of leftist party list representatives from Bayan Muna, Anak Pawis and Gabriela with the landed and anti-CARP representatives in Congress

Press Statement

Reform CARP Movement (RCM),

12 June 2008

The Reform CARP Movement (RCM), a broad coalition of people's organizations and agrarian reform advocates pushing for the extension and reform of the Comprehensive Agrarian Reform Program (CARP), would like to express its disgust and disappointment over what appears to be the connivance of leftist party list representatives from Bayan Muna, Anak Pawis and Gabriela with the landed and anti-CARP representatives in Congress to delay and derail the extension and reform of the CARP.

Throughout the period of deliberations on the CARP extension bills at the committee level up to the period of interpellation at the plenary, said leftist-militant party list representatives clearly supported and participated in the delaying and derailing tactics that were employed by the anti-CARP/landlord representatives.

These leftist-militant party list representatives cast their vote to support the motion of the other anti-

CARP/landlord representatives to still hold provincial consultations in spite of the nearing expiration of the funding for the Program (a tactic that clearly backfired on them as the consultations showed that there was overwhelming clamor by farmers for the extension and reform of the CARP). They were the only ones who voted in the Agrarian Reform Committee against what became HB No. 4077. The principal landowner oppositionist himself, Rep. Pabling Garcia, merely abstained.

They also took turns with the anti-CARP/landlord representatives in delivering their privilege speeches just before floor deliberations on the CARP extension bill. Then on the historical night of June 10, 2008, during the executive caucus where a straw vote on the CARP extension bill was cast, they too, together with the anti-CARP/landlord representatives voted against the CARP extension bill.

And now, these leftist-militant representatives have the gall to accuse Akbayan Party List Representative Risa Hontiveros-Baraquel of maligning them for being in "collusion" with landowners in Congress.

Risa merely echoed the sentiments and frustration of the farmers who for months painstakingly, patiently and respectfully lobbied for the extension and reform of CARP and endured the speeches, tactics and arguments of our "honorable" representatives.

Hindi naman bulag at tanga ang mga magsasaka at ang mga tao para hindi makita ang ginawa ninyo. Kung kaya kami ngayon na mga magsasaka sa RCM ang nagsasabing nakipag-isa kayo sa mga kalaban ng mga magsasaka na mga panginoong may lupa upang itaguyod ninyo ang inyong adyenda.

But what is this agenda?

Of course, they will claim that all of these they have done on the principled position that they could not support and allow a loophole-ridden and anti-farmer law to continue or be extended. And of course they will claim that they did all of these in the name of the farmers and the masses whose interests they serve.

But didn't the farmers who attended the numerous public hearings at the national and provincial levels overwhelmingly say they wanted CARP to be, at the least, extended (with many also calling for reforms in the said law)?

If truly our leftist-militant party list representatives represent the interests of the farmers and the masses in general (and not only those on the left), what they could have done was, at the least, respected the position and sentiment of the farmers who called for the extension (and reform) of CARP and stayed neutral, and not participated and supported the tactics of the anti-CARP/landlord representatives. They could also have supported the insertion of radical amendments into the CARL to remedy what they called inherent defects of the law.

But then they do actually have another agenda, the passage of their own bill - the Genuine Agrarian Reform Bill (GARF).

If people take time to read their bill, they will see that it is an agrarian reform program that can be implemented only under a regime dominated by leftist-militant personages. The bill basically promotes state ownership of farmlands with farmers considered to be "stewards." It also contains provisions that violate the Philippine Constitution, particularly the provisions on due process of law, retention limits, and just compensation for landowners.

Considering that a mere extension of a "soft" CARP could not pass Congress, how can a "hard" GARF even pass the Committee? The five votes of these congresspersons will not suffice.

