

# DISPUTE PROCESSING BY THE PHILIPPINE AGRARIAN COURT

G. SIDNEY SILLIMAN\*

Formal conflict resolution is not the principal function of the Philippine Court of Agrarian Relations. Rather, litigants mobilize the court's resources to increase their power over opponents and to maximize gains. A combination of the rights stipulated for the litigants, the aims of the principal and adjunct actors, and the relative power and wealth of the disputants and their allies determines who gets what and how in this struggle. Because the agrarian court exists in a social context where law as norm and the general distribution of power operate to the advantage of the "have" sector, it is limited in its capacity to effectuate social change.

## I. INTRODUCTION

A structural analysis of the Philippine judicial system reveals that the evolution of the Philippine state has included a substantial penetration of the legal authority of the national government into the rural areas of the country. There is at least one Court of First Instance (CFI) in each of the 71 provinces, with most provinces having several branches. There was one Municipal Court for each of the approximately 1500 municipalities in the archipelago until 1978, when the number of these local courts was reduced by assigning many of them jurisdiction over two or more towns.<sup>1</sup> Among the specialized courts<sup>2</sup> of the Philippines, the Court of Agrarian Relations (CAR) is a notable presence in the rural sector. Established in the mid 1950's to settle disputes arising from the cultivation of agricultural land where one of the parties works the land, the

---

\* This is a revision of a paper presented at the Association for Asian Studies Conference in Washington, D.C. on March 23, 1980. The author is especially grateful to Kit Machado for his generous critique of the original paper.

<sup>1</sup> Even though the municipal courts have limited jurisdiction and even though all but minor cases are heard in the CFI, the municipal courts are of significance because most criminal complaints are initially filed there and their judges determine whether cases should be forwarded to the CFI for disposition (Machado, 1979: 296).

<sup>2</sup> Other specialized courts include a Court of Tax Appeals, Juvenile and Domestic Relations Courts, the National Labor Relations Commission and the Military Commissions.

CAR has largely been concerned with landlord-tenant relationships. Over its history it has expanded from the original nine branches to the 61 courts of today (Presidential Decree No. 946, § 2).<sup>3</sup> In the latest extension of the legal authority of the central government into the rural Philippines, Presidential Decree No. 1508 (June, 1978) incorporates the smallest political unit of the government, the *barangay*, into the judicial system by making it a prerequisite that certain disputes first go through a process of “conciliation” at the village/neighborhood level. This system of *Katarungang Pambarangay* (*barangay* justice) in effect institutionalizes a local process of mediation by specifying a formal structure and procedure for dispute processing by village/neighborhood officials.

Nevertheless, students of the Philippines have often noted the limited observance of the law by rural Filipinos and their aversion to adjudication by the national court system. That a law exists does not mean that it is enforced. One pre-martial law study of rice farmers in northern Luzon makes the observation that, even though the discrepancy between the agrarian laws and the actual landlord-tenant relationship is glaring “[e]nforcement of the tenancy law is not possible or even considered” (Lewis, 1971: 124-125). A study of water disputes in the central Philippines finds that most of the irrigators settle their own conflicts through a system of “private justice”<sup>4</sup> commonly involving mediation by a village leader, a government extension worker, or a municipal politician rather than resort to official judicial institutions (Cruz, 1974: 157-158). Even when the court system is mobilized, the most frequent outcome is an “amicable settlement” in which the parties reach agreement through bargaining and negotiation rather than by judicial pronouncement (Machado, 1979: 294).

Even though the official judicial system is structurally present in the provinces, there is some question as to its real function. The purpose of this paper is to inquire into the function of courts in the rural Philippines.<sup>5</sup>

<sup>3</sup> Since the declaration of martial law by President Marcos in September 1972, rule making by means of presidential decree, in contrast to the legislative lawmaking of the previous decades, has been the norm.

<sup>4</sup> Informal systems of justice may be divided into “appended” systems of dispute settlement—those which are normatively and institutionally appended to the official system—and “private” systems, which are relatively independent in norms and sanctions (Galanter, 1974: 126-127).

<sup>5</sup> Lempert (1978: 92) has called attention to the ambiguity in the phrase “the functions of courts” by noting that it may refer to the way in which courts serve the larger society or simply to how courts act or operate. The former sense will be the principal usage in this paper.

Focusing on dispute processing in a variety of social settings, scholars have produced two relevant lines of argument about the function of courts. First, legal anthropologists have shown that litigation is simply one expression of ongoing conflicts in which the adversaries seek to gain advantage over one another. Nader (1965: 19), for instance, points to litigation before American courts where a businessman may bring a competitor to court with the express purpose of ruining his credit rating or where a political candidate may file a lawsuit for libel to promote his or her chances of winning the election. In a similar manner courts for the low-income population of an American urban neighborhood serve as a sanction, “a way of harassing an enemy” (Merry, 1979: 919). Collier observes that, not being content with traditional conciliatory procedures, those members of the Maya community of Zinacantan, Mexico who use the mestizo court in the nearby market town are after vengeance rather than justice (1976: 142, 146). That litigation is a skirmish or a maneuver in economic and political warfare (Felstiner, 1974: 63) is also illustrated by June Starr’s observation that in a Turkish village the populace will go to the state court instead of using the customary methods of the village itself when “coerciveness, limitations on the issues to be discussed, complete control over a resource, or a formal break in a relationship” are desired (1978: 138).

Second, scholars have criticized the proposition that conflict resolution or dispute settlement is a principal judicial function. Cases taken to court from the American urban neighborhood studied by Merry “rarely produce an outcome which settles the dispute and restores good relations” (1979: 919). In Koforidua, Ghana, court decisions infrequently resolve conflict; in only 21 percent of the civil cases examined by Lowy had the defendants complied with the court’s order (1978: 192). Thus it has “become almost commonplace to observe that the outcome of most conflicts and disputes are other conflicts and disputes . . .” (Abel, 1973: 228). One explanation is that “[m]any court decisions only act to clarify a particular issue or claim in a dispute; the clarification then becomes the basis of the next litigation between the same principals” (Starr, 1978: 148).

Based upon evidence from two California courts, Friedman and Percival have argued that dispute settlement as a proportion of the caseload of trial courts has steadily declined as the work of modern courts has become increasingly routine

(1976: 296). Lempert, in an reanalysis of this data, confirms the finding that the mix of judicial business in these two courts has changed over the years, but argues that the data do not support the conclusion that the dispute settlement function of courts has diminished over time. There is little reason to expect that modern courts “have ever played an important role in settling the ordinary disputes of businesses and citizens” (1978: 133-134).

