

LAND TITLE WARS

Rush to judgment

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BOCAS DEL TORO. This is the fourth in a series of articles about the instability of land ownership in the islands of Bocas del Toro.

The first three concerned people who have been more or less able to defend their holdings. Not all the cases we looked at went that way. Steve Cottrell and his wife Angie, for example, have a house at Playa Tortuga on Isla Colon and an influential neighbor who, according to the Cottrells, has appropriated some of their property. They requested a limiting and marking action from Circuit Judge Manuel Garcia that took place in 2008. It cost more than six thousand and, according to the Cottrells, went favorably, but the judge still hasn't ruled.

Scott Hedrick paid \$300,000 for a waterfront building in Bocas Town, where he and his wife opened a handicrafts shop. His neighbor wanted to swap buildings, and when Hedrick declined, got an eviction order from Judge Garcia. The Hedricks had two hours to vacate their business and abandon their property, and their appeals have been in vain.

Jim McCarren built the Buena Vista Restaurant. Eugenio Cheu ended up with the building via a lawsuit and a ruling from Judge Manuel Garcia. The outcome didn't surprise McCarren's lawyer, since during the trial the judge addressed Señor Cheu as "Daddy."

The saddest case concerned a family named Castillo. In 1975, Nazario Castillo, a public employee, bought possession rights to a 12-acre plot of empty land on Isla Solarte. He requested and received certification from Agrarian Reform. He built a house and cultivated coconut, mango, cashew, and avocado.

Later on his brother Esteban quit his job as a policeman on Isla Colon and built a house on Nazario's land. He brought his wife and children over and devoted himself to working the land. Later still, during the 1980s, Nazario's son and daughter, grown up and with families of their own, built houses on their



PHOTO: COURTESY

This was Veronica Castillo's home

father's land, making it three generations that lived there.

Meanwhile, in Panama the dictatorship fell and the economic crisis passed, and outside Panama the Cold War ended and the world economy took off, and retirees and tourists from North America and Europe discovered the islands of Bocas. Land that no one had wanted to buy by the acre began to sell by the square meter. Evictions began also.

Near the end of the 1990s, Nazario received a message from Shepard Johnson, an American land developer who had bought a 375-acre tract on Isla Solarte for a retirement community. A lady named Jilma Gaslin had tried to sell him a plot supposedly belonging to her father. Johnson, who knew the island well, realized the plot she wished to sell was located on land occupied by the Castillos. He didn't buy and warned Nazario.

When he learned that his home was in danger, Nazario took steps to reinforce his ownership. In August 2000, on his petition,

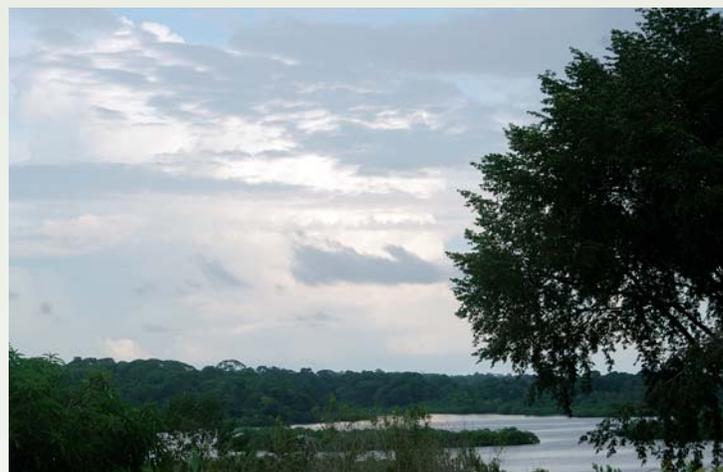


PHOTO: COURTESY

Solarte Island now that Veronica's home was knocked down

Agrarian Reform inspected his land and certified that he "had occupied it for 24 years without any problems from third parties." Later he applied to the land valuing office of the Ministry of Economy and Finance for a concession, and his application was endorsed by the district municipal council. In 2002 he obtained a document from the Corregidor of Bastimentos that certified in part as follows:

"That Señor Nazario Castillo Baker has peacefully and without opposition from third parties occupied a plot of land owned by the Nation on Isla Solarte during the space of 27 years [and] that he has made improvements on said plot by way of planting fruit trees."

There was no point in his documenting the fact that the land in question was home to four families. The laws of the Republic are

not concerned with such matters.

In 2006, when the Castillos had been occupying and working the land for 31 years, Jilma Gaslin claimed it formally in the name of her father, John Gaslin Almengor, presenting a title dated 1917 and inscribed in the Public Registry. Circuit Judge Manuel Garcia accepted her request for a non-contentious limiting and marking action.

Judge Garcia's ruling in this action held that the plot claimed by Señora Gaslin was located on top of the land occupied by the Castillos. He later accepted her suit for recovery. In it she accused Nazario Castillo in having invaded her father's land in 1999, and of refusing to leave it although he knew that his occupation was illegal. In April 2008, Judge Garcia ruled in favor of Señora Gaslin. In November he evicted the Castillos.

The full weight of the legal struggle fell on Nazario's daughter Veronica. She worked in an Internet cafe on Isla Colon and had some savings. These disappeared in the vain defense of her home and patrimony. Meanwhile, Eric De Leon Gaslin, Jilma's son, worked in the office of Judge Garcia. He told the Star he had worked there for eleven years—that is, since the judge's appointment. In June of this year his appointment was made permanent.

Jilma Gaslin has put her Isla Solarte property up for sale. It won't be easy finding a buyer. The world economy is in recession, while the lack of juridical security in the islands of Bocas del Toro has depressed the real estate market there. Meanwhile, to maintain possession, she pays a family to live in the house that once belonged to Nazario Castillo. When Veronica visited there eight months ago, they apologized to her. On that visit Veronica noted that her house has been torn down and that the fruit trees had been neglected. She no longer works on Isla Colon. She doesn't like to go there. It seems that, whenever she does, she runs into Eric De Leon Gaslin.