

## Final Report

# **Mapping and Analysis of Indigenous Governance Practices in the Philippines and Proposal for Establishing an Indicative Framework for Indigenous People's Governance**

*Towards a Broader and Inclusive Process of Governance in  
the Philippines*

Rizal G. Buendia, Ph.D.  
Consultant and Project Team Leader

Alex B. Brillantes, Ph.D.  
Project Advisor

Research Associates and Case Writers

Lorelei C. Mendoza, Ph.D.  
Prof. Rufa Guiam  
Luisa Sambeli

## Part I

# Mapping and Analysis of Indigenous Governance Practices in the Philippines

## Introduction

The pluralism and diversity of the Philippine nation characterized by the presence of various ethnic communities, cultures, religions, and languages, even as the people share many elements of a common heritage makes unity and national development a complex issue. Governing a multi-ethnic nation-state makes it imperative that peoples' cultural, differences, and politico-economic structures and systems be considered in governance.

In many situations, indigenous peoples' (IP) governance are very locally and lineage (clan)-based. Different aspects of IP governance vary in different settings because societies value processes, forms, and outcomes of governance differently. It is important therefore that differing indigenous traditions and values be recognized and accommodated in a way that contributes to good governance rather than undermines it.

Peoples' culture is one of the defining features of IP governance and development. Culture informs and legitimizes conceptions of one's self, of social and political organization, of how the world works and of how the individual and group appropriately work in the world. In its political-economic manifestation, culture serves as a series of implicit contracts by which individuals are credibly bound to the system of incentives and constraints embodied in formal and informal mechanisms of social control and organization.

Given that culture and political organization are intricately linked, IP system of governance can be better understood by exploring the ties between the existing power relations and functions they perform in society. The growing awareness of the significance of institutional factors influencing the course of community economic development in fact has emerged as central issues in the research work of Stephen Cornell and Joseph Kalt (2000)<sup>1</sup>. Culture and governance are two facets of IPs communal life that cannot be severed nor treated separately but analyzed together and jointly. These are significant aspects in comprehending the overarching concept of IP self-government and self-rule.

The concept of autonomy has a deep historical meaning among the IPs. It is a permanent fixture in the local vocabulary rooted in ethnic identity, claim for ownership of ancestral lands, and defense of culture. Nonetheless, the problem is that the understanding of autonomy has been limited to ethno-linguistic groupings. Identity stops at the village boundaries while a great deal of cultural pluralism exists (Prill-Brett 1989, 1987; De Raedt 1987; Young 1976). Autonomy has not transcended the confines of ethno-linguistic groups. Neither has it taken a meaning that encompasses the entire region nor defined within a regional context.

Against this backdrop, the effort to consolidate and integrate the diverse ethnic groups in the country through a regional autonomous government under the nation-state

is one of the more formidable challenges facing the strivings toward nation-building. The minority peoples in general have viewed their autonomy not simply as an issue of political empowerment. In the literature, self-government is considered as an essential part of IP heritage. IPs seek to maintain or expand the practice of self-government apart from protecting their religious and cultural values.<sup>2</sup> Self-rule, self-government and self-determination deal ultimately with ethnic survival.

Even as indigenous governmental systems have survived the 21<sup>st</sup> century, there remains a dearth of literature that tackle indigenous governance in the country. While various anthropological and cultural studies undertaken on the socio-cultural practices and systems of belief of IPs have been made, there has been limited work on the deeply rooted quest of IPs to govern themselves.

Given such inadequacy, there is a need to deepen one's understanding on IP governance as well as appreciate their governance mechanisms. It is envisioned that through an increased knowledge of IP modes of governance, appropriate and acceptable models can be crafted and designed that can serve as political instruments of the IPs in their pursuit of self-determination and indigenous development.

This knowledge can likewise serve the IPs in their collective efforts at alleviating poverty, improving IPs indigenous education, reducing child mortality, enhancing maternal health, combating communicable diseases including HIV/AIDS, and ensuring the sustainability of the environment. These will contribute to the achievement of the objectives of the Millennium Development Goals (MDGs). In the same way, this knowledge will also add to the body of indigenous knowledge that IPs can use to claim and protect their rights.

For the interest of this paper, IP is defined based on the formulation made by the Indigenous Peoples Rights Act (IPRA) and various United Nations documents, summarized as follows:<sup>3</sup>:

1. They belong to communities whose members practice a culture or life ways that are different from the mainstream. Members of the group also share a common language.
2. They define themselves (self-ascription) and are defined by others (ascription by others) as belonging to a distinct cultural group.
3. The communities have lived in a defined territory, which they describe as their ancestral domain or ancestral land<sup>4</sup>, since pre-colonial or colonial times.
4. The communities have been marginalized because of their resistance to assimilation by colonization, and continue to suffer marginalization from the mainstream, including the state, because they differ from the mainstream.
5. They should be regarded as those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.<sup>5</sup>

## **Objectives**

The study has the following objectives:

1. To map, review and analyze existing modes of IP governance in key communities in Luzon and Mindanao where 33% and 61% of the IPs reside respectively.

The study intends to examine IP systems of governance and determine indigenous practices in order to establish existing resources, knowledge and capacities that can promote good governance in an IP community leading to poverty reduction, rights protection, and sustainable human development.

2. To provide a general framework in analyzing IP governance and practices.

The analytical framework serves as the structure of reference in examining current and potential issues relevant to IP politics and governance, specifically in the areas of political autonomy, system of authority, leadership, legitimacy, organization of political activities, power distribution and allocation, system of control, belief system, processes of decision making, system of justice and conflict resolution, service provision and delivery system, and management of environment and resources.

3. To ascertain the schemes to be considered in developing a strategic plan for a rights-based IP Governance Assessment Framework.

Designs shall act as guideposts in fleshing out how different IP governance models work while taking cognizance of their various political, economic, social, and cultural contexts, and in identifying or determining indigenous rights based good governance practices and lessons that promote poverty reduction, collective and individual rights protection, and sustainable human and ecological development.

4. To develop a full proposal incorporating strategy framework, instruments, and approaches in integrating IP governance within the current system of Philippine governance.

The proposal is seen to be relevant, appropriate, and responsive to the efforts of mainstreaming IP governance systems and processes in the country. This shall define the strategic policy directions, approaches, and possible interventions that may be adopted and employed by institutions and stakeholders to effectively pursue and sustain a broader and inclusive process of governance in the country.

## Framework of Analysis

The mapping of IP governance initially utilized the **structural-functional** framework of analysis. It examined the important political structures and roles established in IPs' society as they interact and interface with other socio-economic and cultural institutions in a particular IP polity. Among others, the framework endeavors to address the fundamental question on the type and form of governance structures that exist and functions they perform, and how these roles are carried out to influence peoples' the quality of life.

Given that different governance structures perform dissimilar functions in diverse IP societies, the structural-function approach aids in determining that certain functions are probably being performed even when institutions normally responsible for them are not performing what they are supposed to be acting upon, e.g., the shaping of political issues, choosing the leaders, making rules and carrying them out, deciding disputes arising under those rules, and others. In other words, even where familiar political structures seem to be "missing," closer observation may reveal that very familiar functions are still being performed, although through other structures. The approach deals with the queries: Who is doing what, in what capacity or role and with what effect?

Explaining why the status quo or system "works," however – that is, how it provides for the performance of certain key functions – may well be an essential first step to recommending ways these functions could be performed in a more effective, efficient, or acceptable manner.

The system of IP governance was examined based on the following parameters:<sup>6</sup>

- *Power and control* – the acknowledged capacity and authority to make and exercise customary laws, resolve disputes, draw commitments from the people to achieve collective goals (law and order, protection from attack, and economic growth) and carry on village administration. Power is a tool which enables village/tribal rulers to achieve the objectives of society and/or change behavior to fulfill a pre-determined goal. Power is examined in terms of:
  - Sources, bases, or foundations of authority;
  - Ability of leaders/rulers to unite and mobilize the people towards a defined goal either through force/ threat of force or influence;
  - Capability of leaders/rulers to create obligations, loyalty, respect, and commitment from the people;
  - Means in imposing one's will against opposition;
  - Ability of leaders/rulers to share or exchange power;
  - Capability of leaders/rulers to respect and apply customary laws and property rights and arbitrate conflicts in the village/tribe; and
  - Ability to control behavior, e.g. exercise of absolute freedom, accumulation of wealth, discriminatory practices, etc.
- *Legitimacy* – the condition of being considered to be correctly placed in a particular role and to be carrying out the functions of that role.<sup>7</sup> It also refers to having widespread approval for the way one exercises power as well as modes in which structures of governance are created, leaders chosen, and the extent of constituents' confidence and support to leaders and structures. This includes the

match between the formal institutions of governance and indigenous political culture, which is necessary for the support of the community members. Among the areas diagnosed were:

- The processes and procedures in the selection of tribal/village leaders;
  - Representativeness of ethnic, tribal, class, religious, age, gender rights and interest;
  - Peoples' participation in decision making and implementation of rules, decisions, judgments, and pronouncements of the village/tribe; and
  - Performance monitoring of leaders and supervision in the implementation of rules, decisions, judgments, and pronouncements.
- *Leadership* – the critical ingredient when people envisage a different future, recognize the need for change and are prepared to instigate change, serving the community interest rather than their own. Such leadership occurs with traditional authority but also can come from anywhere – schools, enterprises or programs or the general citizenry. IP leadership was assessed in terms of:
- Schemes that foster efficiency in the utilization of human, organizational, and technological resources;
  - Systems that encourage effectiveness in delivery of services and in policy implementation;
  - Mechanisms that ensure the stability in the implementation policies;
  - Ability to chart the strategic direction of the tribe/village;
  - Degree of consistency in making decisions, rulings, and judgments; and
  - Capability to transact business, negotiate and settle conflict, and bargain for concessions with other villages/tribes.
- *Accountability* – the extent to which those in power must justify, substantiate and make known their actions and decisions. It relates to legitimacy, respect for rights, equity (not simply equality), and competence (including efficiency).<sup>8</sup> Among the areas analyzed were:
- Apparatuses that promote transparency and visibility in political transactions;
  - Instruments that promote devolution, following the principle of subsidiarity; and
  - Responsiveness of socio-political structures to elicit and promote community involvement in the affairs of the village/tribe.
- *Equality and fairness* – the right of people to participate in the political process and be treated equally by the village/tribe leaders. Equality also includes social and economic parity. The former refers to respect to one's basic characteristics and needs like the right to be protected from undue discrimination resulting from one's sex, age, beliefs, etc. On the other hand, the latter pertains to ensuring that everyone has approximately the same opportunity in the economic domain (e.g. education, training, etc.). The extent of equality in the village/tribe was examined in terms of:
- Modes of peoples' participation in village/tribe political processes;
  - Degree of peoples' access to services, information, market, property, and resources;
  - Customary laws that promote egalitarian standards; and

- Mechanisms that address problems relative distribution of political power and economic resources;
- Procedures in settling internal conflicts, exacting and administering justice, and ensuring peace and order within the tribe/village.

## **Methodology**

The project was undertaken in a period of three (3) months and utilized a mixture of data gathering techniques. Among the methodologies employed were as follows:

### *1. Analytical tools*

- *Literature Survey and Content Analysis of Secondary Data* provided valuable and information on IP governance systems and practices in the country. It also identified experts and institutions that have done similar studies or related researches. Through content analysis, the study abstracted the systems and processes of governance among different IP groups from varied literature which are mostly anthropological and historical in nature and orientation.
- *Stakeholder Analysis* is an entry point to participatory work. It addressed strategic questions like: who are the key stakeholders to this study (communities, tribal/village leaders, local government executives, service providers, CSOs, planners, religious groups, etc.)? What are their interests and perspectives on IP governance? What relative influence do they exert on the operation of IP governance? These sets of information helped identify groups and institutions as well as relations which, if ignored, can have negative influence on IP governance or, if considered, can be built upon to strengthen it.
- *Gender Analysis* focused on understanding and documenting the differences in gender roles, activities, needs and opportunities in the governance context which may affect their welfare and rights. It highlighted the different roles and behavior of women and their partners that may affect their socio-economic and political status. Gender power relations and decision patterns were assessed. These attributes vary across cultures, class, ethnicity, income and education.

### *2. Case Study*

- *Needs Assessment* investigated the perceptions of a sample of beneficiaries and other stakeholders to ensure that their concerns are heard and incorporated into the study. The purposes are to: (a) highlight the constraints and facilitating factors to political participation; (b) obtain feedback on strengths and weaknesses of current indigenous system of governance; and (c) draw out information about IP governance requirements.

The assessment raises participants' awareness of good governance issues and provided a framework for prioritizing trainings and interventions which may be conducted in the future. Besides, capacities have been assessed based on the problems encountered in the promotion and endorsement of good governance system.

- *Case Study* described and examined practices and obstacles/barriers facing IPs in participation in governance processes at the community and national levels. The degree and scale of IPs access to national programs and internationally guaranteed human rights was analyzed and ascertained the factors that inhibit peoples' right to good governance. With a specific focus on an IP group, it generated new knowledge on the links between representation, accountability and responsiveness and/or participation in decision-making on the one hand, and flows of resources in selected areas of service provision/resource management (in particular those with a high importance for achieving the Millennium Development Goals [MDGs]) on the other hand. It endeavored to capture the possible impact of future measures designed to enhance the influence of those individuals and groups whose 'voice' often goes unheard. (see Annex 1 for the Case Study Outline)

### *3. Key Informants' Interview*

- *Semi-structured Interviews* gathered information from individuals or small groups, e.g., indigenous leaders, NGO representatives, and service providers, etc. Interviews were partially structured by a written guide to ensure that they are focused on the issue at hand, but stayed conversational enough to allow participants to articulate and discuss aspects that they consider to be relevant to governance needs, demands and resources.

### *4. Focus Group Discussions*

- *Focus Group Meetings* gained insights and thoughts of IP leaders, experts and key stakeholders on IP governance and development. It collected comparative data from a variety of stakeholders to address a particular governance concern; draw together community beliefs and practices related to the analytical framework; build community consensus about the design of indigenous governance; and cross-check information derived from a number of people.

### *5. Consultative meetings and validation workshops*

- Workshops and consultative meetings were done to validate research findings and generate insights from IP leaders, experts, government officials, NGO leaders, and other stakeholders on the frameworks, mechanisms, approaches, modes of mobilizing resources to raise IP awareness and consciousness on their fundamental rights and entitlements based on UNDP good governance agenda, national and international legal provisions and judicial mechanisms, and mainstreaming endeavors and programs relevant to IPs interests.

## **Findings: Inventory of IP Governance Systems**

This part of the report is divided into two sections. The first section deals with a broad survey of governance systems among selected IPs in the Philippines. The findings were, to a large extent, derived from available literature, researches, and other secondary materials. The second section discusses and examines in depth cases of IP politico-economic and socio-cultural systems against the fundamental tenets of “good governance.” These are explored in the cases of Masadiit of Cordillera, and Subanen and Teduray of Mindanao.

The section aims to provide an inventory of the governance systems of selected indigenous peoples, a total of 36 IP groups, distributed as follows: Northern Luzon (Ibanag, Ivatan, Gaddang, Bago, Ikalahan and Itawes); Cordillera (Ibaloy, Kankanaey, Bontok, Ifugao, Kalinga and Tingguian [Masadiit]); Central and Southern Luzon (Mangyan, Batak, Agta and Dumagat) and; Mindanao (Yakan, Higaonon, Bukidnon, Mansaka, T’boli, Bagobo, Manuvu, Matigsalog, Isama, Kalagan, Mandaya [Davao Del Norte], Mandaya [Davao Oriental], Teduray, B’laan, Tigbao Subanen, Kulaman Manobos, Kalibugan, Iranun, Maguindanaoan and Maranao). Governance system is operationalized as:

1. System of rule, authority, leadership and legitimacy;
2. Power distribution, allocation and control;
3. Processes of decision-making system;
4. Organization of socio-economic and political activities;
5. Justice and conflict system;
6. Land tenure and property system;
7. Service provision and delivery system;
8. Management and utilization of resources; and
9. Value and education.

The ensuing inventory of governance systems draws meaning from a holistic appreciation of these local communities socio-historical evolution. The practices presented herein are about immediate past or current political practices, as suggested in the specific cases.

### **System of Rule, Authority, Leadership and Legitimacy**

#### ***Northern Luzon***

##### ***Ibanag***

The Ibanags had a form of leadership similar to the other IPs all over the country prior to the arrival of the Spaniards in the Philippines. Marino Gatan in his book entitled *Ibanag Indigenous Religious Beliefs: A Study in Culture and Education (1981)*, explained that the tribe was led by the *dakal na barangay* (*barangay* head) who was not officially selected but emerged as leader because he possessed charisma and “humaneness to control or placate his people” (Gatan 1981:16).

Ibanags as cited by Gatan likewise placed primary importance on intelligence and integrity of a leader. Leadership, according to Gatan, was not achieved through inheritance but through “individual performance and integrity” (Ibid:18).

### *Ivatan*

Citing F. Bartolome Artiguez, Florentino Hornedo, in his book entitled *Taming the Wind: Ethno-Cultural History on the Ivatan of the Batanes Isles (2000)* cited that the tribe was headed by a *Mangpus* (Hornedo 2000:15). The government of the Ivatans was described as hierarchical. The following was the line of authority: *Mangpus-Mapolon-Petty Officials*. The *Mangpus* was the supreme ruler followed by the *Mapolon* and his subordinates. *Mapolon* was only accountable to *Mangpus* (Ibid).

The following list enumerated the traditional rights of *Mangpus*:

- (1) collect revenues from the entire barangay;
- (2) administer justice;
- (3) defend and help his people;
- (4) take up arms and defend even just one of his people;
- (5) avenge any crime committed against his people;
- (6) spend for feasts to which his people were invited and on which occasions his people brought him gifts.

(Hornedo 2000:15)

Hornedo further recorded that the Ivatan social organization was described as “traditional” and “non-traditional” (Ibid:121). “Skill” and “charisma” were the basis of the traditional aspect and the people placed wise leader as head of their tribe (Ibid). Similar to the Ibanags, intelligence was also a vital factor for Ivatans.

Cesar Hidalgo, in his book entitled *The Making of Ivatans: The Cultural History of Batanes (1996)* asserted that the head of the tribe performed various roles such as the following: (1) Chief or Warrior of the Territory; (2) Chief Executive; (3) Chief Justice; (4) Commander-in-Chief; (5) Legislator; and (6) Humanitarian (Hidalgo 1996).