It appears erroneous, therefore, to approach any study of courts in the Philippines with the assumption that judicial institutions necessarily perform the function of settling disputes. It is more appropriate to start with the recognition that law is a set of resources for which people contend and with which they are sometimes able to promote their own ideas and interests. To say that people seek to gain and use resources is to assert that they strive to have and exercise power, that “law is power” (Turk, 1976: 279). This concept of law as a set of resources, as power, is methodologically superior to the concept of law as regulator of conflict in that the relationship between law and discord is not assumed but left open for investigation. Instead of asking how courts in the Philippines settle conflict, it is more fruitful to ask who gets what and how through the use of judicial institutions.

This question cannot be answered comprehensively; with the exception of Stone’s (1973) and Machado’s (1979) work, there has been insufficient research on dispute processing among lowland Filipinos. The argument of this article, therefore, will be based upon my own (1977) research on the Philippine Court of Agrarian Relations. The CAR is of special interest because it functions as one dimension of the larger strategy of the national government for change in the rural sector through the enactment and enforcement of new legal norms. Originally established as part of the Magsaysay administration’s response to the peasant rebellion of Central Luzon, the CAR was intended to reform the landlord-tenant relationships perceived as having given rise to the rural unrest (Silliman, 1980: 635). After 1963 the CAR was incorporated in the Philippine Code of Agrarian Relations which includes, among its purposes, the goal of abolishing agricultural tenancy.

Since the CAR is organized into 16 regional districts with two or more branches per district, this paper draws on a sample of the agrarian courts. Cebu, Ormoc, and San Carlos, the three agrarian courts studied, are located in separate districts within the Cebuano-speaking regions of the central

Philippines. They were selected because, in addition to their common language, their volume of litigation was approximately the same and because each court had a permanent presiding judge during the period of research.<sup>6</sup> The core of the data is drawn from the case files of 164 of the 1743 cases filed during the period from 1968 to 1976.<sup>7</sup> Other sources include interviews with court personnel and lawyers practicing before the CAR and personal observation of court proceedings. Information was also gathered on the cases appealed from the three courts, and each docket was analyzed as to the issues pursued through the 1743 cases.

Based on this research, my general argument is that conflict resolution is not the principal consequence of the Court of Agrarian Relations. Instead, litigants mobilize the court's resources to increase their power over their opponents. Four factors appear to make a difference in the degree to which and the manner in which law is power: the party for whom rights are stipulated; the aims of the disputants; the purposes of the nonlitigant actors; and the relative, nonlegal power of the parties to the dispute. The impact of each factor will be examined in the context of a discussion of the resources provided by the Court of Agrarian Relations, the way in which those resources are utilized, and the relationship of the court to social change.

## II. RESOURCES

The first obvious resource claimed by a disputant who mobilizes the CAR is the body of substantive rights stipulated by the law and the enforcement of those rights. A closely related resource is the collection of procedural rules of the adjudicative institutions. Less obvious resources include the ceremonial dimension of the court and the allies acquired through litigation.

The legal designation of a "right" provides the cultivator or the landowner with a base of economic power. Because the CAR has evolved as a legal instrumentality of the government's agrarian reform program, a significant portion of the designated

---

<sup>6</sup> Several judgeships were vacant in 1977 due to the reorganization of the CAR under Presidential Decree No. 946.

<sup>7</sup> The 164 cases analyzed comprise ten percent of the total number of cases filed in each of the three courts during the defined period and were selected randomly. Cases filed prior to 1968 were not sampled due to the difficulty of acquiring adequate records. Cases still pending before the three courts at the time of the research (a total of ten) were not considered in the preparation of this paper due to the incompleteness of the files.

rights pertain to the tenant-farmers of the Philippines—a definite part of the “have-not” sector. Potentially, the legislative prescription of a right for a person of low social status and limited economic resources provides that person with a claim against others who, because of their greater socioeconomic means, might otherwise ignore him. The claimant may or may not desire the specific right which has been designated by the state, but the filing of a complaint for that right, at a minimum, increases his bargaining power; it may provide an incentive for the defendant to bargain when none may have existed before. But the legal right itself confers power. The right to a leasehold relationship, the right to a home lot, and the right to a certain security of tenure are among the legal prerogatives, and thus the power, of tenant-farmers.

Philippine law also stipulates rights of landowners. For example, the landowner, using his prerogative of “self-cultivation,” may remove a tenant-farmer from the land. At the same time, a variety of legal norms formulated by the national government to facilitate economic development have been used by landowners for their own political advantage. A landlord, for example, may invoke the law which permits the local agricultural cooperative (*Samahang Nayon*) to choose a new cultivator for a particular paddy to covertly displace the current tenant. As elsewhere, the formulation of new legal categories may be used simply to frame local conflicts rather than to precipitate the change intended by the law (Engel, 1978: 130).

The capacity to have these rights enforced is founded on the threat of force implied by the law as an instrument of the state. Formally at least, a decision of the Court of Agrarian Relations carries behind it the sanction of police power. The Philippine Constabulary does have responsibility for implementing the decisions of courts, and periodic injunctions to the provincial constabulary commander make that responsibility explicit. But there are limitations, too. First, the frequent utilization of litigation as a bargaining chip in disputes means that only a small portion of the cases ever reach the point where the threat of force becomes readily apparent. Second, when defining law in terms of the application of force by the state, it is necessary to recognize that the state in the Philippines is culturally and politically external to the peasant population. Both before and after martial law, the instruments of coercion have been wielded by socioeconomic elites.



Therefore, it is less than likely that the state will utilize an appreciable degree of force on behalf of the peasantry.

The body of specialized rules on jurisdiction and procedure constitutes a second resource made accessible by mobilizing the Court of Agrarian Relations. Historically, the Philippine government has allowed the CAR (but not other courts) to use expediting rules of procedure designed to reduce the costs of conflict resolution. Presidential Decree No. 946 (June, 1976) states:

It is the spirit and intention of this Decree that the Courts of Agrarian Relations shall utilize and employ every and all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case, without regard to technicalities of law and procedure.

In this spirit of legal simplification, the Philippines' Rules of Court, for example, are not applicable to agrarian cases; fees are waived for tenant-farmers; where there is any doubt in the application of rules, the doubt is to be resolved in favor of the cultivator.