So, what really must be their underlying agenda? Did Bayan Muna Party List Representative Teddy Casino let the cat out of the bag when he said to Risa during a joint interview in yesterday's episode of the morning show Umagang Kay Ganda, "Baka kailangang palitan na natin ang gobyernong ito"?
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Small farmer organizations: Alyansa ng mga Magsasaka sa Kanlurang Batangas (AMKB) * Katipunan ng Bagong Pilipina (KABAPA) * Makabayang Alyansa ng mga Magsasaka sa Pilipinas (MAKABAYAN-Pilipinas) * Negros Farmers Council (NFC) * Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA) * Pagkakaisa para sa Tunay na Repormang Agraryo (PARAGOS-Pilipinas) * Pambansang Katipunan ng mga Samahan sa Kanayunan (PKSK) * Samahang Magsasaka ng Macabud * **Non-government organizations:** Agrarian Justice Foundation (AJF) * Center for Agrarian Reform and Rural Development (CARRD)*Center for Agrarian Reform Empowerment and Transformation (CARET) * Centro Saka Incorporated (CSI) * FOCUS on the Global South * Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan (KAISAHAN) * Management and Organizational Development for Empowerment (MODE) * People's Alternative Study and Research Center (PASCRES) * Project Development Institute (PDI) * Philippine Ecumenical Action for Community Empowerment (PEACE Foundation) * Philippine Legislators' Committee on Population and Development (PLCPD) * Philippine Rural Reconstruction Movement (PRRM) * Rural Women Center-Centro Saka Incorporated (RWC-CSI) * Sentro ng Alternatibong Lingap Panligal (SALIGAN) * **Coalitions:** Peoples' Campaign for Agrarian Reform Network (AR Now!) * Kilusan para sa Pagsusulong ng Repormang Agraryo (KILOS AR) * Partnership for Agrarian Reform and Rural Development Services (PARRDS) * Paralegal Educational Skills Advancement and Networking Technology (PESANTech) * Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK) * Sugar Workers Alliance of Negros (SWAN) * **Party list organizations:** AKBAYAN * AMIN * **Individual supporters:** Prof. Juan Amor Palafox (UP SOLAIR)

Reply to June 16 Editorial of the Philippine Daily Inquirer

Bayan Muna, Teddy Casiño

The Opinion Editor

Philippine Daily Inquirer

Dear Editor:

In the news article "Party-list solons clash over CARP" published in page 6 of the Inquirer's June 13 issue and the subsequent editorial titled "Unparliamentary?" published on June 16, what was quoted and highlighted were our personal reactions to Akbayan partylist representative Risa Hontiveros-Baraquel's wild accusation that we colluded with the landlords in Congress on the issue of agrarian reform. Unfairly left out from the reports were the more important issues that we raised on the floor in Congress regarding the substantial differences between proponents of the government's bogus

agrarian reform law like Akbayan, and those who, like us, are pushing for a more genuine program.

It is of public knowledge that since its inception, Bayan Muna has consistently rejected the government's Comprehensive Agrarian Reform Program (CARP) as a betrayal of our farmers' just demand for genuine agrarian reform. Since we reject CARP itself, then we naturally oppose its extension. Only a malicious mind would label our well-established stand as a product of collusion with the landlords in Congress.

As early as 1988, the principal author of the CARP law in the 8th Congress, Rep. Bonifacio Gillego, already declared agrarian reform dead after the landlord bloc maimed and mangled his bill. Today, his worst fears have been confirmed. After 20 years, CARP has neither broken the prevalence of land monopoly in the country nor emancipated the peasantry from poverty and feudal oppression. Instead, CARP has deceived and oppressed the peasants through tokenism and the reconcentration of land ownership.

Unfortunately, the CARP extension bill (HB 4077), which is being pushed by the Arroyo government in connivance with groups like Hontiveros-Baraquel's Akbayan, does not address CARP's fundamental defects. Both CARP and HB 4077 lead to the further indebtedness of farmer-beneficiaries, maintain the limited coverage of the existing program and worse, allow landlords to continue using the law itself to evade land distribution through notorious stratagems like land-use conversion, stock distribution options, corporative schemes, leasehold arrangements, and contract growing, among others.

The Arroyo government and Akbayan want Congress to extend a program that basically converts poor tenant-farmers into mortgage holders burdened with a 30-year debt serviceable at 6% interest per annum.

Surely, this runs contrary to the principle of social justice and the emancipation of peasants. In fact, thousands of emancipation patents and certificates of land transfer have been revoked because of the poor peasants' failure to pay the amortization. Many more CARP lands have been illegally sold or re-mortgaged.

How can Akbayan and Hontiveros-Baraquel accuse us of colluding with landlords when we have, in fact, been pushing for a more comprehensive and radical agrarian reform measure under House Bill No. 3059? At the heart of our proposal is the redistribution of land through state expropriation that will undergo due process. The farmers shall receive the land free. The state will pay the landowners. Only if the land is sullied, meaning illegally acquired, will confiscation be in order.

Furthermore, owner-beneficiaries should till the land and will be prohibited from selling or transferring it except to their heirs who should also be willing to work the land. This is to ensure that the land will be used for the purpose for which it was given.