### *Gaddang*

Tomas Andres in his work *Understanding The Values of the Gaddangs and the Nueva Vizcainos (2005)* categorized leadership in Nueva Vizcaya as “formal” and “non-formal” (Andres 2005:54). Formal referred to the usual selection either through appointment or election while non-formal was choosing based on traditions (Ibid).

It was noticeable that the elders were revered and had influence even to the local leaders (Ibid:54). Ibanags, Ivatans and the Gaddang bestowed high regard to their elders. Andres affirmed that those who belonged to high echelons of society, propertied and learned were considered powerful (Ibid).

## *Bago*

The scant record showed that the Tribal Councils of Bagos were comprised of elders who were assigned to rule in the society. These village elders belong to the ruling class who depicted to be rich and influential in the tribe.

The elders performed dual functions in the decision-making process. These were (1) “*Menpat*” or Counsels or those who will argue for or against members of society while (2) “*Panguan*” was someone with extraordinary ability tasked to implement what had been approved by the Council of elders. The *Panguna* could lose his position if found to be not functioning well.

## *Ikalahan*

Philippine Association for Inter-Cultural Development stated that the leaders of Ikalahan were elected but their traditional leaders were still revered (PAFID 1993:11). Council of elders still existed (Ibid).

## **Cordillera**

### *Ibaloy*

Authority was exercised by the *tongtong*. *Tongtong* council is composed of the *impanama* or *anum'nemen* (wise men) of the village. Issues settled are boundary disputes, inheritance cases, marriage conflicts. Their decisions have the force of law. Changes in the law can be made by the *tongtong* council upon the agreement of the majority of the people during a gathering (Prill-Brett, 1987: 4). Even if the elders who sit in these bodies become leaders not by ‘election’. It is still perhaps correct to conclude that their authority is to some extent democratic, or subject to the approval of the community at large. This is so because decision making is often exercised during community meetings and gatherings. They likewise oversee the the holding of rituals and becoming guardians of peace pacts.

Literature displayed that the qualifications of leaders that emerged were the following: (1) wealthy, (2) had knowledge on customary law and applied it, (3) rich in life’s experiences, and (4) articulate.

### *Kankanaey*

In Northern Kankanaey, the *abong* (*dap-ay*) tribunal or ward took care of community decision making while in Southern portion, the *Amam-a* (*dakay* in other communities) are the elders of the community (in Mankayan).

### *Bontok*

Same as above, the authority of the Bontoks, on the other hand, was exercised by the *ator*. The earlier Cordillera IPs in the same way projected the same features. In the same manner, the *pinakarsu* of Bontok were the ‘go-betweens’ or persons who act as mediators to settle inter-village conflicts that exercised the authority and leadership.

*Amam-a* or elders or old men by virtue of seniority and experience in life form the core of village decision makers. The old men decide for the *ator* or for the whole village through a *supra-ator* or informal council of elders. It was observed that each Bontok community is politically and economically autonomous from any other authority.

#### *Ifugao and Kalinga*

For the Ifugao, the kinship group is the most important socio-economic and political unit. Each family is responsible for its own affairs. The mediators for the Ifugaos are the *monkalun*. The Kalinga, on the other hand, has an *Ap-apu* or leader. There is also the *Budong*, a political institution that enables the resolution of inter-village or inter-region conflict.

#### *Tinguian (Masadiit)*

According to the *kadawyan* (customary law), the mainsprings of authority, power and legitimacy among the Tinguians are the *lallakay* (council of elders), and ultimately the *ap-appo* (ancestors). The *ap-appo* have entrusted the *kadawyan* to the *lallakay* for its enforcement. The *lallakay* or council of elders and leaders govern Tinguian society but the sovereignty over the entire territory resides in the people. The community members choose elders who have proven their worth, integrity, and have a strong sense of justice.

Under the *lapat* system (meaning prohibit), the council prescribes regulations and policies on how community members use, protect and preserve natural resources after consultations and deliberations with heads of families in the village. Watchers called *sirip* help implement or enforce *lapat* rules and regulations. Each *sirip* is assigned a particular territory to guard or watch that is usually a forest zone and a river which a *sirip* frequently passes through on his way to his ricefields or swidden farms. The services of the *sirip* and the elders of the council are rendered for free. But the council can decide to give incentives to the *sirip* in various ways like giving the *sirip* some extra rattan during harvest season of the forest product.

### **Central and Southern Luzon**

#### *Mangyan*

Authors namely Lopez, Helbling and Schult disclosed that the chief leader of Mangyan tribe selected either through voting or consensus was authorized or confirmed by a local official such as a provincial governor (Lopez 1976, Helbling and Schult 2004).

The chief head appointed by the provincial governor as "*Comisario de Manguianes*" served as the mediator between the Mangyans and the local government (Helbling and Schult 2004:151). Sometimes the *Comisario* tasked by the governor to rule the Mangyans was a Tagalog not a Mangyan because the Tagalog could be easily manipulated (Ibid). Therefore, the line of authority was passed on from the Spaniards to the Tagalogs to the Mangyans (Ibid). This scenario was supported by Fletcher Gardner, a US Army contract surgeon, cited by Lopez who claimed that the power of Chief Mangyan was indeed restricted (Lopez 1976:63). Literature exhibited that the

powerlessness of Mangyan leaders continued even until the arrival of the Americans inspite of the goal of the colonizers to enable them to manage their own affairs courtesy of Act No. 547 of 1902 (Ibid:69).

Citing Buhid Mangyan as an illustration, its traditional leadership emerged from capacity of an individual to convince and influence people (Lopez-Gonzaga 1983:88). Furthermore, the Hanunuo-Mangyan, as another example, was observed to have weak leadership (PAFID 1993). This was manifested in their traditional interaction where the tribe did not have a clear form of political system but instead bestowed reverence and respect towards their elders (De La Paz 1968:36).

### *Batak*

Similar to earlier citation wherein elders were viewed as influential to indigenous tribes, James Eder in his book *On the Road to Tribal Extinction: Depopulation, Deculturation, and Adaptive Well-Being among the Batak of the Philippines (1993)* reported that the elders or older males with qualified personality surfaced as their leader (Eder 1993:29).

An elder known as “Kapitan” who was famous for his skills in hunting and fighting was selected by the adults among the roster of males as the Chief (Bailon: n.d.) Bailon added that a “masikampo” was likewise recognized as a faction expert on “customary law” comprised of men known for their wise decisions (Ibid).

### *Agta*

Jean Tregloggen Peterson in his work entitled *The Ecology of Social Boundaries: Agta Forefathers of the Philippines (1978)* stated that similar to other indigenous groups like the Hanunuo Mangyan, Agta had no formal government. The influential, wise and experienced elders were powerful but young leaders were not hindered from emerging (Peterson 1978:10). The leaders served as advisers (Ibid).

## **Mindanao**

### *Yakan*

Roxas Ahadas in his work entitled *Yakan (2002)* cited that a *datu* or a *sultan* governed the Yakans. Literature displayed that a certain Christian named Pedro Cuevas was acknowledged as a chief *datu* after embracing a life of Yakan (Ahadas 2002:8).

Their Muslim faith had a huge impact in their governance. They believed that supreme power is obtained from *Allah* (Ibid). Laws should be consistent with their code of belief. Records manifested that the “head of the *Sarah Kepepuan*” or the “law of the forefathers” was known as “*Panglima*” (Ibid:13). The following were a number of *Panglima* that were recorded:

- (1) First *Panglima* – “No physical body or was unseen”; “came from the wedding ceremony when the *Imam* (priest) called or asked the name of the groom.”

- (2) Second *Panglima* – “came from the elder of the community or village, and must be knowledgeable or gifted in both *Sarah Pegdunya* and *Sarah Pegahilat*, the world law and heavenly paradise law especially the law of God called *Allahu Taala*.”
- (3) Third *Panglima* – “came from upper class of society who must also be intelligent in making decisions about conflicts or problems in community.”

(Ahadas 2002:13)

Ahadas explained that the position of *Panglima* was either hereditary, appointed or elected (Ibid:13). He cited the following functions and powers of a *sultan*: (1) appoint *datu* and other officials; (2) religious role; and (3) political role (Ibid).

Records showed that the *sultan* had several representatives who enforced the laws decreed by the royal council. They were the *hadji* (male) or *hadja* (female) or the *pakil* at the village level. Some of them were elevated to barangay leader position (Ibid:16). This particular position was open for anybody who deserved it (Ibid). On the other hand, the *datu* emerged from the ruling class. The position was either inherited, “appointed” or “self-proclaimed” (Ibid:15).

### *Bukidnon*

William Biernatzki in his article entitled “Bukidnon *Datuship* in the Upper Pulangi River Valley” discussed that the political system of Bukidnon people was characterized by a hierarchy of *datus* (Biernatzki 1973: 15)), meaning there were superior and inferior *datus*.

The following were recorded in literature:

- (1) *Masikampo* – chief *datu* of the kagtulugan, a settlement consisting of several tulugan;
- (2) *Didingkulan* – lowest type of *datu* who leads a particular village activity, such as hunting, trapping, fishing, or farming; assists the *datu* of the tulugan (kinship community);

(NCIP Document on Bukidnon)

The roles of *datu* were as follows: (1) Judge and arbitrator in matters of dispute; (2) Assistant of the babaylan (shaman) in religious ceremonies. Also, records illustrated that the dwelling place of a *datu* was likewise a venue of socio-political activities (Biernatzki:20). Furthermore, it was recorded that laws were promulgated and revised only in the assemblies of *datus* or when *datus* converged (Ibid:28). However, the power of *datu* was cut short because of the intervention of government (Ibid:27).

The Bukidnon people believed in symbolism. NCIP detailed the following emblems: “*giling*”, “*talakub*” and “sacred stick”. *Giling* held by a *datu* symbolized high authority. *Talakub*, on the other hand, was carried by the *datu* with the “power to travel” while the “sacred stick” engraved the laws of Bukidnon (NCIP Document on Bukidnon). Biernatzki attested that the holders of these symbols were powerful (Biernatzki: 20).

The social stratification of the Bukidnon people was categorized into three namely:

- (1) *Datu Class* – “holders of the giling and takalub and including the the *datu-datuon* or high *datus* and the various local *datus* as well as their families and descendants”;
- (2) *Commoner Class* – “war leaders” and “eminent community leaders respected especially for their ability to mediate lesser disputes”;
- (3) *Slave Class* – “prisoners of war”, captured by one band then sold to a *datu* in relatively distant band”

(Biernatzki 1973:29)

*Datuship* was not hereditary. Belonging to the warrior class, even a commoner or slave could aim to go high up the ladder to become a *datu* (Ibid:33). Certain characteristics of *datuship* were as follows:

- (1) Quick-witted;
- (2) Adept at public speaking;
- (3) Well-versed in customary law;
- (4) Able to chant prayers and legends;
- (5) Has establish a reputation as judge or mediator

(Biernatzki 1973:33)

Biernatzki displayed in his article the consensus of the Constitution of the Bukidnon *Datu Association* regarding the characteristics of a good *datu*. These were the following:

- (1) He serves as a center of unity, continuity and legitimacy
- (2) He maintains peace and restores social equilibrium when it is threatened by interpersonal or intergroup conflicts; and
- (3) As a repository and dispenser of surplus on which all his followers have a claim in time of need, he provides for the material security of the band.

(Biernatzki 1973:39)

### *Mansaka*

Bernardo Limikid in his work entitled *Mansaka (2002)* mentioned that the community leaders were known as *matikadong*. These leaders were assisted by their family members or elders (*mangkatadong*) (Limikid 2002:10). No election was held but similar to other IPS, leadership surfaced based on their remarkable qualities.

The following were the characteristics of the leader:

- (1) Industrious, helpful and concerned with his family and the whole community;
- (2) Provides guidance on good attitudes, livelihood, stability, and sound health;
- (3) Resolves family problems;

- (4) Well-informed on indigenous laws and cares for the environment;
- (5) Imposes sanctions on erring members. (Limikid 2002:11)

### *T'boli*

Records revealed that the *datu* was the recognized leader of the T'boli who provided explanations on their customs and traditions and fixed squabbles among the people (NCIP Document on T'boli). Similar to other IPs, *datu*ship was not inherited (Ibid).

It was the wealthy culture itself of the T'bolis that became their source of customs and traditions passed on from one generation to another. The *datu*s did not have any written laws (Ibid).

### *Mamanua*

Marcelino Maceda in his book entitled *The Culture of the Mamanua (Northeast Mindanao) As Compared with that of Other Negritos of Southeast Asia (1975)* discussed that the leader was known as headman or chief (Maceda 1975:82). He described that the Mamanua selected the elders as chieftain (Ibid:83). They were revered and respected for their wisdom, they were often consulted on major decision-makings. Consultation of the chieftain with other elders was primary for the Mamanua (Ibid:86).

Similar to other IPs, chieftainship was not inherited (Ibid:84). One distinguishing factor was skill in hunting among others. (Ibid). Others could likewise be tapped for the position. A *shaman* or the doctor in the tribe could be given an opportunity to rule (Ibid:85).

### *Bagobo*

The "*datu*"—who used to be "identified by an oversized circular earring, an elegantly made bolo and costume, a horse, and owned vast tracts of land where his supporters resided"—is the head and leader in a Bagobo tribe (Guardados 2001:8).

The *datu* was legislator, prosecutor, and judge and his authority was traditionally beyond question as he had a council composed of the wisest elders in the community who commanded the respect of the people (Ibid). The actual power of a Bagobo *datu* outside his own district amounted too little. The power of the *datu* is very great in his own district, however, he is also obliged to respect the laws and customs handed down by the ancestors.

### *Manuvu*

The Manuvu people had the *datu* or tribal chieftain, the head of the village. As legislator, judge, and commander-in-chief, he was assisted by a council of elders [*buy-ag*] who were known for their intelligence, integrity, and prudence. These elders may themselves become chieftains by consanguinity or affinity (Guardados 2001:33).

Notably, the issue of choosing a successor involved an incumbent chieftain's prerogative especially since the successor could be his younger brother, his eldest son or a cousin whom he has trained. A Manuvu *datu* either inherited his position or is "chosen because of his age (the first requisite), intelligence, courage, wealth, and the extent of his influence over his subjects" (Ibid.).

### *Matigsalog*

The Matigsalogs submitted to the authority of a *datu*. This village chieftain, as in the cases already presented, was the supreme leader, legislator, and judge. He also functioned as commander-in-chief of the warriors. His authority extended as far as his influence could reach. Such authority could transcend the boundaries of his community's territory if the neighboring *datu* looked up to him as superior in terms of ability, wisdom, wealth, and power. A good example of such boundary-breaching authority may be found in the leadership of the late *Datu* Lorenzo Gawilan of Sinuda, Bukidnon whose power reportedly grew then to cover all Matigsalog communities. (Guardados 2001:51)

Like in the Bagobo Clata community, peculiar reverence for the chieftain is shown by the Matigsalog at the time of the *datu's* death. A *datu* was customarily buried together with a slave as a sacrifice, especially when the cause of death was believed to be poisoning. The natives believed that the *datu* would need a slave to assist and serve him in the afterlife (Ibid).

Unlike in the Manuvu practice, there was no defined selection process for the successor of a Matigsalog *datu*. The next leader was said to surface spontaneously from among the community members and assumed the leadership without resistance from the other contenders. (Ibid)

### *Isama*

The political structure of the Isama tribe was Malayan in nature. The *Datu* was identified as their leader whose position was hereditary, permanent or for only a fixed period of time. The people chose their chieftain [*datu*] on the basis of personal qualities such as being responsible, respectable, open-minded, and brave, which distinguished him from the others. (Guardados 2001:73)

The *Datu*, as head of the tribe and in his official function as leader, is often accompanied by a security officer referred to as the *Arid sa Pinto*. The *Ruma Bitiara*, a council that served as policymakers and jury, was responsible for discussing all affairs in the tribe. All decided that the *Datu* or the *Kali* would declare war, final judgment, and other. The *Kali* means a judge, who in the federated tribes, was the head. The role of the *Kali* therefore, was that of viceroy of the federation to run its affairs. Whatever pronouncement or decision the *Datu* or *Kali* made, the *Boncomoni* disseminated to all concerned. (Ibid:74)

The Isama still practice the *datuship* system where the *datu* serves as the tribal leader of the group. However, unlike in the past when the *datu* possessed great power in controlling the community and making decisions for the members of the tribe, his role

is now like an adviser or *consultant* to the group. He also serves as the representative of the group whenever there are any tribal gatherings or meetings (Ibid:90).