However, the procedural rules frequently function to reduce, for some persons, the significance of having substantive rights. First of all, the rules may operate or may be manipulated so as to exclude certain disputes from the sphere of the institution. This may be as simple as a judge declining to hear a case because both parties are of the same family or, in a conflict between farmers asserting their right to a home lot and their landlord who insists on the right to remove them so that he can develop his land for alternate use, the judge dismissing the case as not within the scope of the court on the landlord's argument that the plaintiffs were "mere squatters." Subsequently, the Court of Appeals found the dispute to be clearly within the realm of the CAR and ordered the judge to admit the case. Perhaps this was a matter of legal interpretation, but the strong friendship between the judge and the landlord made it more likely that the jurisdictional rule was used to politically enhance the position of a cohort. Second, procedural rules are important resources because the Court of Agrarian Relations demonstrates wide latitude in its use of the technical norms of jurisprudence. The frequent occurrence of postponements of scheduled hearings in the *salas* of lenient judges illustrates the power aspects of procedural chicanery. One tactic of landowner defendants is to continually postpone a case until the cultivator, who because of his subsistence standard of living, cannot afford the impoundment of the crop for any period of time and cannot absorb the costs of frequent

court appearances, grows discouraged and simply ceases to come to court.

At its most formal level, the ceremonial and theatrical dimension of the court provides a third resource by which conflicting parties may attempt to secure their interests. The legitimization of specific political outcomes is one way in which this resource is used. Under the Agricultural Tenancy Act, a cultivator is provided with some security of tenure; the removal of a tenant from the farm may take place only after a hearing in and authorization from the Court of Agrarian Relations. But the landowner who secures the ejection of a cultivator through this process, in fact, has acquired a legitimization of his dominance over the tenant. In the same manner, the court has served to legitimize the power and role of labor organizations. Until 1974 labor unions were entitled to petition the CAR for a supervised certification election in which the agricultural workers of a given economic unit would theoretically specify their preferred bargaining agent.<sup>8</sup> In the province of Cebu the Free Workers Association in 1969 and 1970 used this legal provision to support its struggle with the Associated Labor Union for representing the workers on the sugar *haciendas*. While there was strong reason to question the honesty of the representation elections which were held under the jurisdiction of the CAR, the judge did not question them and, in fact, certified the "winner" as the workers' choice. In effect the power of one of those organizations was authenticated by judicial action.

The ceremonial role of the Court of Agrarian Relations may also constitute a resource to the extent that the formal trial process is a kind of dramatic presentation which, because it is based on the Western legal model and emphasizes the differences in status, can be used to intimidate. This is especially true for the peasant to whom Western jurisprudence is alien. However, the symbolic dimension may sometimes be used to support the interests of peasants, as in the government's prosecution of a CAR judge in Nueva Ecija for accepting ejection cases contrary to public policy. That the judge was arraigned before the Court of First Instance is best understood as theatre in which the central government is portraying the probable consequences of noncompliance with the regime's mandate that the agrarian courts not become

---

<sup>8</sup> Presidential Decree No. 442 of 1974 transfers jurisdiction over agricultural laborers from the Court of Agrarian Relations to the National Labor Relations Commission.



accomplices in the legal alienation of tenant cultivators. In evaluating this resource, two qualifications must be borne in mind. First, even though courts may increase public acceptance of the abstract ideals of the law through symbolic conduct like trials (Arnold, 1962: 44), ceremonies must be seen and heard to be effective socializers, and normal attendance at a session of the Court of Agrarian Relations is confined to the direct participants.<sup>9</sup> Second, the authority of the courts in the Philippines is limited and, as a consequence, this resource is most successfully utilized by those litigants who have additional assets.

A final resource provided by going to law through the agrarian court is legal allies. Although alliance networks are always important power resources in the Philippines (Hollnsteiner, 1963: 63), the resource of legal allies is somewhat different from the previous three in that allies per se are not inherent in the legal process. However, litigation provides the context for the formation of alliance networks with new categories of persons. Legal alliance may take the form of a patron-client relationship developed between the lawyer and the tenant-client, or it may be tacit, as when the attorney files numerous separate suits (on behalf of different plaintiffs) against the same defendant. Interest groups may be mobilized to intervene on behalf of one of the claimants. Allies may also be found among the court personnel. The practice of holding CAR hearings in the municipality or village and of CAR staff supervising harvests, conducting inspections, or receiving testimony at the site of the dispute are, at one level, attempts at an informal alliance in that one of the disputants has succeeded in mustering authority on his behalf. Other disputants convert the court staff into allies through informal requests for information on the case, through requests of staff (other than the district judge) to compose legal briefs, or through bribes offered to the decision maker.

### III. RESOURCE UTILIZATION

That law is power because it prescribes specific rights for certain parties and not for others is clear. However, in litigation before the CAR the other resources are frequently utilized to reduce the significance of having rights and are used

---

<sup>9</sup> This limited visibility is a marked contrast, for instance, to dispute processing by community leaders in Zinacantan, Mexico where hearings at the town hall court "take place in public, on the open porch where all who pass by may stop to listen. . ." (Collier, 1976: 141).

in ways which are not readily apparent from an examination of the law itself. Thus a full understanding of the degree to which and the manner in which law is power requires a description of the dispute process and an exploration of the aims of the participants.

Generally in the rural Philippines, the “[u]se of the ‘judicial process’ until a verdict is rendered is the least common pattern of dispute processing” (Machado, 1979: 300).<sup>10</sup> This is also true of litigation in the Agrarian Courts of Cebu, Ormoc, and San Carlos. While only 46 percent of the 164 cases sampled are terminated through the application of rules by a court judge in the course of full-dress adjudication, the majority are disposed of through agreements reached in one of the “appended” settlement systems. Some of the amicable settlements (about 18 percent of the sample) are reached through the efforts at mediation by court personnel, from the judge to the court clerk. More than 35 percent of the cases studied are mediated by some outside party with the court simply ratifying the result.

One explanation of this style of dispute processing is the political culture of the rural Philippines. Filipino values, with the emphasis on smooth interpersonal relationships and the use of intermediaries, are conducive to amicable settlement rather than formal enforcement of norms. In particular, one of the operative values of the Philippines is that a person is expected to be practical and realistic.

It is considered useless or nonsensical to adopt a heroic stance, unbending or intransigent, in order to uphold a legal or moral principle. Like the bamboo before a strong wind, one must learn to bow and sway (Agpalo, 1969: 5).