Akbayan and the landlords are united in saying our Genuine Agrarian Reform Bill (GARB) or HB 3059 is a "mere stewardship program." This grossly distorts and weakens the universally-accepted concept of "land to the tiller." Akbayan's idea of giving land reform beneficiaries the right to sell and transfer the land will encourage farmers to sell or mortgage, not to till, the land.

Their charges that GARB is unconstitutional and confiscatory is a gross misreading of our measure and a pro-landlord interpretation of the Constitution which explicitly allows the state to exercise its power of eminent

domain in the national interest. This would logically include the pursuit of social justice through genuine agrarian reform.

For these reasons, we deemed it proper to move for regional hearings to determine our farmers' views on both proposals. This was the first time that such regional consultations on the CARP extension and GARB were done, contrary to Rep. Baraquel's claims that such hearings had already been held. Again, to ascribe this to our collusion with landlords is downright absurd.

Akbayan and its representative's statements were not only irresponsible and unparliamentary but worse, baseless and malicious accusations meant to gain media mileage for the extension of the bogus CARP at our expense. Thus, we were compelled to take to the floor in Congress and are writing this letter to set the record straight. ###

* Posted on Jun 16 by Office of Rep. Teddy Casiño. From:

<http://www.bayanmuna.net/ps.php?sub...>

Rejoinder to Akbayan Rep. Risa Hontiveros-Baraquel

Bayan Mun,a, Anakpawis, Gabriela Women's Party

June 11, 2008

We denounce Akbayan Rep. Risa Hontiveros-Baraquel's malicious and irresponsible charge in a press release Tuesday that our organizations are "in collusion with landlords" and are out to "maim, cripple or kill 'agrarian reform' in the country."

Hontiveros-Baraquel's accusation is farthest from the truth. It's a cheap shot at progressive party list groups made to gain media mileage for the extension of the bogus Comprehensive Agrarian Reform Program.

If the Akbayan representative was referring to HB 4077, the bill extending CARP as the agrarian reform that will be maimed, crippled or killed, then she is terribly wrong. Agrarian reform died with the passage of CARP.

Let us remember what the original sponsor of House Bill 400, Rep. Bonifacio Gillego, declared 20 years ago on the mangled and maimed CARP bill that was enacted into law:

"Now the CARP has become a corpse, we, the defunct sponsors of House Bill No. 400, are called upon to render our final function: to serve as pallbearers in the funeral rites of the original House Bill No. 400. As the principal sponsor of the deceased House Bill No. 400, my task is to deliver a funeral oration on CARP."

Twenty years hence, this CARP, true to Rep. Gillego's indictment, has not broken the prevalence of land monopoly in the country and emancipated the peasantry, instead CARP has deceived and oppressed the peasants through tokenism and reconcentration of land ownership.

HB 4077 does not address the fundamental defects of CARP. CARP and HB 4077 reject free land distribution to the tillers, maintain limited coverage and worse, do not prohibit various schemes which landlords used to evade land distribution. These schemes include the notorious land-use conversion, various exemptions, stock distribution option, corporative scheme, leasehold arrangement, and contract growing among others.

Akbayan's 'agrarian reform program' of peasants compensating the landlords which have long exploited them and burdening them with amortization runs contrary to the principle of social justice and emancipation of peasants. In fact, thousands of emancipation patents and certificates of land transfer were revoked because of poor peasants' failure to pay the amortization.

Hontiveros saying that House Bill 3059 or the Genuine Agrarian Reform Bill authored by Representatives of Anakpawis, Bayan Muna and Gabriela, is 'mere stewardship program' grossly distorts the universally accepted concept of 'land to the tillers.' Akbayan's idea of giving the land reform beneficiary the right to sell and transfer land weakens the precept of land to the tiller. It will encourage farmers to sell not to till the land.

Under GARB, the general means of redistribution is through State expropriation of lands which will undergo due process. The farmers shall receive the land free. The State will pay the landowners. Only if, the land is sullied, meaning illegally acquired, will confiscation be in order. It is absurd that Akbayan attacks GARB on this issue. Social justice must prevail over dishonored property rights of the few.

Rep. SATUR C. OCAMPO, Bayan Muna

Rep. TEDDY CASIÑO, Bayan Muna

Rep. RAFAEL MARIANO, ANAKPAWIS

Rep. LUZ ILAGAN, Gabriela Women's Party

** Posted on Jun 11 by Office of Rep. Satur Ocampo. From:*

<http://www.bayanmuna.net/ps.php?sub...>