The coming of the Spanish colonizers to the island of Samal had changed the terms for the officials as well as their positions in the community. For example, *datu* was changed to *alcalde mayor* and some other terms like *cabeza de barangay*, district leader, etc. Nowadays, the political system in Isama areas is in accordance with the political structure of the national government. There are now barangay officials and even a *Sangguniang Kabataan*. However, aside from the officers in these structures, the native inhabitants of Samal Island or the Isama have a council which attends to tribal affairs. As of 1997, there was reportedly a Samal Island Council of Tribal Leaders (SAICOTRIL), which was duly accredited with the government Office of the Southern Cultural Communities (OSCC). This tribal council is composed of tribal leaders/*datus* and elders of different barangays in Samal Island. (Ibid:90-91)

### *Kalagan*

*Datuship* is the system of leadership in Kalagan communities. According to *Datu Malila*, it is hereditary position where age, capacity to lead, and royalty of blood are strictly considered. A *datu's* responsibilities include being an arbiter of conflicts among families and clans, being a helper, and basically being the one who solves the problems that arise in the community. (Ibid:143)

The *datu* is often the head of the largest clan in the village. A group of *datus* is ruled by a *sultan*. The present political structure reflects the general relationship prevailing between the Kalagan and the national government. They elect a barangay captain who serves as the village representative to the government. In addition to the captain, there is a *datu* in Madaum's Kalagan community who is in turn responsible to the *datu* of town, who is responsible to the *sultan* of Davao del Norte. The *sultan* is chosen by the Kalagan from the *barabangsa* social grouping. The barangay captain on the other hand, is responsible to the mayor, who is responsible to the provincial governor. (Ibid:143)

According to a certain *Datu Pug-on*, there is still an existing *sultan* who no longer has any function (Ibid:144). At the advent of Islam, the *Imam* [priest] as well as the *datu* held authority in the community. However, their boundaries were clearly defined. The *datu's* affairs were purely political, while the imam's were purely religious. The decisions and authority of both influenced their immediate community. (Ibid)

In addition to this, it has been stressed that some women also held political power in the community. This is true even up to the present. *Biya* was the woman who held the highest position in the community. Although her power did not equal that of the *datu's*, her authority covers women's concerns in the community. A woman can be *biya* only if she has royal blood or she is the first wife of the *datu*. An old *biya* is more rightfully considered the women's leader than the incumbent *datu's* wife. The *biya* also has assistants or a council whose members she personally chooses. (Ibid:144-145)

The pre-Islamic government had *addat* [customary laws] as its source of authority. With the coming of Islam, the political structure and justice system remained intact, except that some of the punishments meted out were patterned after the

commands in the *Qur'an*. For the Kalagans, the religious laws should be political and social laws that govern the people (Ibid:145)

### *Mandaya (Davao del Norte)*

It has been reported that, in the early days, the Mandayas, did not elect or appoint *datu*s (the highest position a Mandaya can aim for in their independent political arena). They only had the *Matikadong*, an elderly person who is respected and obeyed by the people. The *Matikadongs* acted as advisers whom the people depended on for crucial decisions, especially for problems in the community. They also acted as judges. Whenever feuds and wars broke out, they acted as mediators and tried to stop the bloodshed through peaceful processes. When meetings or general assemblies were called, they facilitated these gatherings. Their presence was also very significant in wedding ceremonies where they served as witnesses and advisers. (Ibid:182)

*Datuship* was conferred by appointment. It was not a matter of bloodlines but the qualities a person possessed which qualified him for *datuship*. At one time in the past, the word of the *datu* was the law. Whatever he said was not questioned by the people and his word was absolute. This seldom happens today. (Ibid:183)

In the past, *Rajah-Mudah* was the highest tribunal in the political organization of the Mandaya. Most *Rajah-Mudahs* were not of royal blood. Again, the position was not inherited, but earned. The Mandaya did not have an established political structure nor a hierarchy of politicians or people governing the community. After the *Matikadong*, the people also looked up to and respected chieftains whom they believed possessed extraordinary wisdom which benefited the community as a whole. *Baganis* [warriors] were also respected. The people relied on their capacity to maintain peace and order, and to protect the community from invaders and enemies. The role and responsibility of a *bagani* to the community is depicted in an account of war that broke out between the Mandaya and the Kalagan during the Islamization process. During this chaotic event, a well-known *bagani* named Gansa, who led the Mandaya group, and *Isay Inam*, who led the Muslim group, entered into a *dyandyi* [pact] to avoid massive destruction. They took a piece of rattan, cut it, negotiated, gave their word, and that reportedly settled the dispute (Ibid:184).

Other accounts posit that the Mandayas of the early days did not have *datu*s to direct and supervise them. The ancient Mandayas lived in groups which when it had grown in number would then cause them to choose a leader. Since the *Matikadong* held the highest position, they decided what form of punishment was appropriate for a proven criminal. Furthermore, the primitive Mandaya adhered to and practiced "an eye for an eye and a tooth for a tooth." If a member of a particular clan or family was treated harshly, the relatives would trace the one responsible for the deed and do to him what had been done to their relative, or more (Ibid:183).

### *Mandaya (Davao Oriental)*

A council of elders is consulted by the *bagani* on the following matters: (Ibid:224-225)

1. A review of petitions from commoners concerning the desire to redress a mistake or take revenge against another outside the domain by means of warfare [*pangayaw*];
2. The size and strength of a war party to get captives and/or valuables or to acquire additional choice areas of forest;
3. The hearing, arbitration, and settlement of all the intra-domain disputes caused by theft, adultery, violence, rape, murder, etc.
4. The selection of a *bagani* successor among the sons of the *bagani's* first wife if the present warrior chief was unable to rule or had passed away;
5. The transmission of the demands, needs, and grievances of commoners in a domain to their ruling *bagani*.

The coming of the Spaniards diminished the power and domain of the *baganis* as the arms of the Mandayas were no match for the colonizers' *carabina* [rifle] and *escopeta* [shotgun]. The Mandayas were thus left with two options. The first was for them to undergo conversion and baptism as *Cristianos*; the second was to oppose the Spaniards and become fugitives in the mountains. (Ibid:225)

The unbaptized were called "*nyaya ceduya*" from the Spanish words "*nada cedula*" or non *cedula*-bearing. In the early days of colonization, the church and the government were one. Political units were established, followed by massive Christianization or vice versa. A *cabeza de barangay* was appointed to head the small units, later called "*barrio*" by the Americans and now referred rounded by rows of houses resulting in a compact community. The houses also served as a line of defense for the chapel. Bigger communities were declared *pueblos* or *visitas*. (Ibid:225)

Illustrious mandayas shared in governance with the blessings of the Spaniards, and later, the Americans. Teodoro Palma Gil, who started his education in Caraga and was a classmate of Dr. Jose Rizal, became Congressman of Davao District for three terms (1916-1925). Pacifico M. Sobrecarey (governor, 1937-1939) who was born in Manay, and Fernando Generoso (governor, 1925-1928), the son of the daughter of a Mandaya chieftain, became governors. Descendants of Mandayas continued to be influential politicians in Davao during the American regime. Now known as Davaweños, they occupy key positions in the government and own vast tracts of land thereby raising the pride and superiority of the Davaweños over other indigenous groups. (Ibid:226-7)

When the Japanese surrendered, the mayors appointed by the Japanese were replaced. Some were executed as traitors. The stigma suffered by their descendants stayed for quite a while. In 1948, the election of local officials was held. It was in 1960 that the first Mandaya college graduate was elected in Manay — Pedro Bandigan. Women also occupied high positions at the municipal level. Amparo Moralizon-Ranon became the first woman councilor of Manay, Davao Oriental. (Ibid:228)

## *Teduray*

History showed that the political system among the Teduray recognized the family as the basic unit of government and the father as the head (NCAA). The *Kefeduwan* is the leader of the council of elders and spokesman of the village. *Timuay* is the highest rank and honor given to the leader or the tribal Chieftain. Although the Tedurays have long recognized the Philippine government, [Their old practices and] beliefs remain with them." (NCCA)

The *Timuay Labi* (Supreme Chieftain) is the highest leader of the *Timuay* Justice and Governance. He chairs the meetings of the Supreme Council of Chieftains (*Minted sa Inged*). The *Timuay Labi* is assisted by the *Titay Bleyen* (Assistant to the Supreme Chieftain), the *Ayuno Tulos* (Administrative Officer), and sectoral representatives from the youth, women, peasants, fisher folks, professionals, civil society organizations and other sectors. The Council also includes some elected members whose number is to be determined by law in accordance to the need of the TJG. The election of the Supreme Chieftain or *Timuay Labi* is done by consensus among the Council Members. Qualifications required of anyone who will become the Supreme Chieftain are: 35 years old at the time he or she assumes responsibility sufficient experience and good leadership track record; wide knowledge of the Ukit, Tegudon and other laws used by the TJG; must be able to read and write; must not occupy any position in the mainstream government (Philippine national and local government units), as well as in the private sector.

Leadership among the Teduray is assumed by the elder who possesses the personal skill to persuade and influence, and who is a good speaker with knowledge of customary law. The council of leaders called *pakilukesen* by the *Arumanen* Manobo is composed of persons of wealth and charisma, and with knowledge of customary law. They meet to settle cases and decide on important social and religious affairs (ADB).

## *B'laan*

Verbal accounts bear out that in contrast to the Teduray, B'laan communities have been stratified into three social classes, to wit: (Ibid: 57)

1. The *fulong* (equivalent to the *datus* or elders of other tribes) were the most respected and most renowned members of the community. They were supposed to be articulate and had the ability to judge cases involving conflicts. As such, they helped facilitate community rites and practices (e.g., marital arrangements) and assisted offenders in instances when the latter had to pay fines but had no means to do so.
2. The *admagan* were "well-to-do" by the community's standard for he "possessed horses, carabaos, *agongs* and *kamagi* (gold necklaces)," among others. Such property were most often used to "help pay fines of an offender or in marital arrangement for dowry." But the *admagan* made sure that he is paid back for the use of his property, either through the services of the person helped or through repayment of actual goods given.
3. The *lifan* were at the bottom of the hierarchy. They were slaves or servants of the *fulong* or the *admagan* who, through their wealth, acquired these servants by paying for their fines or other penalties. As servants, the *lifan* were made to work

in the *kaingin*, take care of work animals, and do some household chores. The *lifan* remained in service until such time that the *fulong* or *admagan* felt that he or she has already worked enough to have paid for the use of the properties dispensed.

### *Tigbao Subanen*

The Subanen generally recognize three types of leaders within their society namely: *timuay*, *datu*, and *mamunuan (Paguntalan)*. Head is a chief who has sole authority with broad powers. The power of the *timuai* combines in one person both civil and religious authority. Unlike the *Datu*, which only has civil authority, the *timuai* conveys great power in that it combines in one person both civil and religious authority (Finley). Power is shared by chief and a council of elders. *Timuay* was assisted by a number of men namely: the *saliling* (deputy), or *masalag tau* (big or important man). It was not unusual for a Subanun headman to be dubbed *panglima*, despite the inappropriateness of the term, and sometimes, *capitan*. All the important men, including the headmen is collectively referred to as the *be-ge-lal* (Christie). The recognized political leader of the Subanen is the *timuay* who is respected because it is believed that his authority comes from Magbabaya, the Supreme Being. In some areas, leaders are called *datu*. This is a historical error, as *datu* is a Moro title; during the colonial period, government officials erroneously called them that. In Subanen society, the *gukom* holds office until he dies or as long as the populace supports him.

The *Datu Salapan* or *Sulotan* was recognized as the supreme and most respected tribal leader. The *Timoay*, *Tumanggong*, *Pangulima* and *Sangaliya* follow in importance. They had authority and power to decide and punish those who committed erroneous deeds to their culture and codes of conduct. The *Konotan* or warrior defended the territory and lead war efforts.

The *Timoay* and his *Saliling* were the leader and his council. Their words were the communities' command. If a problem arose between and among communities, the leaders and the council of each *bawang* or community were the ones who settled the problem. The *Timoay* resolved and heard cases and in his absence, his assistants, the *Saliling*, performed the task. (Ibid:84-5)

### *Kulaman Manobos*

The Moro *Sultanate* tradition strongly influenced the social and political order of the Dulangan Manobos of Lebak. (Ibid:114) However, in the modification of their traditional systems, hierarchical representation is not too evident among Dulangans as compared to the Moro socio-political system. (Ibid:114)

The *sultan* functions as the supreme leader of the territory. With him are tribal council members who are mostly *Datus* or elders representing a community or clan. A regular consultation between the *sultan* and his subordinates (*Antang-antang*) also takes place, where everyone confers to reach a moral decision concerning highly complicated cases of clan or tribal conflict. The *sultan*, together with the tribal council, may make and amend laws. But without the final approval of the *sultan*, all resolutions are null and void. He also serves as the highest judicial body, especially in resolving complex cases of conflict. (Ibid:115).

The political function of the *Datu or Lukes* focuses on the implementation of the edicts and administration of power. A *Datu or Lukes* may likewise perform specific functions in the community. (Ibid:115)

At the top of the political structure in Manobo community is the *Sultan*, the highest-ranking tribal leader. He lords over the *datu*s and presides meetings, especially in their *antang-antang* – an assembly of tribal leaders to discuss and resolve community issues. He also signs legal documents of government agencies in representation of the entire tribe. (Ibid:117)

The *datu* is the second highest-ranking official of the tribe. He assists the *sultan* in community or tribal matters. He performs marriage or burial rites and their consequent celebration in the absence of the *sultan*. In the local sitio or barangay where he resides, he settles family and community problems in an *antang-antang*. As such he elicits respect and loyalty from the community. There may be several *datu*s in a small community. In such a situation, the eldest and the most respected *datu* heads the village *antang-antang*. (Ibid:117-8)

The tribal chieftain acts as the adviser of the community. He heads the tribal council and leads in community projects such as constructing a tribal hall. The *Sultan* and *Datu* of the community select him via consultation with the other Manobos of the village. (Guardados 2001)

Each community has a tribal council consisting of six members who have indeterminate tenure and serve for as long as they effectively deliver their job. Not doing well in their task is reason enough to change a council member to take care women's affairs. (Ibid)

### *Kalibugan*

The Kalibugan tribe had established their own traditional political structure in the Sebuguey Principality separate from that of the Subanens after they embraced Islam as their religion. The *Matua Radja* is their head, elected from among the members of a Council of Elders. The head of the community or *panglema* is second in rank, followed by the *bagulal* or the cabinet members who represent different smaller communities and help the *panglema* in the administration of the larger community. (TRICOM 1998:132)

In the religious structure, the *Imam* (priest), the *Hatib* (the one who delivered the sermon), the *Wadjer* (fiscal), and the *Belal* (the one that performs the call to prayer) were the leaders who helped the *Matua Radja* — they were considered as the most learned, competent and responsible persons within the principality. (Ibid)

In settling both major and minor problems in the community, the *Panglema*, the *Bagulal* and the Elders have the authority to settle according to customary and traditional laws (*Adat and Galib*), and on the basis of the teachings of the Qur'an and Hadith. (Ibid)

### *Iranun*

The Iranuns of Parang adopted the social stratification under the *Sultanate* of Maguindanao, being a small principality governed by the traditional leader known as *Datu*. In ancient times, the community adopted the social stratification prevailing in the Maguindanao *Sultanate*. In the *sultanate* structure the community had royalty (*Datu*), freemen (*Kasten*), and slaves (*Oripen*). (Ibid:136)

### *Maguindanaoan*

Maguindanaoan polity is hierarchical. It took root from several influences — Malay, Hindu and Arabic — that pervade the *sultanate* structure.

There are three major offices that follow a tripartite rotation of succession to the *sultanate*. The *Sultan* (head of realm); *Rajah Muda* (heir apparent) and *Watamama* (male ward) is the core of the nobility in the Maguindanao dynasty. (Ibid:144)

The *Aminul Umara* (Admiral), *Midted sa Inged* (superintendent of the polity, *Datu Shabandar* (Duty Collection Officer) and *Umar Maya* of the first rank are noble officials with territorial districts. The *Maharajah Laila*, *Maharajah Adinda*, *Matuharajah* and *Mudabpel* are the non-noble courtiers of the second rank order. (Ibid:145)

### *Maranao*

Maranao political structure is a hierarchy of status and authority that unites places and peoples into political units of increasing comprehensiveness. The political structure functions primarily to permit neighboring communities and regions to co-exist. (Ibid:152)

In the *Agama* (community), the *Sultan* heads the pyramidal governing structure composed of the *Sultan*, *Datu a Cabugatan*, *Panundiongan*, *Radio Muda*, *Sangkopan*, *Datu Imam*, *Bailabi*, *Potri Maamor or Bae*. The *Taratib* or *Igma* defines and prescribes the traditional roles and functions of each member. (Ibid:152)

The *Sultan* has many tasks, in which the Council of Elders assists him. Included in his tasks is actual and symbolic recognition of status, leading in the preservation of the traditional values and customs, performing ceremonial functions such as weddings, settling disputes, among others. He mediates over personal and community problems that threaten the order of the community. As a religious leader, he must attend religious activities. (Ibid:152)

Below the *Sultan* is the Council of Elders and title holders such as *Cabugatan*, *Panundiongan*, *Radio Muda*, *Sangkopan*, *Datu*, the leaders of each clan, and the *Imam* (Muslim priest). Women hold auxiliary titles that they inherit matrilineally, such as *Bai a Labi* (equivalent of *Sultan*) and *Potri Maamor or Bai*. Their primary function is to settle problems related to women's affairs. (Ibid:152)

Ancestral lineage called *Bangsa* defines the traditional title holders' claim to authenticity and authority. A person's lineage determines one's descendants and access to the different offices and accompanying rights and duties. There are two traditional

instruments used in determining the claim by individuals and families. One is the *Taritib* and the other is the *Salsila*. *Taritib* specifies the order of succession of the descendants of a particular ancestor, while *Salsila* (genealogy) traces the traditional ruling families who have the right to assume office.

Among the Pualas Maranaos , the Council of Elders is composed of the *Sultan* as the head, *Sangcopan*, *Amupuan*, *Ayabo Dato*, *Sultan Sa Cabugatan*, *Watamama*, *Rdiamoda*, *Datu sa Pualas*, *Adapun*, *Sultan Maasor*, *Sultan na Diamla*, *Bai sa Pualas*, and *Bai a Labi*. The roles and functions of each member are defined in their *Taritib*. The *Sultan* acts as the presiding officer of the Council of Elders. The Council works on consensus basis; among its most important tasks is facilitation the resolution of conflicts arising in the community. However, this traditional political system has been undermined by the system of governance of the Philippines. This reduces the Council of Elders into symbolic leaders. (Ibid:152-3)

### **Organization of Socio-economic and Political Activities**

#### ***Northern Luzon***

##### *Ibanag*

In relation to the organization in society, kinship was very important for the Ibanags. Gatan stressed that the Ibanags believed that it was very powerful instrument in placing relatives to influential positions (Gatan 1981:17-18). Also, the concept of reverence to their elders was manifested in their decision-makings even in their socio-economic and political activities.

##### *Ivatan*

Hidalgo asserted that political and social status was intertwined in the culture of the Ivatan (Hidalgo 1996: 93). The ladder of going up or down the echelons of society was fluid. Hidalgo added that social mobility was observed to be possible.

Ana Maria Madrigal Llorente in her work entitled *A Blending of Culture: The Batanes 1686-1898 (1983)* corroborated the earlier discussion of Hornedo on social stratification of the Ivatans. She reiterated that the four (4) classes consisted of the following:

- (1) *Mampus* – “leaders and the most prominent, forming the elite class of society” and “possessed great wealth”
- (2) *Mapolons* – same as *mampus*
- (3) *Cailianes* – “subjects of the *mampus* and *mapolons*”, “cultivators of the land”; serves as “soldiers”
- (4) Slaves – “lowest class”

(Llorente 1983:35)

Llorente added that the undignified status of slave was eradicated courtesy of ordinances of Governor Basco (Ibid.).

Community assemblies known as *kakpehan* were likewise held by Ivatans (Hornedo:127) to gather people as a venue for (1) giving announcements of public concern or government matters by civil officials and religious matters by the religious officials; (2) discussion and explanations and (3) arguments and resolutions; and (4) elections for community positions and appointments of functions (Ibid).

### *Gaddang*

Gaddang were characterized to be “very clannish” (Lumicao-Lora 1984:72). A status of a Gaddang was determined by his or her property. One’s economic status became a basis of one’s influence. Literature exhibited that more often, leaders would emerge from the propertied class because they have ample opportunity unlike those workers and cultivators (Andres:56).