Philippine law reflects these values; judges are required to promote compromise settlements whenever possible. In cases where a pretrial session is held by the court, the judge, acting as mediator, is often able to achieve a partial or full agreement. Or judges grant postponements specifically to facilitate agreement among the parties and spread the proceedings into a series of hearings, often two or three months apart, to provide maximum opportunity for outside settlement.

The cultural gap between the lawyer and the peasant client also means that the tenant-farmers and agricultural laborers often accept less than the legal definition of their rights because their objective is to secure compliance with the norm

---

<sup>10</sup> The frequency of compromise agreements in litigation before modern courts is of course a widespread phenomenon in both the Third World (see Kidder, 1973) and in the Western world (see Galanter, 1974).

of reciprocity or to maintain their subsistence. It is the lawyer who mobilizes the court through the legal definition of issues and rights, not the peasant whose engagement of the lawyer's services is modeled on the patron-client relationship. It is the lawyer who redefines the conflict in legal terms; because this is more than the peasant's request, it allows ample room for bargaining.

Due to the pluralistic character of the legal culture in the rural Philippines, there is often a conscious avoidance of official enforcement of norms. Cognizant that a court's formulation of justice may vary from their own, landlords and peasants, in consonance with their understanding of their own interests, try to maintain control or to ultimately evade the process by which normative exceptions come to be formally articulated and enforced across the cultural boundary separating the state and their rural world.

There is another explanation of this dispute processing style. The parties to a dispute are seldom fully intent on securing a settlement through a judicial pronouncement based on legal norms, because going to the law is often a political tactic designed to acquire resources of power to influence an opponent in an arena outside the judicial structure.<sup>11</sup> For instance, a landowner who files a complaint in the court to eject a tenant agrees, through negotiations outside the court, to continue to recognize the tenant as cultivator as long as the cultivator agrees to make specified payments for previous crop expenses and to pay back-shares for prior harvests. The share-tenancy relationship is the real issue, but going to the law provides leverage to secure a favorable settlement. Litigation in the CAR is also intended to increase the power of peasants who normally have limited access to other sources of influence. In a representative case, some landlords forcibly plowed under the standing crop and filed a criminal case against the tenant in the municipal court. In turn, the tenant sought assistance from the agrarian reform agency, filed suit in the Court of Agrarian Relations, and appealed to the Secretary of National Defense for intervention.

That formal litigation is often only one of a series of moves to gain influence over an opponent is further illustrated by the

---

<sup>11</sup> To assert that law is power is not to suggest that going to law is the only, or even primary, influence strategy utilized by rural Filipinos. Peasants and landlords also seek to secure their interests through patron-client relationships, family connections, bribery, and physical force.

CAR decisions that are appealed to higher courts.<sup>12</sup> On the one hand, appellants hope for a reversal or modification of the lower court's pronouncement; this objective is realized in 31 percent of the appeals from Cebu, Ormoc, and San Carlos.<sup>13</sup> On the other hand, in view of the further delay and costs (approximately twenty months is required to process an appeal from the agrarian courts), such a petition is often a tactical move to force one's opponent into a settlement. The effectiveness of this strategy is suggested by either the withdrawal or the dismissal of one third of appealed cases for failure to pursue the petition.

The implication of this style of dispute processing—formal litigation often having little to do with securing legal rights through a judicial decision—is that the aims of the participants are central to explaining their willingness to mobilize the law. Some disputants use the resources of the CAR offensively to restructure social or economic relations, while others utilize the court defensively in order to maintain access to scarce resources.

Landowners most frequently mobilize the court with claims for rejection of the tenant, landowner cultivation, or mechanization of the farm. From 1968 to 1976, about 13 percent of the 1743 cases filed in the CAR in Cebu, Ormoc, and San Carlos involved a landowner's attempt to use the power of the court to terminate a peasant's access to land. A landlord may believe that the tenant failed to uphold the obligations of the patron-client relationship. In one instance, a tenant had initiated certain improvements on the land without first consulting the landlord and without sharing the secondary crop. The landlord then moved to eject him. In the tenant's view the incident which precipitated the decline in the relationship, leading ultimately to his ejection, was his failure to deliver the customary poultry during the town *fiesta*. There is clearly a symbolic as well as an economic dimension, but both reflect a change in the distribution of status and produce between the two parties.

---

<sup>12</sup> Until 1976, appeals from the Courts of Agrarian Relations were to the Court of Appeals on "questions of fact and of fact and law" or to the Supreme Court on "pure questions of law" (Code of Agrarian Relations, ch IX, § 156). Since June, 1976, cases have been appealable only to the Court of Appeals, where two of its divisions are designated as responsible for agrarian cases (Presidential Decree No. 946 § 18).

<sup>13</sup> From 1968 to 1976, a total of 146 cases were appealed from the three courts. Complete information was available on only 117 of these, and the percentages cited in the text are, therefore, based on this sample.

Another motive of landowners in using litigation to evict cultivators is the desire to convert to commercial agriculture, like sugarcane. Or landlords may mobilize the courts to intimidate peasants into not participating in political efforts designed to improve their socioeconomic conditions. Membership in farmer-oriented organizations such as the Federation of Free Farmers, requests to convert to leasehold from share tenancy, or participation in the government's land reform program motivate landlords to seek to coerce peasants from the land. In one case where the tenant had initiated action for leasehold, the response of the landlord was to reduce the home lot to the minimum dimensions required by law and then to file court action any time the tenant used the land beyond the immediate home lot. In another case, the landlord requested that the court assign substantial damages (for alleged mental anguish and social humiliation) to deter all other tenants who might seek to alter their relationship with the landlord.

Since the imposition of martial law on the Philippines in 1972, the government has reduced landowner use of the court's resources in this manner:

Unless certified by the Secretary of Agrarian Reform as a proper case for trial or hearing by a court or judge or other officer of competent jurisdiction, no judge of the Court of Agrarian Relations, Court of First Instance, municipal or city court, or any other tribunal or fiscal shall take cognizance of any ejectment case or any other case designed to harass or remove a tenant of an agricultural land primarily devoted to rice and corn . . . (Presidential Decree No. 316).

By 1976, as a result of this and related government regulations, there was a significant decline in landowner harassment of tenants through the Court of Agrarian Relations. In 1971, 32 percent of the cases filed were for ejection of the cultivator; in 1974, only four percent.