### *Bago and Ikalahan*

For the Bagos, the society was divided into 2 classes. The ruling class was the “Kadangyan” or the rich and influential. They were part of the village elders. The ruled class, on the other hand, was known as “Kodo.” These were the poor members of society. Literature manifested that position in society was not hereditary and it was not permanent. One could move up the ladder if he/she possessed extra-ordinary intelligence. For the Ikalahans, on the other hand, the participation of community was usually sought in their traditional *tongtongan* where decisions were made by the majority. (PAFID 1993:11).

### **Cordillera**

#### *Ibaloy, Kanakanaey, Bontok, Ifugao and Kalinga*

The Ibaloy and the Kankanaey rely on wet and dry agriculture (ADB, 2002:7) while the Bontoks and Ifugaos are wet-rice cultivators. Commercial vegetable gardening has also taken root not in the four IPs. The Northern Kalingas are largely slash and burn cultivators while the rest in Southern part are wet-rice cultivators.

#### *Tinguian (Masadiit)*

The role of the *lallakay* in maintaining the social organization, including the interpretation and enforcement of the *kadawyan* (customary law) is crucial and indispensable. The *lallakay* settle disputes and maintain harmony in the village. They are also responsible for the observance of the rituals governing all aspects of village life from childbirth, planting, harvesting, and burial of the dead. They lead in the protection of the forest and natural resources as well as in the communal fishing, and in gathering forest products. The *lallakay* and the young warriors are given the duty by the ancestors to defend the hunting grounds, the rice fields, and the rivers, but most especially the *ili* (village home). The *ili* is the home village or homeland of the Tinguian. The ownership of land is communal although cultivation is usually done by household or kinship group. The *ili* is an expanded form of the *bubong* (household). It represents the concept of the whole village community. It represents the political unity and the freedom of the

community members from external control. On the other hand, it also implies complete control and sovereignty of the villagers over the entire territory.

### **Central and Southern Luzon**

#### *Mangyan*

Edgar Javier in his work entitled *The Mangyans: Progress Through Christian Community Building (1987)* described the Mangyan as placing a high regard on kinship. Their close relationship with relatives was supervised by their elders as their supreme rulers (Javier 1987:31).

#### *Batak*

Eder described the importance of families in socio-economic and political activities. They made decisions on issues such as social relations, dwelling places, residence, activities, and relations with others (Eder:28). Rowe Cadelina in her work entitled *In Time of Want and Plenty: The Batak Experience (1985)* explained that the Batak were classless. No particular sector was superior than others. The resources were not dominated by one group (Cadelina 1985:59).

#### *Agta and Dumagat*

Majority of the Agta belonged to the lowest echelon of society particularly farmers (Peterson 1978:53). The Pinatubo Aetas were observed to have a good relationship with other families (Shimizu 1989:81). The Dumagats, on the other hand, were described as a community with a classless system.

### **Mindanao**

#### *Yakan*

The list of officers of the Panglima enumerated below had the following corresponding roles:

- (1) *Marahadja or Mahadja*- (a) receives all the complaints from the community; (b) sends messages to the people who are in disputes; and (c) takes and keeps all the records of the disputes;
- (2) *Nakib* – guides the Panglima and the rest of the members of the Sarah Kepepuan if they are going to see a certain conflict;
- (3) *Pakasa* – (a) messenger of the Panglima; (b) servant of Sarah Kepepuan; and (c) servant of the people in the court session;
- (4) *Uwangkaya* – follows the decision of the majority in the court session in the Sarah Kepepuan;
- (5) *Bangsawan and Pahallawan* – (a) help both the persons in conflict in the community; (b) take charge of paying the damage if the persons in conflict had no money; (c) maintain peace and order in the community

(Ahadas 2002:14)

Similar to other groups in the Philippines, Ahadas declared that the Yakans belonged to a “patriarchal type of society” (Ibid:16). The father (*amah or sama*) stood as the head (Ibid) and was given primary importance in particular in decision-making in comparison with the females. Sherfan likewise explained that the family reputation was very vital that was why a Yakan brought with him his family’s standing whatever he engaged in.

#### *Mansaka and T’boli*

Records manifested that the Mansaka were actively involved as either *purok* leaders, *barangay* officials, or *sangguniang bayan* members as well as attending meetings, assemblies, among others (Llmikid 2002:11). Similar to Yakan, the father figure was likewise highly regarded among the T’bolis (NCIP Document on T’boli). His decisions were followed. In the absence of villages, the household was considered the socio-economic and political unit (Ibid).

#### *Bagobo*

Under the threat of colonization, Muslim natives, the Clata included, were forced or learned to consolidate their forces. They fought side-by-side against the Spanish. They were defeated in due course given the arms superiority of the colonizers. In defeat, the Clatas were forced to retreat to the area of Guianga. (Guardados 2001:11)

Waves of colonization brought significant changes to Clata life. First, Spanish colonization introduced a new political system. Massive conversion to Catholicism was effected first by the Spanish Recollects and, later, the Jesuits, who succeeded in their conversion drive by “offering gifts” to the locals. For their part, the Americans established abaca plantations. Then the Japanese came along with the enterprising Visayans who worked in the plantations as farm help. (Ibid).

#### *Manuvu*

The village leadership hierarchy consisted of the following: the *U*, meaning head or chieftain; the *buy-ag* or council of elders; the *panadsang* or aide/assistant; the *bahani* or warrior; the *ta-usay/mamelow* or go-between/fixer; the *anituwon* or priest/shaman; the *tahavawean* or *albolario* quack doctor; and the *mavali-an* or midwife. (Guardados 2001:33)

Women did not participate nor interfere in political matters. Their role was strictly confined to performing household chores like child-rearing and tending to the farm, after it has already been planted with the desired crops by the men. (Ibid:34)

Here is an interesting observation on political change among the Manuvu:

“Except for the Manuvus in Baguio District... whose political structure changed simultaneously with that of the Guiangans or Clatas, the Manuvus of North Cotabato experienced [similar] changes in the [1940s]. Agents of this change were not the Moslems, ...Spaniards, ...Japanese nor the Americans, all of whom were mainly concerned about their

businesses. [It took time before] the natives adopted the political practices introduced by the Philippine government since they did not understand the setup. They thus held on to their customary practices until a good number of them were educated and learned about the new structure's desirability, and after observing that it was widely adopted." (Ibid:34)

### *Matigsalog*

Consistent with the models presented in the foregoing sections, a council of elders assisted the Matigsalog *datu*. These elders or leaders were usually members of his clan. In particular, they assisted in the crafting of tribal laws and rules.

### *Isama*

The *Datu*, as head of the tribe and in his official function as leader, is often accompanied by a security officer referred to as the *Arid sa Pinto*. The *Ruma Bitiara* which was a council composed of all the officers together with the leaders that served as jurors and policymakers help the *datu* in conducting his duties, monitoring the whole community, making decisions and all other affairs of the tribe whether internal or external in nature. The *Masirataw* was an expert in indigenous signs and letters inscribes in the *Tarsila*. The *Tabonggos* was an officer assigned to collect tributes and taxes, fines, penalties, donations, and all tribal assets that were used in sustaining affairs conducted by the *Datu*. These included feeding his family, widows, and orphans among his tribe and the contribution of their tribe to the Federation of Tribal Councils. The *Tagabilang* would audit what the *Tabonggos* had gathered or collected. (Ibid:73)

### *Mandaya (Davao Oriental)*

The early political structure of the Mandaya varied depending on the size of the area or followers covered. A compact settlement or "community" did not exist since dwellings were located where the swidden farms were sporadically situated. Clusters of three to five houses usually belonged to the ruling authority like the *bagani* or *likid*. Slavery was common. (Ibid:224)

Having a larger domain vested political authority in the *likid*, also referred to as the *matadong* or *pasado*. As a symbol of power, he donned a *pudong* [turban] colored with *binaning* [yellow dye]. Under the *likid* was the council of elders or *bawukan* whose members wore a red *pudong*. The *bagani* was next in rank. He had to be a consummate warrior who could head a groups of combatants referred to as *maniklads*, equivalent to junior officers. The *maguyantok* were the foot soldiers. The *kalagtuan* consisted of the rest of the group or commoners. The *maniklad* served as the messenger of the *bagani* and the *likid*. The *bagani* had the power to the rule in smaller groupings. To become a *bagani*, a Mandaya warrior should have killed 7 to 10 persons. Though this role was transferred by virtue of genealogical succession, one had to earn the title before assuming it. (Ibid:224)

Unlike southern indigenous groups such as the Bagobo and Balaan, the titles *Datu* and *Rajah* were not used by Mandaya chieftains, as the nature of their relationship with the Moros was more economic rather than political. (Ibid:225)

In 1962, the Recollect Fathers took charge of the Caraga District where they often erected forts and armed the *Cristianos* [converts] against Moro attacks. In the seventeenth and eighteenth centuries, Christianization occurred in Mindanao in rather slow and staggered process. During the attacks of the Moros on the forts of Zamboanga, of the 20 Mandaya *maniklads* from Caraga, only nine returned. They were utilized by the Spaniards to help fight the invaders. In 1875, the Jesuits came and gradually took over the missions. The church then paved the way for the establishment of all political structures. (Ibid:226)

Following their predecessors, the Japanese installed mayors and governors. The Japanese Imperial Army nestled in the lowland poblacion, virtually avoiding encounters with the USAFFE ad guerillas holed up in the hinterlands. Very few religious activities were allowed since groups were regarded with suspicion. The early association of the Mandayas with the Japanese migrants cushioned the fears of the former. (Ibid:228)

### *Teduray*

Traditionally and even in the current efforts to preserve the *Ukit* and *Tegudon*, the political organization of the Teduray is not hierarchical but egalitarian. According to Schlegel, there are four overlapping social groups among the Teduray, namely: the neighborhood, the settlement, the household and the nuclear family. Kin ties – both by consanguinity and affinity - largely determine family relationships. On the other hand, households and settlements are spatially established (since they live in dispersed hamlets). The neighborhood is basically oriented to social ties related to working together in daily subsistence work, like hunting or doing slash and burn agriculture.

The *inged* (neighborhood) is the largest social unit. It comprises several settlements the members of which render mutual assistance among themselves in all agricultural activities (like swidden or slash and burn among more traditional and mountain-located Teduray) as well as in community rituals.

Teduray governance is highly participatory. They are also integrated into the Philippine local and national government units as constituents who are required to participate as voters in both local and national elections. Largely because of their marginalized and impoverished status, present-day Teduray are not adequately represented in the Philippine formal governance system. Those elected to bring their voices in the Philippine's House of Representatives are non-Teduray and expectedly, will not be bringing the voices of the lowly Teduray in the national body.

Perhaps the only indication of Teduray representation in the Philippine formal governance system is in the creation of an Office of Southern Cultural Communities (OSCC) in the ARMM. The office is headed by a Teduray woman who married a member of the local Maguindanawn elite. One of her daughters has been appointed the Deputy Governor for Indigenous Peoples in the ARMM. However, the representation of this mother and daughter team is limited by the fact that there are no sufficient funds

provided for them to contribute to the over-all welfare of the IPs, especially their fellow Teduray.

### *B'laan*

The *admagan* were “well-to-do” by the community’s standard for he “possessed horses, carabaos, *agongs* and *kamagi* (gold necklaces),” among others. Such property were most often used to “help pay fines of an offender or in marital arrangement for dowry.” But the *admagan* made sure that he is paid back for the use of his property, either through the services of the person helped or through repayment of actual goods given.

Verbal accounts bear out that in contrast to the Teduray, B'laan communities have been stratified into three social classes, to wit: (Ibid)

1. The *fulong* (equivalent to the *datus* or elders of other tribes) were the most respected and most renowned members of the community. They were supposed to be articulate and had the ability to judge cases involving conflicts. As such, they helped facilitate community rites and practices (e.g., marital arrangements) and assisted offenders in instances when the latter had to pay fines but had no means to do so.
2. The *admagan* were “well-to-do” by the community’s standard for he “possessed horses, carabaos, *agongs* and *kamagi* (gold necklaces),” among others. Such property were most often used to “help pay fines of an offender or in marital arrangement for dowry.” But the *admagan* made sure that he is paid back for the use of his property, either through the services of the person helped or through repayment of actual goods given.
3. The *lifan* were at the bottom of the hierarchy. They were slaves or servants of the *fulong* or the *admagan* who, through their wealth, acquired these servants by paying for their fines or other penalties. As servants, the *lifan* were made to work in the *kaingin*, take care of work animals, and do some household chores. The *lifan* remained in service until such time that the *fulong* or *admagan* felt that he or she has already worked enough to have paid for the use of the properties dispensed.

### *Tigbao Subanen*

The Subanen have never congregated into villages, as do the Moros and Filipinos. Their tribal government is patriarchal and each chief governs by paternal rights, subject to the will of the people. Such communal chief has the title of *t'muai* and holds it only while acting as headman of the community (Finley). The family is the government and that the father is the head of the family and its absolute ruler. A community is formed when there is an association or confederation of families under the leadership of a *timuai*.

The tribal government of the Subanun has evolved the executive *timuai* and clothed that official with the necessary authority to adjust the relations between the families of a confederation or community. The size of such a community depends upon the ability and the popularity of the *timuai* in charge. Families come and go and give the

headman due notice of the change. In this respect, perfect freedom is accorded the families (Finley).

The Subanon is basically an egalitarian society. The villages they form may also be regarded as small independent political units, which are headed by a "gukom" or headman. Kinship is mainly based on family and the bilateral personal kindred do not extend beyond second cousins. The Subanons are characterized by an overlapping network of politically unorganized communities of neighbors and kin. Neighboring communities tend to form regional groups, whose members interact from time to time in trade, feasting, and litigation (Lebar).

#### *Kulaman Manobos and Maranao*

The tribal chieftain acts as the adviser of the community. He heads the tribal council and leads in community projects such as constructing a tribal hall. The *Sultan* and *Datu* of the community select him via consultation with the other Manobos of the village. (Guardados 2001). The Maranao political structure, on the other hand, is a hierarchy of status and authority that unites places and peoples into political units of increasing comprehensiveness. The political structure functions primarily to permit neighboring communities and regions to co-exist. (Ibid:152)

### **Justice and Conflict System**

#### ***Northern Luzon***

##### *Ivatan*

Hornedo reported that the Ivatans penalized whoever stirred up trouble in the community (Hornedo 2000: 16). He added that the following crimes were punishable by death: homicide, witchcraft and murder by poison, while robbery, theft, adultery would be reprimanded by fine. It was explained that burying alive was the gravest punishment (Ibid: 17). The chief was tasked to settle and judge but in the difficulty to make judgment, they resorted to duel (Ibid:17).

Hornedo reiterated that the concept of family-like system was likewise important in rendering justice to the Ivatans. Committing a crime to one member of the barangay became a war against the entire barangay because the *datu* protected his entire flock (Ibid:17). Hidalgo explained that settlement may range from "amicable settlement" or "duel" (Hidalgo:102).

##### *Gaddang and Bago*

For the Gaddang, the role of elders was paramount even in settling conflicts. The wise advice of the older members of tribe was regarded as words of wisdom that was why they were important factor in negotiations and settlements (Andres:56). The court system of Bagos, on the other hand, was similar to *Applai* tribe in Mountain Province. *Abong* was their version of *Dap-ay* where cases were resolved.

## **Cordillera**

### *Bontok and Kalinga*

The peace pact system controlling inter-village and inter-region relationships is still in current use among the Bontoks and Kalingas (Brett, 1990:6). The peace pact defines the provisions on the behavior of co-pact villagers while in the territory of the other. The peace pact holder is responsible for policing the boundaries so no one is killed within their territory.

### *Ifugao*

Ifugao peace pacts have become defunct, especially after the Second World War, and are not practiced anymore. Cases which involve inter-village conflict are handled by municipal officials usually with the aid of the elders of the communities involved (Prill-Brett, 1990: 31).

### *Tinguian (Masadiit)*

Misbehavior and misdemeanor in Tinguian society are settled by the *lallakay*. Wrong doers are fined or ordered to shoulder expenses for the food of elders settling the case. On cases where the community cannot find the violator, the community resorts to the *sapata*. In this case, the offender is tried in absentia through a ritual done by an elder who is an authority of the *bagawas*. Likewise, Disputes or conflicts attendant to land tenure among villagers are likewise settled by the *lallakay* of the same village. A successful settlement of a territorial dispute is formalized in a peace pact called a *bedeng* (literally meaning boundary) or *kalon* (literally meaning an agreement). *Lapat* justice does not only end when an offender subjects himself to community instituted penalties. It extends over to counseling the offender so he can reform himself and becomes accepted again as bonafide member of the community. There is no need for jails because the ultimate goal of *lapat* justice is to reform the violator. In recent years, violations, which can not be settled in the village or barangay level, are elevated to the municipal courts.

## **Central and Southern Luzon**

### *Mangyan and Agta*

Jordana elucidated that the Mangyans were very strict in their laws. Records showed that cases such as adultery, robbery, among others were castigated with capital punishment and harsh penalty respectively. Helbling and Schult stressed that elders in the family played crucial role in arbitrating between conflicts (Helbling and Schult:10).

The Mangyans were also open for conciliation. The authors further elaborated that negotiation was often done to discuss matters at hand (Ibid:10). Mangyan was a prime example of the indigenous community that was exploited. The minority group such as Mangyans experienced hostility from the civilized lowlanders. Helbling and Schult reported that abuse against Mangyans was rampant (Ibid:34).

Similar to Mangyans, injustice towards the Agta was very prevalent. They experienced hostility from the lowlanders. Intimidation was rampant as well (Early and Headland:54).

## ***Mindanao***

### *Yakan*

It was recorded that all kinds of disputes and problems undergone discussion in the Agama Court built for peace and order (Sherfan:176). Islamic laws likewise were used to address problems of the tribe. (Ahadas:12). The *sultan* presided the sessions of the Agama Court (Ibid:12). There was segregation between Islamized Yakans from the non-believers (Ibid:9). The code of belief of Yakans was crucial as well in the enforcement of justice.

Some of the typical court cases were as follows: (1) failure to pay back borrowed money; (2) elopement; (3) marrying a fourth wife; (4) touching somebody else's wife; (5) cattle rustling; (6) murder; etc. (Sherfan:177-182).

### *Higaonon and Bukidnon*

Heidi Gloria and Fe Magpayo in their work entitled *Kaingin: Ethnoecological Practices of 7 Upland Communities in Mindanao* cited that it was the dato assisted by 2 subordinated datos that presided the court sessions (Gloria and Magpayo1997: 216-217). A symbolic outfit was worn by the Chief Dato to refer to grave cases (Ibid). A fine was paid for minor offenses (Ibid:217). For the Bukidnon, on the other hand, the neophyte fighters displayed their skills through taking part in revenge (Biernatzki 1973:31). Fear of incarceration deterred them from doing so (Ibid).

### *Mansaka and T'boli*

For the Mansaka, an unusual festive celebration with food was often prepared during an assembly to settle disputes (Limikid 2002:13). Furthermore, an intervention of a matikadong in conflicts was crucial to prevent the emergence of tribal war (Ibid: 14). An investigation of the case, consultation with the leaders and enforcement of penalties would follow (Ibid). While for the T'bolis, they believed that fines would be the penalty of offenses by tamok (fines) either land, animal or money (NCIP Document on T'boli). If it couldn't afford, service fee would be rendered (Ibid). Ostracism or death would face the grave offender (Ibid).

### *Mamanua and Manuvu*

Maceda clarified that the headman presided over problems in the judicial system and rendered punishments (Maceda 1975:86). It was reported that ostracism was the most common punishment. The Mamanua women had crucial role in their society. They were helpful to assuage the anger of the headman that's why problems were oftentimes referred to them first (Ibid:83-84). Among the Manuvu, in dispute settlement, the chieftain's decision was fully respected. He had the final say and the subordinates were always loyal, never attempting to betray him or undermine his authority. (Ibid:34)

### *Bagobo*

Territorially, the authority of a *datu* could extend far beyond the boundaries of his immediate community to that of other *datu*s so long as his wisdom and power are acknowledged by these other leaders as being superior to their own. This can be seen, for example, in instances when a *datu* invites another *datu* to settle disputes within his territory since he could not resolve such a conflict by himself. (Guardados 2001: 8)

There were inter-tribal conflicts in the past but no ethnic group was fully subjugated by another as encounters were sporadic or had to do with the specific cultural practice called *pangayaw* [head hunting], referred to in the dialect as *ngay-yow*. However, it should be noted that a *datu* could have slaves who were not from his own tribe. These slaves of a *datu* were used to complement dowries or offered as human sacrifice upon the leader's death, since the Clatas believed that a dead *datu* needed servants in the afterlife. These slaves were acquired either through kidnapping, barter or sale by human traders from other ethnic groups. In the case of the Clata, historically, most of their slaves were Matigsalogs. (Ibid).

### *Matigsalog*

There was a mechanism for inter-tribal conflict resolution. To settle disputes between the subjects of two chieftains, the bargaining table, as it were, is often resorted to until a settlement is arrived at. When there is strong contention between the two *datu*s, other *datu*s could mediate and arrange a dialogue between the conflicting parties. The resolution of the conflict could result to concessions being given to the aggrieved party. The mediator even received compensation from the offending party. (Ibid:51)

Local government dynamics, including autonomy, have been shaped by this political-social institution of the *datu*ship. With the transformation of Marilog community into a regular political unit (a barangay) and the subsequent election of the first set of barangay council officials in 1977, the Matigsalogs, although initially passive towards it, began to embrace the non-native governance system. (Ibid:51)

### *Isama*

The *Datu* was responsible for dispute settlement among tribal members in the community. But the *Nakuda* who served as fiscal or prosecutor facilitated the hearing of the case while the *Medtod Saingod* acted as the defense and parole officer. There were cases in which the *Datu* violated the law himself. In this situation, the elders would decide on the punishment that would be given the *Datu*. Usually a *pyansa* [fine] was asked in the form of *agong* [a musical instrument], *patakya*, *kudlong* or a horse. (Ibid:74)

Death was the punishment for those who committed grave acts like murder and homicide. Theft and robbery were punishable by cutting off the fingers or hands of the culprit. The number of fingers to be cut depended on the gravity of the offense as judged by *Ruma Bitiara*. There were times when conflicts arose between members of the tribe. These involved disputes on property rights, contracts and *Sandug*, partitions, territorial boundaries, damages, recoveries, and others that fall under civil offenses.

The *datu*, being the head of the tribe, had the biggest responsibility over the group, even for the lives of each member. Traditionally, the *datu*, was expected to serve and to defend his constituents even to the last drop of his blood. Once he became a *datu*, he could never resign from his position. Temporarily, he could leave it to his *rajahmoda* [his assistant] during his absence. If the *datu* failed to defend his people, automatically, he would declare a pangayaw [ a tribal war] or pledge to *juramentado* [a fight]. (Ibid:75-76).

The family, being the basic unit in society, played a very important role in molding the moral values of every member of the tribe. An Isama was expected to respect his parents, the *datu*s and elders of the tribe as well as property, and everything in nature. Customary laws are generally no longer followed nowadays (Ibid:83-93).

### *Kalagan*

With the increase in the number of Arabic educated Kalagans in the village, more and more of the disputes are settled in the *hukuman* [court] where the Shari'ah Law is gradually enforced alongside the *addat* law. Judgment is usually done by the village *imam*, *datu*, *uztdj*, the *mokari* [elders] and even the barangay captain (Ibid:145).

According to *Datu Malila*, an offending party may receive different forms of punishment depending on the pattern followed. If someone commits robbery, the *Qur'an* says that the culprit's fingers should be cut off but our law opts for due process. Hence, the case has to pass through the *purok* chairman, then the *datu* and finally the barangay captain. If the robbery is done by a Bisaya inside the Kalagan community, the *datu* cannot impose punishment. He has to endorse the thief to the barangay captain. In case of murder, the *Qur'an* says that the murderer should be punished by death. However, at present, this is subject to due process (Ibid:145-146).

According to *Bapa Emeri* and *Datu Pug-on*, an offending party may receive different forms of punishment depending on the pattern followed. If the *datu's* decision counts more, the punishments were not as severe. The *datu* can show mercy according to the reasons for committing a crime or offense. However, the Quranic had an eye-for-an-eye-a-tooth-for-a-tooth principle. Nowadays, if a Kalagan is pardoned, he is asked to pay bail and the amount reaches from P20,000 up to P50,000. (Ibid:146)

### *Mandaya (Davao del Norte)*

In the past, *Rajah-Mudah* was the highest tribunal in the political organization of the Mandaya. After the *Matikadong*, the people also looked up to and respected chieftains whom they believed possessed extraordinary wisdom which benefited the community as a whole. *Baganis* [warriors] were also respected. The people relied on their capacity to maintain peace and order, and to protect the community from invaders and enemies. The role and responsibility of a *bagani* to the community is depicted in an account of war that broke out between the Mandaya and the Kalagan during the Islamization process. During this chaotic event, a well-known *bagani* named Gansa, who led the Mandaya group, and Isay Inam, who led the Muslim group, entered into a *dyandyi* [pact] to avoid massive destruction. They took a piece of rattan, cut it, negotiated, gave their word, and that reportedly settled the dispute. (Ibid:184)

Other accounts posit that the Mandayas of the early days did not have *datu*s to direct and supervise them. The ancient Mandayas lived in groups which when it had grown in number would then cause them to choose a leader. Since the *Matikadong* held the highest position, they decided what form of punishment was appropriate for a proven criminal. Furthermore, the primitive Mandaya adhered to and practiced “an eye for an eye and a tooth for a tooth.” If a member of a particular clan or family was treated harshly, the relatives would trace the one responsible for the deed and do to him what had been done to their relative, or more. (Ibid:183)

In the event of having several suspects in a crime or one suspect who denied having done a criminal act, the Mandaya justice system had its way of resolving this problem. The suspect(s) had to undergo a physical test which served to determine the “truth.” Another method was by using *daras* [an itchy leaf] to identify a thief. The process involved wiping the hands of the accused with the *daras* leaves. If the person was guilty, his skin would peel off with the *daras*, exposing his flesh. (Ibid:184)

#### *Mandaya (Davao Oriental)*

*Bagani* divided areas to control and took slaves from other settlements by means of a *bukad* or a surprise raid, together with his *maniklad* and *maguyantok*. Using their *pangayam* [spear], *bayadaw* [a long sword, usually double-bladed], and *busog* [bow and arrow], the *bagani* and his followers conduct instantaneous raids of settlements. (Ibid:224)

A council of elders is consulted by the *bagani* on the following matters: (Ibid:224-225)

1. A review of petitions from commoners concerning the desire to redress a mistake or take revenge against another outside the domain by means of warfare [*pangayaw*];
2. The size and strength of a war party to get captives and/or valuables or to acquire additional choice areas of forest;
3. The hearing, arbitration, and settlement of all the intra-domain disputes caused by theft, adultery, violence, rape, murder, etc.
4. The selection of a *bagani* successor among the sons of the *bagani*'s first wife if the present warrior chief was unable to rule or had passed away;
5. The transmission of the demands, needs, and grievances of commoners in a domain to their ruling *bagani*.

Summary execution was practiced in some areas. In the hinterlands of Manay, an offender or criminal was brought inside the rainforest by the tribal leader who might not be a *bagani* and executed by stabbing. The corpse was thrown into the *dalikup*, a large gap between huge root stumps or giant trees, usually of the *dao* species. Offenses against women were among the most severely punished by the peace-loving Mandayas. (Ibid:225)

## *Teduray*

The *Timuay* Justice and conflict resolution systems, procedures and processes are the mandate of the Kefedewan or the Tribal Justices. These are tribal title holders who are acknowledged experts in resolving different types of conflicts (*lidu* in Teduray language). Conflicts are settled through a series of *Tiyawan* (tribal judicial procedures) in order to make every constituent maintain a “good state of mind.” (Article IV, Teduray *Ukit* or Constitution)

Among the Tribal Justices, the Fagilidan or Tribal Appellate Court is the highest level of leadership. The Fagilidan formulates the governing rules and guidelines in the *Tiyawan* process. These rules shall in turn be approved by a Congress of *Kefedewan*.

It is the mandate of the *Kefedewan* to see to it that the rights and feelings of the protagonists in a case brought for adjudication are respected and satisfied. The position of the *Kefedewan*, like all the rest of the positions in the *Timuay* Justice and Governance structure, does not have any compensation. As such, the *Kefedewan* needs to carry on with his or her usual economic or subsistence activities like the rest of the members of the community.

As far as the traditional Teduray conflict resolution, mediation and justice systems are concerned, all Teduray have free access to these services from the village *Kefedewan* up to the Tribal Appellate Courts (Fagilidan).

It is in the Philippine formal justice system that the ordinary Teduray have limited, if not, no access at all. Being poorly educated, economically and politically marginalized, the Teduray are rendered helpless if they get into trouble with Philippine law. Generally, the Teduray are also peace loving, so whenever they see conflict brewing, they would rather retreat to the mountains than be a protagonist in the conflict. They have good reasons for avoiding conflict, especially with lowlanders – they have no access to legal aid provided by good lawyers. Consequently, the Teduray always get short-changed in their transactions with scheming and wily lowland middlemen and women.

## *B'laan*

In Cotabato, the *fulong* also existed as councils of elders to resolve conflicts within the community. When a case could not be resolved, the *fulong* passed it on to the *datu* of a particular B'laan clan or group. The *Datu*, recognized as the highest leader in the community, resolved major conflicts within and among the tribes. (Ibid: 58)

In one community called Glan, it is reported that a *Pangayaw* is undertaken by one party or clan against another when a serious offense or a crime has been committed. The *pangayaw* may be ended with the killing of just one member of the offending party, or it may end up more disastrously as a clan massacre. (Ibid: 59)

When a *pangayaw* was undertaken, a planning ritual was first done. Clan members prepared their spears, bows and arrows, and provisions for a number of days for a special search party, as the act of taking vengeance could take time. The search party did not return home until vengeance was exacted. (Ibid: 59)

With the arrival of the Christian settlers and given their influence, the indigenous community reportedly found other ways of seeking justice for an offense committed. Traditional acts of justice or vengeance have thus declined among B'laan communities. Notwithstanding such influence however, there were indigenous ways to more amicably settle disputes. (Ibid: 59)

In particular, *Malapatan* B'laan concepts and processes on dispute settlement started with negotiations among the *fulong*. Cases were often settled when the offender gave material things (e.g., horses, gongs, *fais*) to the victim. In cases of failure to pay or provide the properties required to settle disputes, contributions from relatives and the *fulong* are accepted. (Ibid: 58)

Moreover, the B'laan had peculiar rituals purportedly to serve the cause of justice. In some cases, the trial meant tying an abaca cord to one hand of the accused and the other end of it to the offended party. The ritual was conducted with the accused swearing innocence as he or she pulled on the chord against the offended party. It is believed that if she did not die or get ill on the third day, then she was not guilty. This ritual, in particular, is called *Sugot Korungan*. (Ibid: 57)

### *Tigbao Subanen*

The *Bayug Subanen* had a *Panguhuman*, a court system, from the term *guhuman* meaning "laws." This system followed an order whereby a higher court could not bypass a lower court in the settlement cases.

Present-day Subanens, if given a choice, would prefer the tribal judicial proceedings to the national government judiciary. In the former, the procedure is simple and results are immediate with an effective system of punishment. Thus, the redress of grievances is fast. There is also the relatively low cost of settlement of cases and the parties' familiarity with customary laws and traditions. The less preferred alternative is the long and costly court proceedings and alien — and alienating — body of laws from the national government's justice system. (Ibid:82)

The process of mediating cases among the Subanen is called *bisala*, wherein kinship ties plays an important role. The *bisala* determines how heavy the crime is in order to be able to set the corresponding punishment. The *timuay* is in charge of the process. More serious crimes such as murder are endorsed to the *barangay* or municipality, depending on the decision of the aggrieved party and the *timuay*. Judgment is arrived at after a series of negotiations.

Sources of conflict may be due to damage to property, breach of contract, homicide, seduction followed with pregnancy, rape, abortion, adultery, assault, slander, witchcraft, theft, forcible entry of dwelling and others. Enmity between Subanun and non-Subanon communities usually arise when the latter grab the land of the former or deprive them of their right to get forest products (Suminguit). The IPs' strong attachment to their land and resources led to intermittent conflicts (the so-called tribal wars) with other groups (kin) that violated their territory (Constantino 1992, Tan 1997).

Three kinds of conflicts may arise in the Subanun community namely: (1) quarrels between members within the jurisdiction of one headman; (2) hostility between

members of one or more Subanun villages; (3) and enmity between members of the Subanun community and non-Subanun communities (Suminguit).

#### *Kulaman Manobos*

A practice noted among the Dulangan Manobos of Lebak is their inclinations to violent means of resolving conflicts. As traditional headhunters, they wage “*pangayaw*” (tribal wars or headhunting expeditions) to defend their communities against transgression of honor and dignity, and from humiliation and disgrace. As in most cases, these often arise from failed agreements such as in marriage, trade and politics. (Ibid:115)

Still, some infractions of ethical behavior or normal relationships arise, common of which are coveting another man’s wife, theft, wounding or killing, and land conflict between a Manobo and non-Manobo. Such infractions usually get the attention of the *Sultan* or *datu* who tries to settle the problem by bringing the parties together to arrive at some solution. (Ibid:115-6). Also, disrespect for elders is punishable under the Manobos’ judicial system(Ibid)

In a minor offense such as stealing from a relative for emergency use, the culprit can explain the nature of the crime and ask apology from the victim (Ibid). Serious offenses such as killing and repetition of the same offense are punishable with death. The offended party may kill the offender with a bow and arrow or by means within his power. However, such penalty seldom is imposed as they try to avoid committing the offense. (Ibid)

In seeking grievances, the offended party informs the *sultan* or *datu* of the place where the offender resides and where he committed the offense. The *sultan* or *datu* asks the presence of the offender and verifies the complaint and its nature. He will call the parents of the offender, ask them to help settle the matter in an amicable atmosphere, and then imposes the sanctions on the offender. (Ibid:

#### *Kalibugan*

In settling both major and minor problems in the community, the *Panglima*, the *Bagulal* and the Elders have the authority to settle according to customary and traditional laws (*Adat and Galib*), and on the basis of the teachings of the Qur’an and Hadith. (TRICOM 1998:132)

#### *Maranao*

In Maranao, the traditional leaders play a big role in resolving conflicts, ranging from petty crimes and domestic problems to land disputer. The system they follow is “*Kapangokom*.” The *Sultan* or his designate acts as judge while another is in charge of maintaining order during the deliberations. The presence of religious leaders helps in resolving the conflict. Both contesting parties have counsel called “*Wakila*.” (Ibid:153)

Traditional and Islamic practices also interplay in the administration of justice. The *Adat, Taritib and Igma* stipulates the bases for the resolutions. The *Shariah* (Islamic Law) also ensures that the resolution is in accordance to Islamic law. The *Igma*

(traditional laws) is the set of laws formulated through the consensus of the “*Pat ka Panuruganan*” (Four Houses of *Sultans*) and obeyed by the *agamas* or communities. (Ibid:153)

Major cases like rape, murder, theft, or land grabbing sometimes result in clan feuds (*rido*). The *rido* involves all members of the clans in hostility. It often results in a number of casualties for both parties. It can only be resolved peacefully through mediation by an uninvolved party. Both feuding parties root out the cause of the hostility and trace the *Salsila* to verify if they have any blood relation or *Bangsa*. (Ibid:153)

## **Land Tenure and Property System**

### ***Northern Luzon***

#### *Gaddang*

Tomas Andres in his work *Understanding The Values of the Gaddangs and the Nueva Vizcainos (2005)* expounded that in Nueva Vizcaya more than half of the land were owned while the rest were either partly owned, leased or rented without cost (Andres 2005:15). However, although the general figure of the province showed improvement in land tenure and property system, Maria Luisa Lumicao-Lora in her book *Gaddang Literature (1984)* demonstrated that the Gaddangs belonged to the lower echelon of society and still obtained livelihood from their environment such as fields (Lumicao-Lora 1984:66).

#### *Ikalahan*

Philippine Association for Inter-Cultural Development accounted that pursuant to Presidential Decree No.389 or the Forestry Reform, Ikalahan was able to acquire a “Communal Lease Agreement with the Bureau of Forest Development (BFD)” for a period of 25 years (PAFID 1993:10).

### ***Cordillera***

#### *Bontok, Kankanaey and Ifugao*

The Bontoks and Kankanaey exercise the following rights to land: (a) communal land rights (exercised by all citizens of a community); (b) indigenous corporate land rights (exercised by all members of a descent group, family, or ward); and (c) individual land rights. Literature displayed that the indigenous corporate type of land tenure system is common to the Ifugaos analogous to the Bontoks.