The defensive strategy—in which the plaintiff seeks to retain access to resources or to continue a socioeconomic relationship—is one sometimes pursued by the peasant population. From 1968 to 1976, some 32 percent of the litigation in the three courts of Cebu, Ormoc, and San Carlos concerned issues in which the farmer sought to maintain or regain land which he had been cultivating. The primary concern was not land ownership but simply the right to cultivate. By and large the court is not used by tenant-farmers as a means of fundamentally altering ownership of this production resource, even though the high ratio of farmers to arable land makes land an exceedingly scarce commodity. Legally there are circumstances and means under which tenants can secure

through court action ownership of the land they till. Under the Philippine Code of Agrarian Reforms, an agricultural lessee does have the right to purchase the land if the lessor sells the plot or if the agrarian reform agency requires private agricultural land for redistribution to the cultivators. After the martial law government proclaimed its land reform program, several private lawyers initiated court action on behalf of tenant-farmers to purchase rice and corn fields. But legal action to acquire ownership is rare: it occurred in just slightly over one percent of the 1743 cases filed.

More commonly, the peasant comes to court either after having been removed from the land or when removal is imminent. It may be that the owner or civil lessee has recently been changed. As a result, the bonds between the tenant and landlord are weak. The tenant, threatened with loss of livelihood, then attempts to acquire influence over the landholder through the political resources of the court. Alternately, the tenant's access to crop land may be jeopardized by the conversion of agricultural land into urban land. In cases of this type, what was once rural has now become an island in an expanding urban area, and the mobilization of the CAR is a last resort to maintain one's status as a peasant. This same type of conflict is evident in those lawsuits in which the peasant is fighting against the introduction of commercial crops like sugarcane. It is in the interest of the cultivator to turn to the courts, because commercial agriculture is a direct threat to the life style of the peasant. The cultivation of a crop like sugarcane normally means wage labor; it is basically enclave agriculture oriented to a foreign market rather than to local consumption.

The growing market orientation under which landowners seek to maximize returns regardless of costs to the tenant-farmer has eroded the traditional pattern of rights and obligations. The peasant attempts to cope by enlisting the court to enforce the traditional obligation of the patron to provide access to land. Theoretically this behavior is best explained in terms of the normative dimension of Philippine peasant economics. The tenant farmer goes to court to protect what he already has, or in Tawney's metaphor, to keep from drowning (Tawney, 1966: 77). Thus the Court of Agrarian Relations represents an alternate set of resources for survival when the peasant is faced with economic change which threatens his subsistence. It is the subsistence right, rather



than rights accorded by law as norm, which the peasant is often asserting.

However, there is a set of cases in which the peasant litigants appear to use the resources of the CAR offensively to acquire rights defined by national law. The most common examples are requests for a change in the cultivator-landlord relationship from share-tenancy to agricultural leasehold; 552 (or 31.7 percent) of the 1743 CAR cases raised this issue. The second most common cause of action, a total of 161 cases (9.2 percent), focused on the demands of agricultural laborers for employer fulfillment of obligations to pay minimum wage or termination pay. Some of these lawsuits were in fact intended to accord local relationships with the legal norms mandated by the central government. This is particularly evident in a case in which, two months after the formal complaint was filed by the peasant, the parties voluntarily brought a written leasehold contract in the local language to the CAR judge for legal ratification. That the tenant initiated the litigation, that agreement fully in accordance with the law was reached in a relatively short period of time, and that the use of the local language prevented misunderstandings all point to satisfactory legal change.

It is likely, however, that many of these cases arise out of local relationships and the world-view of the rural population rather than any commitment to the law per se. For example, of the 552 cases seeking a change in the landlord-tenant relationship, slightly more than half (277) followed a pattern in which a single lawyer brought suit against a single landlord on behalf of a number of tenants (anywhere from 24 to 93 plaintiffs per case). The large percentage of cases conforming to this pattern reflects most clearly the role of the lawyer rather than the desire of the peasants for legal change. About a third of the 277 were initiated by a government attorney whose official role was to propagate legal norms. The remainder were filed by private lawyers who had established farmer organizations for which the filing of litigation, frequently requesting minimal changes, was part of a strategy to secure and maintain a constituency. Furthermore, an examination of case histories of leasehold suits reveals that at least another fifth arose from a breakdown in the patron-client relationship rather than from the view that legal leasehold is intrinsically more desirable than share-tenancy. A tenant went into litigation for leasehold to prevent his landlord from converting the land he tilled into a sugarcane field. Another peasant mobilized the law after a new

owner threatened alterations in the conventional tenant-landlord symbiotic relationship. In this type of case, the legal request for leasehold generally comes after a break in the social relationship between the two parties and reflects a more defensive orientation. That such a large portion of the litigation for leasehold is explained by variables other than the normative appeal of a written, legal contract correlates with survey data (gathered prior to the reforms under martial law) which shows that only about 20 percent of share-tenants express outright rejection of the system. Moreover, "where share tenants say share tenancy is not good, the reasons given most often represent 'abuses' of the share-tenant systems, rather than integral or essential elements of it" (De los Reyes and Lynch, 1973: 42).

But the aims of the disputing parties are not the only variables shaping the manner in which the resources of the CAR are utilized. The dispute process is seldom, if ever, under the complete control of the landowner-tenant principals. Machado (1979), for instance, has analyzed the way in which local officials constrain the choices of disputants, thus contributing to the frequent use of "amicable settlement" in the rural Philippines.

Among the actors that affect the manner in which the agrarian court's resources are utilized are formal organizations such as labor unions and government agencies. Some organizations employ these means to further their own political objectives. Others act as litigious interest groups on behalf of the "have-not" sector. Still others mobilize the court as a means of control over some portion of the rural population.

The Cebu labor union conflict referred to earlier in this article illustrates the first. Given the fact that the petition for certification elections was initiated by the provincial leadership of the Free Workers Association and given the patronage of this association by the local congressman, the challenge to the Associated Labor Union, which had had contracts on behalf of many agricultural workers for several years, takes on a definite political hue. In the weeks prior to the representation elections, there were repeated allegations of intimidation by the security agency of the challenger, and on the 29 haciendas where polling actually took place, the Associated Labor Union received a total of only three votes. Court personnel suggest that because Philippine judges are political appointees and because the judge in these specific cases aspired for promotion to the Court of First Instance, the CAR overlooked the

anomalies of the elections and certified the Free Workers Association as the sole agent for collective bargaining on the 29 sugar plantations. It is apparent that the agricultural workers, in whose interest the elections were allegedly being held, had little to do with the utilization of the court's resources. This case is not atypical. As legal-system personnel have long been part of local patterns of power, state legal institutions are frequently turned to local purposes; they are often instruments in conflicts over political and economic control (Machado, 1980: 4).