#### *Tingguian (Masadiit)*

The ili is the home village or homeland of the Tingguian. The kadawyan of ili hold communal and joint ownership of the home village. This confers right to any villager to cultivate any part of the territory and to bequeath such right to his descendants. He can exchange such right for something with a relative or any villager but not to a stranger. He can also donate such right or use it as dowry to a prospective daughter-in-law. Such transfer of right must be made public, especially among the *lallakay* and kin-

group through a ceremony. Integral parts of the home village are the surrounding forests, rivers and valleys. Ownership of land is communal although cultivation is usually done by household or kinship group. No particular individual or group could claim sole ownership of the village home or the surrounding territory.

### **Central and Southern Luzon**

#### *Mangyan*

Reports showed that the entry of new inhabitants worsened the situation of the Mangyans because conflicts became inevitable and the issue of land grabbing became traumatic for this indigenous group (Helbling and Schult 2004:103-104). This was remedied in 1933 by the initiative of the local authorities to provide eight reservations which likewise covered the area for schools and community (Ibid).

However, it was noted that exploitation persisted. The land reserved for the Mangyans was taken by settlers when they fled out of fear during the Japanese occupation (Ibid:111). They had no land to return to. The government sided with the dwellers at the expense of illiterate Mangyans for political gain (Ibid:118).

Helbling and Schult highlighted that land scarcity was the main dilemma of Mangyan (Ibid:123). It could be recalled that the period of 1950s to 60s became an episode of land rights clashes in the history of Mangyans (Ibid).

Effort such as creation of Commission on National Integration (CNI) in 1957 in order to integrate IPs was found futile. Lopez-Gonzaga added that contention arose that some CNI agents had allegedly abused the Mangyans that led to the abolition of the said commission in 1976 and replaced by the Presidential Arm for the Administration of National Minorities or know as PANAMIN (Lopez-Gonzaga 1983:52).

#### *Agta*

Agta, according to Early and Headland, owned and tilled the land themselves while others were tenants and traded their labor with partners (Early and Headland 1998:52-53).

Jean Trelloggen Peterson in his work entitled *The Ecology of Social Boundaries: Agta Forefathers of the Philippines (1978)* on the other hand, expounded that the typical land holding was one and one-fourth hectares. Unfortunately, there were some Agta who had no concept of property inheritance (Peterson 1978:23). He recalled that PANAMIN pledged to furnish the Agta with land for their community (Ibid:70).

Aeta of Zambales, similar to the Mangyans, were abused in the use of their land. The reservation allotted for them was not guarantee enough that they would be able to utilize the land for themselves because of the encroachment of abusive enterprising landowners (PAFID 1993:8).

## **Mindanao**

### *Yakan*

Their supreme belief in Allah was likewise translated in their concept of ownership. Records exhibited that a person is given land not only for dwelling place but for the purpose of farming or cultivating it (Sherfan 1976:8).

### *Mansaka*

The Mansaka had a high regard for land. Limikid mentioned that in the past land could be accessed by anybody. Nobody monopolized its ownership. This became open even to outsiders who became interested to intrude in the territory of the Mansaka (Limikid 2002:4). There came a time when the Mansaka tribe lost its possession because they have exchanged it for goods and money (Ibid).

Land disputes were likewise rampant and in worst cases at the expense of their lives. Land was primary important for Mansaka (Ibid). Mansaka likewise suffered from exploitation. Aside from buying their land for a cheap cost, they were hired as laborers and was underpaid (Ibid:16).

### *T'boli*

Parallel to the Mansaka, the land was very precious for the T'bolis as well. In the 1978 study of Friesen and Stoltzfus, people demonstrated their vehement rejection of the plan of constructing a dam in their territory. Unfortunately, they've dwelt for the past 20 years without acquiring a land title (Friesen and Stoltzfus 1978:6).

### *Mamanua*

Marcelino Maceda in his book entitled *The Culture of the Mamanua (Northeast Mindanao) As Compared with that of Other Negritos of Southeast Asia (1975)* mentioned that the dwelling place built by the indigenous people are communal owned by those who constructed it. (Maceda 1978:91).

Deprivation of land was also suffered by the Mamanua as a result of the entry of outside dwellers (Ibid:90). However, in the year 1975, it was recorded that there were some Mamanua families who had acquired land titles through the following strategies: (1) right of first occupation, (2) barter (3) direct purchase, and (4) direct appropriation (Ibid:93).

### *Isama*

The arrival of capitalists and landlords/owners drove the native inhabitants of Samal to move to far-flung areas of Samal Island. They lost their ancestral lands because of this. Now, their *datus* express the people's aspiration to see big capitalists and landowners out from the place. (Guardados 2001:93)

### *Mandaya (Davao Oriental)*

The early political structure of the Mandaya varied depending on the size of the area or followers covered. A compact settlement or “community” did not exist since dwellings were located where the swidden farms were sporadically situated. Clusters of three to five houses usually belonged to the ruling authority like the *bagani* or *likid*. Slavery was common. (Ibid:224)

### *Teduray*

One of the principles followed by the Timuay Justice and Governance is the communal ownership of everything in the community. It is this principle of communal ownership that has paved the way for the disenfranchisement of the Teduray from their ancestral lands.

Presently, many impoverished Teduray are landless and work as farm hands for lowland landlords in the mountains that the Teduray consider their ancestral homeland. They also do farm-related labor like corn shelling (using their hands) for which they get measly pay like PhP 10.00 per sack of shelled corn.

Teduray at present, do not have ownership and control of the lands they till under the plow type of agriculture. Many Teduray men and women work as farm labor and paid measly wages on an hourly or daily basis. The control of natural resources, especially their forest, has largely been usurped by illegal loggers, denuding their forests and destroying their watershed. Even their swidden farms are already threatened because soil in the mountains has become soft and vulnerable to erosion.

By virtue of their being members of the village, cluster of villages or inged, the Teduray always have access to mediation through the Fagilidan or the Tribal Appellate Courts. The Kefedewan in their respective villages make themselves available for the settlement of disputes, even those related to land and resource use. However, Teduray have limited access to mediation mechanisms under the Philippine legal and justice system.

### *Subanen*

To Subanon group, only Apo Gumalang, the paramount God, had the right to own land (ADB). As with other indigenous groups, the Subanen believe that land or *gětaw* is not property to be owned, but rather to be utilized and cared for. As one Subanen leader says, “Su dlupa di maangkön di kataw, pero sud lupa mahaangkön di gětaw kay ba matay, lubëngan si *gětaw*” (Land cannot be owned by a person, but a person can be owned by the land. After all when a person dies, he or she is buried in the land). Some Subanen believe that this belief is responsible for non-indigenous migrants from the lowlands they call *dumagat* usurping much of their land. They allow the use of the land, without realizing that the *dumagat* interpreted such acquiescence as giving them the right to own the land.

## **Service Provision and Delivery System**

### ***Northern Luzon***

#### *Ivatan*

Hornedo raised certain dilemma regarding the service provision and delivery system of Ivatans. He reiterated that in the past, the Ivatans were lagged behind due to absence of “boat technology” that led to their inaccessibility to markets in Luzon (Hornedo 2000:131). Hidalgo, on the other hand, positively declared that the health and nutrition aspects of Ivantans were improving. (Hidalgo 1996).

#### *Bago*

In terms of social services, a municipal health center was constructed and various health stations were put up to address health needs of the populace. It had the following officers: municipal health officer, dentist, area nurse supervisor, sanitary inspectors, midwives, etc. However, one major predicament was the shortage of medicine.

### ***Central and Southern Luzon***

#### *Mangyan*

Helbling and Schult disclosed in their work that the horrible past documented that a small percentage of Mangyans had suffered from epidemics (Helbing and Schult 2004:165). The year 1960 onwards displayed that the health status of the IPs improved. Mangyans with regards to the health care, clothes supply, and credit facilities were made available for the Mangyans (Ibid).

However, due to dirty surroundings and lack of water and proper sanitation, diseases were inevitable. Another drawback was their adherence to traditional medicines for their illnesses.

#### *Batak*

Citing James Eder, Rowe Cadelina in her work entitled *In Time of Want and Plenty: The Batak Experience (1985)* reported that “depopulation” resulted in scarcity of food or limited food supply (Cadelina 1985:49). Eder believed the “nutritional difficulty” of Batak (Eder 1993:143) as culprit of the problem. Also, the Batak had been victimized by various diseases namely measles, cholera, influenza, malaria, tuberculosis, respiratory infections, and gastrointestinal infections (Ibid:147) that should be addressed properly.

#### *Agta*

This minority group was deprived of services and welfare from the government. This resulted to vulnerability of the IPs to diseases. Early and Headland mentioned that

death of Agta could be traced from parasites, infectious diseases and malnutrition (Early and Headland 1998:113).

## **Mindanao**

### *Yakan*

The service delivery and welfare provision were poor among the Yakans. Literature recorded only one hospital with one doctor among the Yakans and shortage of medicine (NCIP on Yakan). In addition, roads were substandard and housing condition was problematic (Ibid).

### *Higaonon*

Heidi Gloria and Fe Magpayo in their work entitled *Kaingin: Ethnoecological Practices of 7 Upland Communities in Mindanao (1997)* cited that the delivery of services and welfare was considered poor among the Higaonon tribe. The people resorted to traditional cure for their illnesses (Gloria and Magpayo 1997:257).

There is a health center in Higaonon community in the town proper which has one midwife offering mainly family planning services. Not all villages have a water system. The Higaonon still avail of the services of the indigenous medical practitioner after consultation at the health centers (ADB).

### *Mansaka*

In terms of the delivery of services and welfare, transportation and the condition of road of Mansaka were problematic. Limikid professed that no other vehicle except for motorcycle can pass through the roads of Mansaka (Limikid 2002:40). It was recorded that one jeepney "irregularly" traversed through the poor road (Ibid). Also included in the burden of the indigenous people was the high cost of fare.

Health, on the other hand, was deteriorating for the Mansaka. Literature displayed that poverty hindered the Mansaka to consult with doctors for their illnesses aside from the high transportation cost of going to the doctor (Ibid). Children were badly victimized by measles and worst case died without access to a physician (Ibid).

Furthermore, lack of clean water as a huge problem resulted to epidemics and other diseases (Ibid:43). Influenza, coughs, severe colds, pneumonia, malaria, typhoid fever, diarrhea and malnutrition were the common diseases of kids while tuberculosis, leukemia, hepatitis B and pneumonia victimized the adults (Ibid).

### *Teduray*

Modern communication and transportation facilities have not the remotest place of Teduray. Only heavy duty, four-wheel type of vehicles can reach such communities. In some communities, like Nalkan and Tambak, both of North *Upi*, the only modes of transportation are the horse and motorized banca (canoes without outriggers). The

average number of hours to reach the nearest rural health unit in Tambak is seven hours and five hours to reach the nearest health station in Barangay Nalkan.

Consequently, the communities have very poor access to basic social services that are available in many lowland, more accessible and more economically progressive barangays in other parts of the province. The Teduray are highly susceptible to varied diseases, many of which are highly contagious although preventable among more affluent societies. Because of their low incomes, many cash economy-integrated Teduray have resorted to buying food that are considered “filling” but have negligible nutritional value. Excessive logging of their rainforests has led to the loss of their traditional food sources. Moreover, their over-all poverty situation has prevented them from accessing medical services aside from those that are minimally provided in the barangay health centers. Many times, these centers are inadequately supplied with medicines and do not have regular health personnel to cater to the health needs of the barangay residents. In the eight communities surveyed, there was a high prevalence of contagious diseases like diarrhea, malaria and skin diseases. These diseases could have been prevented if the Teduray have safe water sources and good sanitation and housing conditions. Poverty and their geographical isolation have prevented them from having the necessary measures to avoid such diseases in their communities.

#### *Tigbao Subanen*

The name Subanen means river dweller, from the words suba (river) and nun (a suffix indicating origin or habitat). They were the first inhabitants of the Zamboanga peninsula. They were plain settlers originally. When the Muslims came, they had to secure their livelihood and established territories in various places, while resisting numerous incursions and exactions, including the yearly tithe of rice and chicken called the *siwaha*. (TRICOM 1998: 69)

### **Management and Utilization of Resources**

#### ***Northern Luzon***

##### *Ibanag, Ivatan, Gaddang, Bago, and Itawes*

The Ibanags like other indigenous peoples made use of their natural surroundings as their source of food and income. They focused on farming. Marino Gatan accounted that a huge percentage of Casibarag residents were farmers (Gatan 1981:24). The Ivatans, on the other hand, resorted to fishing, farming, cash crops and cattle-raising among others (Hornedo 2000:135) while the Gaddang resorted to fishing, agriculture, mining, etc. (Andres 2005:14). The Bagos concentrated on fishing, “kaingin”, hunting, and agriculture, etc. while the Itawes was likewise dependent on its surroundings for its food. It resorted to agriculture, fishing, and poultry among others.

#### ***Cordillera***

##### *Tingguian (Masadiit)*

The Tingguian culture comprised of traditional customs and practices and indigenous justice system and ways of worship have influenced the Masadiit’s way of

using, protecting and managing their land and other resources. These indigenous people have abundant food production and locally available livelihoods such as rice production and raising livestock.

The IP also has rich natural resources such as watershed and forest resources. The forest areas also abound with rattan, softwood and hardwood species as narra, various species of vines and palms, different bamboo species wild game and honey. The Tingguians' secret in conserving their natural resources is the ancient tradition of *lapat*. *Lapat* (literally meaning prohibit) is the indigenous system of regulating, protecting, managing and using properly the Tingguians' land and its natural resources. Under the *lapat* system, all villagers and neighboring villages are enjoined to abide by some rules villagers themselves have agreed upon by consensus. Harvesting or hunting is regulated. The *lapat* system has three underlying principles (Tingonong, 2002) namely: (1) stewardship over natural resources; (2) communal ownership and collective responsibility; and (3) sustainability.

### **Central and Southern Luzon**

#### *Mangyan and Batak*

Describing the lifestyle of Mangyans, Helbling and Schult cited that they resorted to raising pigs, hunting wild buffaloes (tamaraw) and wild pigs, gathering of wild plants and "shifting cultivation" (Helbling and Schult 2004:33). The Bataks, on the other hand, Eder highlighted that the "major resource zones" where Batak obtained their food were as follows: (1) forest, (2) freshwater rivers and (3) streams, and along the seashore (Eder 1993:33). Records displayed that the Batak remained hunter-gatherers.

#### *Agta and Dumagat*

The authors showed that trading existed between the Agta and the lowlanders. They traded their labor for manufactured goods and agricultural products (Early and Headland 1998:18). Aside from hunting and gathering, they likewise planted (Ibid). Also the Agta believed that they have so called "rights" to use their surroundings (Peterson 1978:24). The Dumagats, on the other hand, had no permanent source of living. They were blessed with an environment that allowed them to specialize in root crop camotes, cassava, ube and gabi. They likewise resorted to planting vegetables and wild orchids which were later on sold to lowlanders.

### **Mindanao**

#### *Yakan, Higaonon and Bukidnon*

Roxas Ahadas in his work entitled *Yakan (2002)* noted that the Yakans made use of what they have in their surroundings in order to earn a living such as coconuts, abaca, lanzones, rice, and cassava among others (Ahadas 2002:24). In terms of utilization of resources, the Higaonon were used to planting rice and corn, coffee, *abaca* and *guiyong*. Literature showed that the Bukidnon people were dependent on "subsistence farming by slash-and-burn" (Biernatizki 1973:17)

### *Mansaka, T'boli and Mamanua*

The Mansaka were used to food gathering and farming was their major livelihood producing corn, palay and root crops (Limikid 2002:40) while the T'boli resorted to hunting-gathering and *kaingin* but were also recognized as horticulturalists (NCIP on Yakan). Mamanua, on the other hand, were concentrated on *kaingin* and fishing (Maceda 1975:31-32).

### *Teduray*

The Teduray consider their environment an extension of their lives and bodies. Thus, they deem it necessary to preserve and maintain people's closeness to and good relationships with the environment. According to this principle, the Teduray are prohibited to do anything that will destroy the environment.

The present state of environmental degradation in the Teduray ancestral homeland is caused by excessive logging by non-Teduray. This is also one reason why the Teduray is pushing for a delineation of their traditional homeland so they have a legal basis for ejecting any entity that has caused the destruction of their natural resources.

The TJG also spells out proper management and utilization of resources considering their basic principle of respecting people's close ties with the environment. The plans and programs for management and utilization of resources are done through the Faguyaga Maginged. Livelihood programs shall emphasize food security through food production without the use of inorganic chemicals. Materials to be used should be environment-friendly so that natural resources in the forests, rivers and seas will not be depleted. In the cluster of villages, it is the Senrokoy Tulus who is tasked to implement programs on resource management.

### *Tigbao Subanen and Iranun*

The *Balian* was the economist of the tribe among the Dikayo Subanen. For example, it was he who says when it was time for planting and performs the ritual in opening a *kaingin*. He set the requirements for offering to the spirits or *diwatas*. The tribespeople also came to him in times of illness (TRICOM 1998:84).

Iranuns, on the other hand, had agriculture as their main source of income. They also engaged in artisanship, trading, fishing and other marine industries including salt making. More prominently, the Iranun were renowned ship builders. They produced fast vessels that at one time became an integral part of the *Sultan's* royal naval force against foreign invaders.

## Value and Education

### *Northern Luzon*

#### *Ibanag*

Records showed that the Ibanags gave their children opportunity to learn. At age seven, they are expected to go to school and be taught (Gatan 1981:62).

In their value system, marriage was seriously considered by the Ibanags. Gatan highlighted that marriage for Ibanags became a merger not only of the husband and wife but their respective families as well (Ibid:71). The literature displayed that elderly counsel was greatly sought by the Ibanags before embarking on major decisions.

#### *Ivatan*

Indigenous peoples like Ivatans had a traditional concept of education such as house building, boat-making, farming, fishing and handicrafts (Hornedo 1982:81). Hornedo cited that many Ivatans went to Manila after high school to traverse the path of teaching (Ibid:357). They went back to Batanes to practice their career. Literature clearly showed that the Ivatans, in comparison to other IPs, had high literacy (Ibid:77).

In times of conflict, Hornedo claimed, that the female Ivatans had a crucial role to play in maintaining their food production, ensure provision at home (Ibid:54). This portrayed that the role of women in society was to help perpetuate the economic status of the entire family or society.

#### *Gaddang*

Literature exhibited that educational status was another source of power among the Gaddangs. The person with high education was highly regarded in society (Andres 2005:14).

Female Gaddangs were viewed in a traditional way of being submissive to males in particular to their fathers (Ibid:48). Also, mutual respect between men and women was highly encouraged (Ibid). Marriage, on the other hand, had a particular function in society. Similar to Ibanags, it merged not only the husband and wife but their respective families as well. (Ibid).

#### *Itawes*

The Itawes tribe bestowed high priority on education. The family sent their children to all levels of school (Document on Itawes:n.d.). Report showed that Itawes had high literacy rate (Ibid).

## ***Central and Southern Luzon***

### *Mangyan*

Records showed the Mangyans only reached grades 1 and 2 (Helbling and Schult 2004: 102). The low turnout of students was caused by an alleged exploitation charged by Ernesto Villar in the magazine *The Graphic* (1933). He contended that there was an abuse of the Mangyan school children to work as laborers of superintendent and Tagalog settlers (Ibid:103). Furthermore, among the Hanunuo Mangyans, the problems were lack of teachers and schools (De La Paz 1968:57). Far location of the school from the community hindered the children from attending their classes (Ibid).

Fortunately, other agencies like the Catholic and Protestant Missionaries and Peace Corp Volunteers pushed for Hanunuo's education (Ibid:57-59). Pamaytayan Primary School was established in 1967 for Hanunuo Mangyans. For grades 1 to 6, they proceeded to Bait Elementary School. (Katutubo).

Discrimination against women, particularly in participating in debates, was not a new phenomenon for Mangyans. Politics was viewed as the sphere of men (Ibid:10).

The presence of missionaries enhanced the situation of the Mangyans in particular against exploitation from lowlanders (Ibid:138). Also, land disputes, medical assistance, and concerns on education were addressed with the help of missionaries who visited the place.

### *Batak and Dumagat*

Eder elaborated that no school was built exclusively for Batak. The children were encouraged to attend a school where they could mingle with lowlanders (Eder 1993:169). The Dumagats, on the other hand, were illiterate. Their low standard of living could be attributed to their lack of priority on education. They had a negative connotation about education. They believed that it was a threat to their close family ties. Another hindrance was the far location of the schools. Lack of financial provision also aggravated the situation of not pursuing education. Basic education for Dumagats was farming, fishing and hunting. They were also taught to respect elders, etc.

### *Agta*

Records showed that during the tutelage of the Americans, schools were built for Agta to orient them with the national culture (Early and Headland 1998:19). However, the objective was not fulfilled.

Early and Headland revealed that between 1950 and 1994, around 33 Agta teenage girls left their land to pursue work as helpers (Ibid:123).

Peterson clarified the function of marriage among the Agta. They recognized extended families. The purpose of such, he added, was to help the entire clan in the management and utilization of resources (Peterson 1978: 51). Marriage procedure itself exhibited political nature. In the ceremony, a discussion was done among the families

on how each would assist in the exploitation of resources wherein both would benefit in this merger (Ibid). This was also noted in other IPs.

## ***Mindanao***

### *Yakan, Higaonon and Bukidnon*

The document on Yakan from National Commission of Indigenous People (NCIP) Library showed that Yakans were illiterate due to low priority given on education. They focused on Quranic study (NCIP on Yakan). The literature emphasized that schoolbuilding facilities and teachers were scarce (Ibid).

In Higaonon community in Bukidnon, there are two public elementary schools, one in the town proper and another in one of the villages. Secondary education has to be pursued outside the area (ADB).

Biernatzki mentioned in his article that there was an elementary school in Kalabugao barrio where the Bukidnon people reside (Biernatzki 1973:17). He continued that the only hurdle was “absenteeism” among the children (Ibid:17-18).

### *Mansaka*

The article of Limikid showed that there were existing schools for high school, vocational, and college but the lack of teachers hindered the learning process of the Mansaka (Limikid 2002:41). One major obstacle was the long distance of the school from the community of Mansaka. The children were not physically fit for the long walk to school and lack of food for their lunch (Ibid: 42). Another dilemma was the quality of education jeopardized because of lack of teachers. Teachers only taught thrice a week because of distance and they still need to go home to their families. This resulted in “high illiteracy rate” (Ibid:42). It was a sad reality that due to illiteracy most of Mansaka were disenfranchised during elections. (Ibid).

Limikid highlighted a patriarchal society among the Mansaka. Sons were privileged over their daughters in terms of inheritance (Ibid:8).

### *Bagobo and Manuvu*

Bagobo women were at the bottom of the socio-political hierarchy as “their role was confined to house-keeping, tending the farm, and rearing the children.” Today, women’s roles are reportedly changing given the realities of a fast-changing world. (Guardados 2001:11). Manuvu women, on the other hand, did not participate nor interfere in political matters. Their role was strictly confined to performing household chores like child-rearing and tending to the farm, after it has already been planted with the desired crops by the men. (Ibid:34)

### *Isama*

The family, being the basic unit in society, played a very important role in molding the moral values of every member of the tribe. An Isama was expected to respect his parents, the *datus* and elders of the tribe as well as property, and everything in nature.

When cutting trees, an Isama went through a ritual asking for permission from the *maganito* [supernatural beings] believed to be residing in the tree. Invoking the name of the *Magbabaya* [god] was also observed. During the Commonwealth Government of the Americans, a *datu* was given the authority to hold someone in contempt of court when he failed to respect the customary laws of the tribe which were set by the *datu* or by the elders of the tribe. (Ibid:77).

### *Kalagan*

His prestige depends on his valor in war, benevolence, and justice towards his subjects as well as the number of slaves and wives he can sustain. In addition, there remains a strong secessionist movement that seeks to preserve Islam in the areas. Concerned with the “independence” of Mindanao from the Christian-dominated government, the movement initially aimed for self-rule. Since the idea of secession is not acceptable even among Muslim politicians, the government grants greater autonomy to provinces where there is a large Muslim population. Movement leaders have taken upon themselves the responsibility to preserve Islam among their people. The movement has awakened among the Muslims, including the Kalagans, the intense desire to be purely and proudly Muslim. Conservative factions went to the extent of prohibiting Kalagan women from wearing tight-fitting clothes and cutting their hair. (Ibid:146)

In addition to this, it has been stressed that some women also held political power in the community. This is true even up to the present. *Biya* was the woman who held the highest position in the community. Although her power did not equal that of the *datu*'s, her authority covers women's concerns in the community. A woman can be *biya* only if she has royal blood or she is the first wife of the *datu*. An old *biya* is more rightfully considered the women's leader than the incumbent *datu*'s wife. The *biya* also has assistants or a council whose members she personally chooses. (Guardados 2001:144-145)

When there are social events, the *biya* organizes the women to give whatever help they can. For instance, they provide kitchenware and dishes whenever there is a feast. Moreover, she is responsible for making decisions on behalf of the women. Otherwise, she can only go so far as giving suggestions, especially during meeting with the *datu* and his council. (Guardados 2001:145)

### *Teduray*

One of the indicators of high vulnerability among the Teduray is their low educational levels. Because of poverty, many Teduray families cannot afford to send their children beyond elementary or high school levels. The low educational levels among the people are aggravated by the absence of the lack of educational facilities in their mountainous areas and services needed to harness their productive skills (Accion *Contra El Hambre* and the University Research Center 2005:59). Low educational levels are also barriers to effective political participation. While many Teduray have been assimilated into the mainstream Philippine political institutions as constituents, they have not maximized the opportunities for participating in activities that can lead to their empowerment. There are no indigenous formal education institutions among the Teduray. Succeeding generations of Timuay, kefedewan or beliyán (shaman) are taught by their elders informally, through learning by doing. However, Teduray have very limited access to quality basic education. This is because of the lack of facilities like

chairs, blackboards, and lack of rooms for a growing number of children who enter elementary school every year (Documentary film: "People Beyond the Trails" 2004). schooling and eventually get married.

The Timuay principle of equality of all human beings suggests that Teduray traditional justice and governance systems respect the rights of both women and men in the outcomes of proceedings presided by the Kefedewan in the Tiyawan (adjudication). The Timuay Justice and Governance programs recognize this problem that needs to be resolved collectively with the participation of the women themselves. According to the TJG organizational plans and programs, women have a special role in production and reproduction because of their distinctive capacity to give birth to the next generation of Teduray. In line with this recognition, women are given opportunities to participate in various social and political activities of the community.

### *Kulaman Manobos and Kalibugan*

Some of the children attend formal school in a town (Kulambo) far from the area. They have come to appreciate the value of education, but are generally not able go beyond secondary school due to financial constraints.

There is no divorce among the Monobos, in the strict sense of the term, although a couple may separate and marry another. The male may have two or three wives at the same time, but the female can only have one husband, until she decides to leave him for another. (TRICOM 1998:116).

In marriage rituals of Kalibugan, there must first be a consultation with the *Bagulal* and the Elders to discuss the price of dowry (unsuran) and the expenses related to the wedding (*kawing*) before the *Imam* solemnizes the wedding. (p. 132)

## SUMMARY

The Philippines has a wealth of indigenous groupings. Each is unique from one another. However, various similarities as well as remarkable differences are prevalent.

The **system of rule, authority, leadership and legitimacy** of a number of IPs in Northern, Cordillera, Central and Southern Luzon and Mindanao had the same concepts. The supreme ruler or head had similar functions and jurisdictions but clothed in various names such as *dakal na barangay* or *barangay* head of Ibanag, Mangpus of Ivatan, Chief of Mangyan and Mamanua, Kapitan of Batak, *Sultan* and *datu* of Yakan, *datu* of Bukidnon and T'boli and matikadong or community leader of Mansaka. Majority of IPs in Mindanao recognize their leader as either *Datu* (Bagobo, Manuvu, Matigsalog, Isama, Kalagan, Mandaya of Davao del Norte, Iranun) and or *Sultan* (Manobos, Maguindanaoan, Maranao). Tigbao Subanen identified their leader as *Timoay* while Matua Radja for the Kalibugan.

It was observed that authority is exercised through collective bodies such as the *amam-a* of Mankayan, the *ator* of Bontok, the *dap-ay* or *abong* of the Kankanaey, the *tongtong* of the Ibaloy, the *lallakay* of the Tingguians, or the *pangats* among the

Lubuagan. These bodies settle disputes between persons or families. Their decisions have the force of law. In addition, they may also oversee the holding of rituals and become guardians of peace pacts. The mainsprings of authority, power and legitimacy among the Tingguians (Masadiit) are the *lallakay* (council of elders), and ultimately the *ap-appo* (ancestors).

The IPs displayed the importance of intelligence and wisdom among leaders for the Ibanag, Ivatan, Agta, Manuvu, Matigsalog, among others. However, the most dominating factor in the system of rule is the influence of the elders. The IPs that placed prominence and high reverence and respect on their elders were Gaddang, Bago, Ikalahan, Mangyan, Mamanua, Bagobo, Manuvu, Mandaya (Davao del Norte and Oriental) Tigbao Subanen, Kalibugan, Maranao.

*Datuship* was stressed to be either inherited (Yakan, Manuvu, Isama, Kalagan), elected, appointed (Mangyan, Ikalahan, Manuvu, Mandaya -Davao Del Norte) or non-hereditary (Bukidnon).

With regards to the **organization of socio-economic and political activities** of IPs, it was demonstrated that kinship was a very vital weapon in placing relatives in power. In particular, kinship was important for the Ibanags, Gaddang, Mangyan, Batak among others. In addition, the role of the father as an important figure was highly esteemed among Yakan and T'boli. Furthermore, there were IPs that reflected classless societies such as Batak and Dumagat.

Likewise, IPs' participation in socio-economic and political activities were manifested in their interest in attending assemblies and gatherings. This was illustrated by the Ivatans, Ikalahan and Mansaka. Mindanao IPs, on the other hand, manifested hierarchy in the political structure of Isama, Kalagan, Teduray, and Tigbao Subanen.

The Tingguians, Isneg and northern Kalinga are largely slash and burn cultivators, the Bontok, Ifugao, and southern Kalinga are wet-rice cultivators, and the Ibaloi and Kankana-ey rely on wet and dry agriculture (ADB, 2002: 7). Wet rice cultivation has been adapted by the Northern Kalingas though at later dates than the IP groups found in the Central Cordillera Region. Commercial vegetable gardening has also taken root not only in Ibaloy and Southern Kankana-ey villages but also in Applai or Northern Kankana-ey, Ifugao, and Bontok villages.

The groups occupying the Cordillera, generally characterized by their development of wet-rice terracing agriculture tend to form permanent settlements and develop a system of territorial concepts such as land rights and ancestral domain (Brett, 1990:2). These territorial concepts developed over time through the community's interaction with neighboring groups and with other social systems.

In terms of **justice and conflict system**, the supreme leaders served as judge as well in the court system. They presided and mediated in disputes. These were the Chief in Ivatan, *Sultan* of Yakan, Chief Dato of Higaonon, Matikadong of Mansaka and Headman of Mamanua, *Datu* of Manuvu, Matigsalog and Isama, Kalagan, Timoy of Subanen.

The forms of punishment of IPs were likewise similar. Capital punishment for Ivatan was burying alive, death for Mangyan and Isama, ostracism or death for T'boli

and ostracism for Mamanua. Another important factor in the justice system was the role of elders in settling disputes. This was manifested in Gaddang and Mangyan.

Noticeably, customary law and adjudication persist to this day in many Cordillera IP groups even if the state's judicial system is also operative. There seems to be an accepted distribution of areas of responsibility between customary law and national law. The courts encourage the settlement of conflicts between individuals through customary law or through the barangay. However, it is the consensus that the attitude of a preferred use of customary law is changing. There are those who claim that the adjudication process of the courts with its rules of evidence is taken advantage of by the accused or the guilty especially when he is rich and/or educated. Even conflicts over land claims are brought to the courts for settlement instead of the council of elders when the claimant is rich and/or educated.

Ifugao peace pacts have become defunct and cases which involve inter-village conflict are handled by municipal officials usually with the aid of the elders of the communities involved. The peace pact system controlling inter-village and inter-region relationships is still in current use among the Kalingas, Bontoks, Apayao, Isnegs and Tingguians of Abra. The peace pact defines the provisions on the behavior of co-pact villagers while in the territory of the other. The peace pact holder is responsible for policing the boundaries so no one is killed within their territory.

The IPs likewise had similar dreadful experiences and suffering on the concept of **land tenure and property system**. Land grabbing and land right clashes or disputes had been rampant between the outside dwellers and the following IPs: Mangyan, Mansaka, T'boli, Mamanua and Isama. In addition, exploitation and abuse among the IPs persisted in the form of low wages of laborers (Agta), disadvantageous price on the sale of land (Mansaka), among others.

There are three types of rights to land which are exercised among indigenous Cordillera communities. These are communal land rights (exercised by all citizens of a community); indigenous corporate land rights (exercised by all members of a descent group, family, or ward); and individual land rights. All three types may be found in Mountain Province, among the Bontok and Northern Kankana-ey.

It was observed that majority of the IPs (Ivatan, Mangyan, Batak, Agta, Yakan, Higaonon and Mansaka) had very poor **service provision and delivery system** as documented in literature. This could be illustrated in poor roads (Yakan and Mansaka), uncomfortable housing condition (Yakan), lack of transportation vehicles and high cost of fare (Mansaka), shortage of medicines (Bago and Yakan), lack of or inaccessibility to doctors/hospitals (Yakan and Mansaka), lack of clean water (Mangyan and Mansaka), lack of food supply (Batak), high incidence of diseases (Batak and Agta), resorting to traditional cure for illnesses (Higaonon), among others. The slight improvement observed in certain groups (health and nutrition condition of Ivatan; health status of Mangyan) was minuscule compared to alarming situation of majority of IPs.

**Management and utilization of resources** of IPs showed certain parallelisms. They all made use of their natural surroundings as their major source of livelihood. Majority of the IPs had more than 2 or more sources of income. The following were the top three among the IPs: (1) Farming (Ibanag, Ivatan, Agta, Dumagat, Yakan, Higaonon, Bukidnon, Mansaka, Teduray); (2) Fishing (Ivatan, Gaddang, Bago, Itawes, Batak and

Mamanua); and (3) Hunting and gathering (Bago, Mangyan, Batak, Agta, Mansaka, T'boli and Teduray).

The management and utilization of resources of the Cordillera IPs follow the property rights system. The use of individual property is determined by the individual owner. The use of property owned by indigenous corporate groups like the ward or the clan or a kindred group is acted upon by the members of these groups. Communal property utilization is acted upon by the community's decision makers i.e., ator, tongtong, etc. The specific rules of access, use, or alienation pertinent to a piece of land depends on its use, i.e., rice fields, swiddens, vegetable gardens, forests, or pasture.

In the matter of natural resource management, the IPRA's eventual implementation in 2003 by the NCIP focused on assisting communities previously issued a Certificate of Ancestral Domain Claim (CADC) to transform their claims into titles, i.e., Certificate of Ancestral Domain Title (CADT). There were at least two dozen CADCs issued to municipalities by the Department of Environment and Natural Resources under Department Order No. 2 in the early 1990's recognizing Ancestral Domain Management Units (ADMU) in the Cordillera.

The **value system and the status of education** of various IPs had similarities and differences. Some IPs were interested in education (Ibanag, Ivatans, Itawes and KUlaman Manobos) while others did not give priority to it (Dumagats, Yakans, Bukidnon). Discovered to have high literacy rates were Ivatans, Itawes while Mansaka have low literay rates. The Gaddangs viewed education as a source of power.

Common difficulties among IPs were the following: (1) lack of school facilities (Mangyans, Yakans), (2) lack of teachers (Mangyans, Yakan, Mansaka), (3) Far location of school (Mangyans, Dumagat, Mansaka), etc.

Marriage was oftentimes viewed as functional and quite political. It was seen as purposive in the sense that it merged two families for political purpose namely helping each other in the exploitation of resources. This was embraced by the Ibanags, Gaddangs, and Agta. Also, the elders remained important even in making major decision such as marriage. This was illustrated by the practices of Ibanags.

Women in a patriarchal society ere discriminated. Majority of the IPs (Gaddang, Mangyan, Mansaka, Bagobo, Manobo) set aside the role of women. However, in another perspective, women were also viewed as crucial in helping perpetuate the economic status of the family for the Ivatans and Kalagans.

The above list highlighted the similarities and differences of the governance systems of the indigenous peoples in the Philippines.