In contrast, formal organizations like the Federation of Free Farmers or the government's Bureau of Agrarian Legal Assistance have functioned in the judicial arena as interest groups on behalf of tenant farmers and agricultural workers. Although this is not their primary role, such groups have acted to structure the types of issues which the court would address. The government agency, for instance, had formulated litigation for the purchase of large estates, and the Federation of Free Farmers has structured legal suits for the shares of the agricultural workers under the Sugar Act. In both types of litigation, the organization determines the purpose for which the court is activated. The role of organization as legal instigator continues in the Philippines today, but since the alteration of the political system through martial law, government agencies are increasingly mobilizing the CAR for the purpose of controlling the behavior of the peasant population. By 1977 the most frequent litigation issue was the collection of agricultural loans which the government had made to cultivators (Rausch, 1979: 6). This collector role is part of a more general trend in which the CAR becomes an administrative extension of the central government rather than a forum for processing disputes between cultivator and landowner.

Initially adjuncts to the dispute, the individual lawyers frequently are the actors who determine the purposes to which the judicial resources are put. This is not to simply assert that these legal specialists cast the rural dispute into the mold of national law but to point out that the attorneys practicing before the agrarian court do use the court in ways wholly unintended by the disputants. A benign illustration is the common procedure of seeking CAR ratification of conflict settlements achieved through informal dispute processing mechanisms. When approached for assistance by a tenant, the attorneys of the Bureau of Agrarian Legal Assistance

commonly defer filing a complaint with the CAR and, instead, simply conduct a mediation session among the conflicting individuals. Any settlement achieved is then submitted to the CAR for formal approval. It is the values of the lawyers, rather than those of the principals, which elicit legitimization by the court.

Mobilizing the court may in fact serve the interests of the lawyer more than those of the client. In those cases where the attorneys had induced peasants to become dues-paying members of a farmers' organization, analysis of the exchange relationship between the lawyer and clientele produces the conclusion that the costs for the attorneys are minimal and the rewards high, whereas the costs for the farmer are substantial and the gains minimal. Litigation filed by the lawyer follows the pattern of a large number of suits for the same issue against the same landowner. Thus a standard, mimeographed complaint and common hearings are used, and the single issue reduces the necessity of extensive research or preparation. "Debt of gratitude" (*utang kabubut-un*) works to the advantage of the lawyer, and his rewards include not only deference from the farmer members but also tribute-shares from each client during the harvest season. While it is true that the attorneys following this pattern have initiated innovative suits for court implementation of new legal norms and that they are often less reactive than government legal bureau attorneys, objective gains for the cultivator are not great. Litigation does not secure substantial benefits for the "have-not" sector. In San Carlos the set of innovative cases filed by one such lawyer under the martial law land reform program was dismissed. The cases for leasehold conversion, while leading to the establishment of leasehold, did not fix rentals, and a third set of cases was merely for written contracts and adjustment of excess rentals.

Lawyers and court personnel sometimes more blatantly direct the mobilization of the court to their personal advantage. It may be as petty as a poorly paid deputy sheriff demanding that the winner in the case pay any expenses incurred in delivering and carrying out execution orders; it may take the form of one or both attorneys accepting payment to facilitate a "settlement" outside the formal dispute-processing mechanism; it may be a CAR staff member prematurely leaking information to one of the parties, thereby altering the outcome of the litigation. Or it may be bribes paid to the judge. In each of these situations and in those previously delineated, the

resources provided by the mobilization of the court operate contrary to the interests of the principal disputants.

#### IV. SOCIAL CHANGE

In evaluating the Court of Agrarian Relations from the perspective of power, it is important to clarify whose interests are ultimately served. One approach, adopted here because of the CAR's origins within the agrarian reform program, is to examine the relationship between the court and social change. If such an inquiry were undertaken from the perspective of social theories of law (Friedman, 1977: 158), it might be assumed that the Philippine legal system is a kind of conduit. The social problem of agricultural tenancy created demands for change; these demands resulted in change-oriented agrarian laws. The Court of Agrarian Relations is now acting to enforce the new legal norms. However, reality is widely divergent from this theory. The CAR is not a significant instrument for social change, even though such change has been a declared goal of the national government.

Fundamentally, the court operates to protect the current arrangement of wealth and social status. The rate of litigation is much lower than would be needed to significantly restructure the allocation of economic and social resources to the benefit of the cultivators. For example, between 1968 and 1976, only 20 cases were filed in Cebu, Ormoc, and San Carlos for the transfer of ownership to the actual tillers of the soil. In the province of Cebu alone, there were approximately 55,000 tenanted farms (Census of the Philippines: Agriculture, 1960). Moreover, it is uncommon for a tenant-farmer or agricultural laborer to win all that he has petitioned for through litigation. In only 30 percent of the cases are the cultivators able to realize all tenurial rights requested. A negotiated outcome in which the tenant receives less than the total sought is not necessarily a defeat. A compromise agreement which reflects an adjustment of contending interests may confer substantial benefits on peasant plaintiffs. Nevertheless, compromise agreements generally function to reinforce the current distribution of wealth and social status because they frequently circumvent the reform-oriented nature of agrarian law in the Philippines. As limited as these reforms are, the law does seek to restructure economic relationships in the rural sector. Finally, the rate of success in securing legally stipulated rights in cases which involve a *major* exchange of resources is nil. In the cases sampled, significant change did not result when

litigation was filed to purchase a landed estate or to secure the payment of wage differentials.

At best, the Court of Agrarian Relations limits behavior on narrow issues. It is in conversion to agricultural leasehold, granted in 78 percent of the cases where it is an issue, that the litigant has the highest probability of securing what is requested from the court. A principal explanation is that meeting this demand does not alter ultimate control over the land. In other words, share tenancy is a “zone of slack” (Friedman, 1977: 166) which, though it serves the interests of economic elites more than a leasehold relationship, does so only slightly in contrast to land ownership, a “zone of deep defense” regarded as vital and guarded to the end. Another explanation is that legal action for this issue allows significant room for compromise in the final agreement, in that the court’s stipulation for conversion to leasehold is frequently qualified by the exclusion of some land or the “fixing” of only temporary rentals.

But even on fairly restricted issues, the court is much less capable of restraining the wealthy and powerful. In litigation for reinstatement of the cultivator to the land, the peasant-litigant has a 39 percent rate of success. To demonstrate how this reflects the influence of the “have” sector, it is only necessary to note that in many such cases the result is a compromise agreement in which the peasant-claimant forgoes returning to the land in exchange for a relatively small sum of money. In such a circumstance where the court fails to act for the reallocation of the land, not only does it use its power to undermine the subsistence right of the plaintiff but also, in effect, it participates in the reduction of that peasant to a landless agricultural worker, since the person/land ratio in the Philippines makes it difficult to secure access to another plot of land.

Thus the CAR, by and large, is not an instrument for significant social change to the benefit of the “have-not” sector. That it is not is due to the nature of law in Philippine society, the cultural norms of the rural Filipino, and the relative distribution of power in the Philippines.

Theories about the nature of law in complex societies, according to Dwyer (1979), have taken several differing perspectives. One view is that law not only sustains order and stasis but is also supportive of protest and rebellion. The substance of the agrarian law of the Philippines provides some evidence for this point of view: rice farmers, for instance, have



legal rights which maintain not only their access to the fields but also their right, e.g. leasehold, to protest against status quo economic relationships. But overall, the evidence from Philippine agrarian law provides greater support for the view that the law is imposed from above with the aim of bolstering the dominant status of society's elite.

As a general phenomenon, the agrarian law has a conservative orientation in that it tends to restrict the types of issues which can be raised. As a consequence, the Court of Agrarian Relations is often more concerned with disposing of the symptoms of fundamental social conflict than with relieving its underlying causes. The substantive law requires the judicial institution to focus its attention on specific courses of action (such as the grounds for ejection or reinstatement of a tenant-farmer) when the major problem is the displacement of the peasant population through large-scale commercialization of agriculture. In many situations, even a liberal judge may have little latitude, because the law to be applied by the judicial institution, reflecting the policy preferences of the economic elite, narrows the range of social problems which the judge may address. That Filipino judges play a minor role in sociolegal change is thus to be expected, all the more so because judges in civil-law countries are not supposed to change the law (Friedman, 1977: 164).

From a normative perspective, the type of rights which a peasant might claim is also circumscribed by the law. Philippine agrarian laws are founded on the right to private property; thus the law simply is not an instrument through which labor may assert its right to ultimate control over the means of production. When the law does furnish an avenue for acquisition of land by the peasant, through the rights of preemption and redemption, the technique is within the context of a market exchange and leads to private ownership. At best, Philippine agrarian laws provide for reform of the landowner-cultivator relationship, but they do not constitute a radical strategy for transforming the agricultural economy. This is of course not unique to the Philippines.

Everywhere we see that in industrialized nation-states the wealthier members of a society override and superimpose their view on the poorer, less powerful sectors by means of the law. In the developing nations law will play a great part in this determination because the law is fashioned to legitimate the status quo (Nader, 1975: 168).

Similarly, the cultural norms of the rural Filipino provide a restraint on what a peasant might gain from mobilizing the judicial process. One operative value is that a "person is

expected to recognize and accept his own status and role and those of others in the social hierarchy" (Agpalo, 1969: 5). The subordinate is required to accept his position unquestioningly on the cultural assumption that the superordinate knows best. On the other hand, the superordinate is required to be understanding, kind, and firm—to act like a father to the subordinate. In combination with what Scott terms the "norm of reciprocity" and the "right to subsistence" as the two moral principles of social justice, these values preclude demands for a radical redistribution of economic resources as long as this sense of social justice is met (Scott, 1976: 11). A Cebu case filed by a landlord for collection of unpaid rentals illustrates the operation of these values. The defendant-tenant responded to the complaint by arguing that the rentals were not just because the landlord insisted on using a different, larger basket for measuring the shares. The tenant did not argue for a right to land ownership or deny the right of the landlord to receive the shares of the crop. His complaint is that the landowner had violated the norm of reciprocity and threatened his subsistence right.

For the courts to be effective in resolving disputes, the rural population must want to use them for that purpose. For many Filipinos, however, going to court is simply not perceived as a desirable technique for resolving private conflicts. The very act of filing a complaint in court is likely to make the resolution of the conflict more difficult because the Filipinos' world-view is dominated by personal relations and concern for smooth human interactions (Grossholtz, 1964: 166). While conflict in general is viewed as dangerous to one's self-esteem, in the rural Philippines "one of the most serious offenses that a tenant or landlord can commit against his partner is to bring him to court" (De los Reyes and Lynch, 1973: 44). For the tenant in particular, the submission of a legal complaint predictably exacerbates the strained relations, leads to a suspension of any existing extra-legal assistance, and may ultimately result in his departure to find a new landlord.

The CAR is further limited as an instrument for the redistribution of social and economic resources by the differences in economic and political power between the peasant and landowner classes, which are reflected in corresponding differences in influence in the courts. The nonlegal resources of wealth and allies are each used successfully by landlords to induce the peasant to accept less than the rights to which he is entitled under the law. It is the

differential in wealth which causes the tenant's abandonment of reinstatement cases in return for a sum of money from the landlord. Judicial records term such cases "voluntary surrenders," but it is the economic disadvantage of the peasant that leads to the calculation that accepting payment may be the most rational choice. In the same way, it is the wealth differential that allows the landowner to avoid a judicial decision supporting the peasant's legal rights by circumventing the law through bribing decision makers. It is not at all unusual to find lawsuits in which a landlord, who is a relative of the mayor, illegally plowed an existing crop of a tenant, under the supervision of the Philippine Constabulary. In such circumstances, there is little point in going to court. Even if a favorable judicial decision were achieved, the peasant could be too intimidated to insist on execution of the legal verdict, and might lack the resources to ensure that the orders of the court were implemented. Officials responsible for enforcing the law are oftentimes allied with the landlords; the enforcement process is slow; and the executors frequently require a bribe (*suborno*) to even begin the process of implementation.

The power difference between the landlord and the peasant is most evident in the access of each class to the institutions of the rural community. Because government entities are normally staffed by members of the landowning class, these institutions are most frequently aligned against the peasant in any conflict with the landlord. In a study of disputes over irrigation water, it was revealed that landowners who committed misdemeanor violations of irrigation regulations were not arrested or charged in court, whereas the National Irrigation Administration initiated arrests and court cases against tenants (Cruz, 1974: 113). Even institutions which nominally function on behalf of the peasant may narrow the outcomes possible for this "have-not" sector, because these institutions have the power to change policy.

With the power of institutions either outside of his control or directly marshalled against him, the peasant is likely to seek a compromise settlement of the dispute, and very likely to forgo what he or she is fully entitled to under the norms of the law. The Filipino peasant is a risk minimizer. Past experience has taught the peasantry to "fear the capacity of the owner to use the law against them" (Fegan, 1972: 119); with power distributed against them, a reasonable tactic is to seek a compromise agreement. Instead of employing and trusting the court to resolve conflicts, the peasant-litigant substitutes the

alternate goal of amicable settlement to retain as much control as possible over the outcome of the dispute. Legal rights are sacrificed but losses minimized. Such agreements, however, do not advance the class interests of the peasantry, because settling disputes by compromise leads to "less precise restatements of norms as law" than does a judicial decision (Bohannan, 1967: 53).

## V. CONCLUSION

The principal function of the Philippine Court of Agrarian Relations is not the resolution of conflict through the judicial application of legal norms. Rather the court is utilized by litigants and other participants in ways which are more often defined by the local nature of the dispute than by the national legal system. The court is sometimes the main arena for a dispute, but it is often a secondary locus for conflict centered elsewhere. As a consequence, the political resources of the Court of Agrarian Relations constitute only one among several sets of assets which actors utilize to pursue their interests. Substantive rights, judicial procedure, ceremony, and legal allies are employed to influence behavior outside the institution—just as external resources are used to support or to oppose interests defined by law as norm. Because the agrarian court exists in a social context where law, cultural norms, and the general distribution of power operate to the advantage of the "haves," it is limited in its capacity to promote social change.

## REFERENCES

- AGPALO, Remigio E. (1969) *Pandanggo-Sa-Ilaw: The Politics of Occidental Mindoro*. Athens Ohio: Ohio University Center for International Studies, Southeast Asia Program.
- ABEL, Richard A. (1973) "A Comparative Theory of Dispute Institutions in Society," 8 *Law & Society Review* 217.
- ARNOLD, Thurman W. (1962) *The Symbols of Government*. New York: Harcourt, Brace and World.
- BOHANNAN, Paul (1967) "The Differing Realms of the Law," in P. Bohannan (ed.), *Law and Warfare: Studies in the Anthropology of Conflict*. Garden City, New York: Natural History Press.
- BUREAU OF THE CENSUS AND STATISTICS (1960) *Census of the Philippines: Agriculture*. Quezon City: Republic of the Philippines.
- COLLIER, Jane F. (1976) "Political Leadership and Legal Change in Zinacantan," 11 *Law & Society Review* 131.
- CRUZ, Helen Acupinpin (1974) "Conflict Among Farmers in an Irrigation System in Iloilo Province, the Philippines." Ph.D. Dissertation, Department of Sociology, Cornell University.
- DE LOS REYES, Romana Pahilanga and Frank LYNCH (1973) "Reluctant Rebels: Leasehold Converts in Nueva Ecija," in F. Lynch (ed.), *View From*

- the Paddy: Empirical Studies of Philippine Rice Farming and Tenancy.* Quezon City: Institute of Philippine Culture.
- ENGEL, David M. (1978) *Code and Custom in a Thai Provincial Court. The Interaction of Formal and Informal Systems of Justice.* Tucson, Arizona: University of Arizona Press for the Association for Asian Studies.
- FEGAN, Brian (1972) "Between the Lord and the Law: Tenants' Dilemmas," 20 *Philippine Sociological Review* 113.
- FELSTINER, William L. F. (1974) "Influences of Social Organization on Dispute Processing," 9 *Law & Society Review* 63.
- FRIEDMAN, Lawrence M. (1977) *Law and Society. An Introduction.* Englewood Cliffs, New Jersey: Prentice-Hall, Inc.
- FRIEDMAN, Lawrence M. and Robert V. PERCIVAL (1976) "A Tale of Two Courts: Litigation in Alameda and San Benito Counties," 10 *Law & Society Review* 267.
- GALANTER, Marc (1974) "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," 9 *Law & Society Review* 95.
- GROSSHOLTZ, Jean (1964) *Politics in the Philippines.* Boston and Toronto: Little, Brown.
- HOLLNSTEINER, Mary R. (1963) *The Dynamics of Power in a Philippine Municipality.* Diliman, Quezon City: Community Development Research Council, University of the Philippines.
- KIDDER, Robert (1973) "Courts and Conflict in an Indian City: A Study in Legal Impact," 11 *Journal of Commonwealth Political Studies* 121.
- LEMPERT, Richard (1978) "More Tales of Two Courts: Exploring Changes in the 'Dispute Settlement Function' of Trial Courts," 13 *Law & Society Review* 91.
- LEWIS, Henry T. (1971) *Ilocano Rice Farmers: A Comparative Study of Two Philippine Barrios.* Honolulu: University of Hawaii Press.
- LOWY, Michael J. (1978) "A Good Name is Worth More Than Money: Strategies of Court Use in Urban Ghana," in L. Nader and H. F. Todd (eds.), *The Disputing Process—Law in Ten Societies.* New York: Columbia University Press.
- MACHADO, Kit G. (1979) "Politics and Dispute Processing in the Rural Philippines," 52 *Pacific Affairs* 294.
- (1980) "State Legal Institutions and 'Amicable Settlement' in the Rural Philippines." Presented at the Eighth Conference of the International Association of Historians of Asia, Kuala Lumpur, Malaysia (August 25 to 29).
- MERRY, Sally Engle (1979) "Going to Court: Strategies of Dispute Management in an American Urban Neighborhood," 13 *Law & Society Review* 891.
- NADER, Laura (1965) "The Anthropological Study of Law," 67 *American Anthropologist* 6 (part 2).
- (1975) "Forums for Justice: A Cross-Cultural Perspective," 31 *Journal of Social Issues* 151.
- RAUSCH, Ulrich (1979) "Justice Philippine Style." Prepared for the Institute of Philippine Culture, Ateneo de Manila University (August).
- SCOTT, James C. (1976) *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia.* New Haven: Yale University.
- SILLIMAN, G. Sidney (1980) "The Philippine Court of Agrarian Relations in the Context of Martial Law," 20 *Asian Survey* 634.
- STARR, June (1978) "Turkish Village Disputing Behavior," in L. Nader and H.F. Todd (eds.), *The Disputing Process—Law in Ten Societies.* New York: Columbia University Press.
- STONE, Richard L. (1973) *Philippine Urbanization: The Politics of Public and Private Property in Greater Manila.* DeKalb, Illinois: Center for Southeast Asian Studies, Special Report No. 6, Northern Illinois University.
- TAWNEY, R. H. (1966) *Land and Labor in China.* Boston: Beacon Press.
- TURK, A. T. (1976) "Law as a Weapon in Social Conflict," 23 *Social Problems* 276.