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## Endnotes

- <sup>1</sup> Professors Stephen Cornell and Joseph Kalt comprehensive case studies conducted under Harvard Project on American Indian Development have shown that the nature and effectiveness of governing institutions have a significant impact on economic performance.
- <sup>2</sup> Hurst Hannun, "Indigenous Rights," *International Human Rights in the 21<sup>st</sup> Century: Protecting the Rights of Groups* in Gene Lyons and James Mayall (eds.), New York: Rowman and Littlefield Publishers, Inc.: 2003.
- <sup>3</sup> Guia et al (2005).
- <sup>4</sup> Ancestral land under the IPRA refers to lands occupied by individuals, families, and clans who are members of indigenous cultural communities, including residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots.
- <sup>5</sup> The Asian Development Bank (ADB) uses this working definition of indigenous peoples in its operations.
- <sup>6</sup> Conceptual categories and operational measures of governance are derived from: Riggs 2000; Gaventa & Valderrama 1999; Goetz & Gaventa 2001; JICA 1995; UNDP 1997.
- <sup>7</sup> Lawson 1989, 41.
- <sup>8</sup> The latter is often mistaken for the whole, cf. Africa's critiques of World Bank presumptions that 'good governance' means 'downsizing governments'. (Kruijter 1996)

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## **Annex 1**

### **IP Governance Case Study**

#### Objective

Case studies on IP governance shall describe and examine practices and obstacles/barriers facing IPs in participation in governance processes at the community and national levels. The degree and scale of IPs access to national programs and internationally guaranteed human rights should be analyzed as well as ascertain the factors that inhibit peoples' right to good governance. Cases are meant to generate new knowledge on the links between representation, accountability and responsiveness and/or participation in governance on the one hand, and flow of resources in specific case areas of service provision/resource management on the other hand.

#### Process

The case study shall be developed using a participatory approach and consultative process with stakeholders. This shall include holding focus group discussions and key informants' interviews. A validation workshop shall be done after submitting the first draft of the case study.

Workshops and consultation processes are aimed at providing and receiving information from the participants. They are also intended to raise their awareness and heighten their consciousness on IPs fundamental rights and entitlements based on relevant governance frameworks, legal and judicial mechanisms, and international covenants.

#### Outline

1. Introduction
  - 1.1 General overview of the study including scope and limitation
  - 1.2 Justification in the choice of area and IP group
2. Demographic Profile and Socio-Cultural and Politico-Economic Context
  - 2.1 Brief profile of IPs and context
  - 2.2 Human development data (poverty level, health situation, education, political participation, etc.)

### 3. Governance System

The governance system shall describe, review, and examine the following:

3.1 System of rule, authority, leadership, and legitimacy

3.2 Organization of socio-economic and political activities

3.3 Power distribution, allocation and control, processes of decision making

3.4 Justice and conflict resolution system

3.5 Land tenure and property system

3.6 Service provision and delivery system

3.7 Management and utilization of resources

3.8 Value and education system

### 4.0 Analysis of Governance System

4.1 Participation village decision making, local and national elections, and representation in formal governance systems;

4.2 Access to systems of justice and conflict mediation including informal justice and conflict resolution mechanisms;

4.3 Interactions between national and formal justice systems and customary law systems of IPs;

4.4 Gender sensitivity in traditional justice processes and respect for human rights in the outcomes of the proceedings;

4.5 Practices in addressing discrimination and stereotypes of IPs through the media, NGOs, etc.;

4.6 Access to and control of land and natural resources, and access to mediation in land and resource disputes;

4.7 Access to education systems and involvement of youth in local governance institutions; and

4.8 Participation of indigenous women in formal and informal (customary) governance institutions.

## 5.0 Assessment of Governance Capacities

IP governance capacities shall be appraised against the demand to realize basic elements of good governance:

5.1 Accountability – making leaders liable and answerable to people from which they derive their authority;

5.2 Participation – access of people to and influence on village policies and decisions;

5.3 Predictability – consistent and fair application of customary laws, village decisions, and policies;

5.4 Transparency – availability of clear information, regulations, rules, and decisions.

## 6.0 Conclusion

### Notes

## ANNEX 2

**Matrix on the Inventory of Governance Systems of Selected Indigenous Peoples in the Philippines**

Governance Systems of IPs	Indigenous Peoples (Northern Luzon)					
	Ibanag	Ivatan	Gaddang	Bago	Ikalahan	Itawes
System of Rule, Authority, Leadership and Legitimacy	<i>Dakal na barangay</i> or <i>barangay</i> head that has charisma, humaneness to placate his people, intelligence, honesty and integrity.	<i>Mangpus</i> as head  Hierarchical government: (1) <i>Mangpus</i> , (2) <i>Mapolon</i> , (3) Petty Officials  Intelligence as important	Formal and Non-formal types of leadership  Formal if leader is elected; Non-formal if chosen based on tradition  Elders as influential  Powerful in society: belong to elite, propertied, educated.	Tribal Councils comprised of elders rule in society.  <i>Menpat</i> or the counsel and <i>Pangan</i> or the implementor	Leaders were elected but traditional leaders were still revered.  Council of elders still prevalent.	n.d.
Organization of Socio-economic and Political Activities	Kinship as important to be placed in powerful position	Political and social status as intertwined  4 social classes: (1) <i>mampus</i> ; (2) <i>mapolons</i> ; (3) <i>cailianes</i> ; and (4) slaves  Community assemblies to	Clannish  Property or economic status as source of authority	2 social classes: (1) <i>Kadangyan</i> – rich and influential; (2) <i>Kodo</i> – poor  Position in society – not hereditary and not permanent	People participate in the <i>tongtongan</i> where decisions are made by the majority	n.d.

Governance Systems of IPs	Indigenous Peoples (Northern Luzon)					
	Ibanag	Ivatan	Gaddang	Bago	Ikalahan	Itawes
		relay to people information				
Land Tenure and Property System	n.d.	n.d.	Although Nueva Viscaya have improved its land tenure and property system, the majority of <i>Gaddangs</i> remained poor.	n.d.	Ikalahan acquired a 25-year Communal Lease Agreement with BFD.	n.d.
Service Provision and Delivery System	n.d.	Dilemma in service provision and delivery system.  Health and nutrition had been improving.	n.d.	A municipal health center was constructed.  Health stations were put up.  Health officers: municipal health officer, dentist, area nurse supervisor, sanitary inspectors, midwives, etc.  Shortage of medicine as problem.	n.d.	n.d.
Management and Utilization of Resources	They made use of their natural surroundings as their source of food and	They resorted to fishing, farming, cash crops and cattle-raising	They resorted to fishing, agriculture, mining,	They focused on fishing, " <i>kaingin</i> ", hunting, and agriculture.	n.d.	They focused on agriculture, fishing, and poultry.

Governance Systems of IPs	Indigenous Peoples (Northern Luzon)					
	Ibanag	Ivatan	Gaddang	Bago	Ikalahan	Itawes
	income. Focused on farming.					
Value and Education	<p>Ibanags gave their children opportunity to learn. At age seven, they are expected to go to school and be taught.</p> <p>Elderly counsel was greatly sought by the Ibanags.</p> <p><i>Marriage</i></p> <p>Marriage was seriously considered by the Ibanags.</p> <p>Marriage as merger not only of the husband and wife but their respective families as</p>	<p>Traditional concept of education such as house building, boat-making, farming, fishing and handicrafts</p> <p>Students pursued teaching career and practiced it after college.</p> <p>High literacy rate of Ivatans.</p> <p><i>Marriage</i></p> <p><i>n.d.</i></p>	<p>Educational status was another source of power among the Gaddangs. The person with high education was highly regarded in society.</p> <p><i>Marriage</i></p> <p>Marriage was seriously considered by the Gaddangs.</p> <p>Marriage as merger not only of the husband and wife but their respective families as well.</p>	<p><i>n.d.</i></p> <p><i>Marriage</i></p> <p><i>n.d.</i></p>	<p><i>n.d.</i></p> <p><i>Marriage</i></p> <p><i>n.d.</i></p>	<p>The Itawes tribe bestowed high priority on education. The family sent their children to all levels of school.</p> <p>Itawes had high literacy rate.</p> <p><i>Marriage</i></p> <p><i>n.d.</i></p>

Governance Systems of IPs	Indigenous Peoples (Northern Luzon)					
	Ibanag	Ivatan	Gaddang	Bago	Ikalahan	Itawes
	well.					
	<i>Women</i>	<i>Women</i>	<i>Women</i>	<i>Women</i>	<i>Women</i>	<i>Women</i>
	n.d.	Women were crucial in maintaining the farm, ensuring family needs and help perpetuate the economic status of the entire family or society.	Female Gaddangs were viewed in a traditional way of being submissive to males in particular to their fathers. Mutual respect between men and women was highly encouraged.	n.d.	n.d.	n.d.

Governance Systems of IPs	Indigenous Peoples (Cordillera)					
	Ibaloy	Kankanaey	Bontok	Ifugao	Kalinga	Tingguians
System of Rule, Authority, Leadership and Legitimacy	<p>Authority was exercised by the <i>tongtong</i>.</p> <p><i>Tongtong</i> council is composed of the <i>impanama</i> or <i>anum'nemen</i> (wise men) of the village.</p> <p>Leaders were not elected.</p> <p>Their authority is to some extent democratic, or subject to the approval of the community at large.</p> <p>This is so because decision making is often exercised during community meetings and gatherings.</p> <p>Qualifications of leaders that emerged were the following: (1) wealthy, (2) had</p>	<p>The Northern Kankanaey <i>abong (dap-ay)</i> tribunal or ward took care of community decision making.</p> <p>The Southern Kankanaey <i>Amam-a (dakay</i> in other communities) are the elders of the community (in <i>Mankayan</i>).</p>	<p>Authority of the Bontoks was exercised by the <i>ator</i>.</p> <p>The <i>pinakarsu</i> of Bontok were the 'go-betweens' or persons act as mediators to settle inter-village conflicts that exercised the authority and leadership.</p> <p><i>Amam-a</i> or elders or old men by virtue of seniority and experience in life form the core of village decision makers. The old men decide for the <i>ator</i> or for the whole village through a <i>supra-ator</i> or informal council of elders.</p> <p>Each Bontok community is politically and economically autonomous from</p>	<p>The kinship group is the most important socio-economic and political unit.</p> <p>Each family is responsible for its own affairs.</p> <p>The mediators for the Ifugaos are the <i>monkalun</i>.</p>	<p>There is an <i>Ap-apu</i> or leader.</p> <p>There is also the <i>Budong</i>, a political institution that enables the resolution of inter-village or inter-region conflict.</p> <p>The counterpart of the <i>pinakarsu</i> was the <i>mangiugud</i> of Kalinga.</p>	<p>The mainsprings of authority, power and legitimacy among the Tingguians are the <i>lallakay</i> (council of elders), and ultimately the <i>ap-appo</i> (ancestors).</p> <p>Sovereignty over the entire territory resides in the people.</p>

Governance Systems of IPs	Indigenous Peoples (Cordillera)					
	Ibaloy	Kankanaey	Bontok	Ifugao	Kalinga	Tinguians
	knowledge on customary law and applied it, (3) rich in life's experiences, and (4) articulate		any other authority.			
Organization of Socio-economic and political activities	Ibaloy rely on wet and dry agriculture.  Commercial vegetable gardening has also taken root not in Ibaloy.	The Kankanaey just like the Ibaloy rely on wet and dry agriculture.  Commercial vegetable gardening is also practiced in Northern and Southern Kankanaey.	Bontoks are wet-rice cultivators.  Commercial vegetable gardening has also taken root not in Bontok.	The Ifugao are wet-rice cultivators as well.  Commercial vegetable gardening has also taken root not in Ifugao.	Northern Kalinga are largely slash and burn cultivators while the rest in Southern part are wet-rice cultivators.	The role of the <i>lallakay</i> in maintaining the social organization, including the interpretation and enforcement of the <i>kadawyan</i> (customary law) is crucial and indispensable.  The <i>lallakay</i> settle disputes and maintain harmony in the village.
Justice and Conflict System	n.d.	n.d.	The peace pact system controlling inter-village and inter-region relationships is still in current use.  The peace pact defines the provisions on the	Ifugao peace pacts have become defunct, especially after the Second World War, and are not practiced anymore.  Cases which involve inter-village conflict	Kalinga have similar peace pact system with the Bontoks.	Misbehavior and misdemeanor in Tinguian society are settled by the <i>lallakay</i> .  Wrong doers are fined or ordered to shoulder expenses for the food of elders settling the case.

Governance Systems of IPs	Indigenous Peoples (Cordillera)					
	Ibaloy	Kankanaey	Bontok	Ifugao	Kalinga	Tinguians
			<p>behavior of co-pact villagers while in the territory of the other.</p> <p>The peace pact holder is responsible for policing the boundaries so no one is killed within their territory.</p>	are handled by municipal officials usually with the aid of the elders of the communities involved.		.
Land Tenure and Property System	n.d.	The Northern Kankanaey likewise exercise the three types of rights to land similar to the Bontoks.	<p>The Bontoks exercise the following rights to land: (a) communal land rights (exercised by all citizens of a community); (b) indigenous corporate land rights (exercised by all members of a descent group, family, or ward); and (c) individual land rights.</p> <p>The indigenous corporate type of land tenure system is</p>	The indigenous corporate type of land tenure system is common to the Ifugaos analogous to the Bontoks.	n.d.	<p>The <i>kadawyan</i> of <i>ili</i> hold communal and joint ownership of the home village.</p> <p>This confers right to any villager to cultivate any part of the territory and to bequeath such right to his descendants.</p>

Governance Systems of IPs	Indigenous Peoples (Cordillera)					
	Ibaloy	Kankanaey	Bontok	Ifugao	Kalinga	Tinguians
			common to the Bontoks.			
Management and Utilization Resources	n.d.	n.d.	n.d.	n.d.	n.d.	<p>The <i>lapat</i> system has three underlying principles:</p> <p>(1) people's stewardship over natural resources.</p> <p>(2) communal ownership and collective responsibility.</p> <p>(3) sustainability</p>

Governance Systems of IPs	Indigenous Peoples (Central and Southern Luzon)			
	Mangyan	Batak	Agta	Dumagat
System of Rule, Authority, Leadership and Legitimacy	<p>Chief elected by voting or consensus and confirmed by provincial governor</p> <p><i>A Comisario Manguianes</i> acted as the bridge between Mangyan and local government</p> <p>Line of authority: Spaniard-Tagalog-Mangyan</p> <p>Hanunuo Mangyan – weak leadership</p> <p>Reverence to elders</p>	<p>Elders or older males as leaders.</p> <p><i>Kapitan</i> as leader due to skills in hunting and fighting</p> <p><i>Masikampo</i> as faction expert on customary law</p>	<p>No formal government.</p> <p>Influential, wise and experienced elders were powerful but young leaders were not hindered from emerging.</p>	n.d.
Organization of Socio-economic and Political Activities	Kinship ties as important	<p>Importance of family system in socio-economic and political activities</p> <p>Classless society</p>	Lowest stratum – agriculturalists	Classless society
Justice and Conflict System	<p>Adultery, robbery, etc. were penalized with capital punishment</p> <p>Role of elders in settling disputes</p> <p>Open for conciliation.</p> <p>Abuse and exploitation of</p>	n.d.	Injustice, hostility, intimidation were experienced by Agta	n.d.

Governance Systems of IPs	Indigenous Peoples (Central and Southern Luzon)			
	Mangyan	Batak	Agta	Dumagat
	Mangyans			
Land Tenure and Property System	<p>Land grabbing (land scarcity) and other conflicts with the other settlers as major predicament of Mangyans.</p> <p>Creation of CNI and PANAMIN to remedy the problems.</p>	n.d.	<p>The Agta were land owners while some were tenants and traders of labor.</p> <p>There were some Agta who had no concept of property inheritance.</p> <p>Abuse by rich landowners.</p>	n.d.
Service Provision and Delivery System	<p>Small percentage of Mangyans suffered from epidemics.</p> <p>Health status improved from 1960 onwards.</p> <p>Offered health care, clothes supply, and credit facilities</p> <p>Dirty surroundings, lack of water and proper sanitation resulted in diseases.</p> <p>Traditional medicines for their illnesses.</p>	<p>Depopulation as a result of scarcity of food or limited food supply.</p> <p>Nutritional difficulty of Batak as culprit of the problem.</p> <p>Batak had been victimized by various diseases namely measles, cholera, influenza, malaria, tuberculosis, respiratory infections, and gastrointestinal infections.</p>	<p>This minority group was deprived of services and welfare from the government.</p> <p>This resulted to vulnerability of the IPs to diseases.</p> <p>Death of Agta could be traced from parasites, infectious diseases and malnutrition.</p>	n.d.
Management and Utilization of Resources	They resorted to raising pigs, hunting wild buffaloes ( <i>tamaraw</i> ) and wild pigs, gathering of wild	Major resource zones where Batak obtained their food were as follows: (1) forest, (2) freshwater rivers and (3)	Trading existed between the Agta and the lowlanders. They traded their labor for manufactured goods	Dumagats had no permanent source of living.

Governance Systems of IPs	Indigenous Peoples (Central and Southern Luzon)			
	Mangyan	Batak	Agta	Dumagat
	plants and “shifting cultivation”.	streams, and along the seashore.  Batak remained hunter-gatherers.	and agricultural products  Aside from hunting and gathering, they likewise planted.  They believed that they have so called “rights” to use their surroundings and resources.	They specialize in root crop camotes, cassava, ube and gabi.  They resorted to planting vegetables and wild orchids which were later on sold to lowlanders.
Value and Education	There were around seven operational schools in 1922.  Mangyans only reached grades 1 and 2. The low turnout of students was caused by an alleged exploitation against them.  Among the Hanunuo Mangyans, the problems were lack of teachers and schools.  Long distance from the school hindered the children from attending their classes	No school was built exclusively for Batak. The children were encouraged to attend a school where they could mingle with lowlanders.	Schools were built for Agta to orient them with the national culture. However, the objective was not fulfilled.	Low standard of living could be attributed to their lack of priority on education. Many Dumagats were illiterate. They had a negative connotation about education. They believed that it was a threat to their close family ties. Another hindrance was the far location of the schools. Lack of financial provision also aggravated the situation of not pursuing education. Basic education for Dumagats was farming, fishing and hunting. They were also taught to respect elders, etc.

Governance Systems of IPs	Indigenous Peoples (Central and Southern Luzon)			
	Mangyan	Batak	Agta	Dumagat
	<p><i>Women</i></p> <p>Discrimination against women, particularly in participating in debates, was not a new phenomenon for Mangyans. Politics was viewed as the sphere of men.</p>	<p><i>Women</i></p> <p>n.d.</p>	<p><i>Women</i></p> <p>Between 1950 and 1994, around 33 Agta teenage girls left their land to pursue work as helpers.</p>	<p><i>Women</i></p> <p>n.d.</p>
	<p><i>Marriage</i></p> <p>n.d.</p>	<p><i>Marriage</i></p> <p>n.d.</p>	<p><i>Marriage</i></p> <p>They recognized extended families. The purpose of such was to help the entire clan in the management and utilization of resources. Marriage procedure itself exhibited political nature. In the ceremony, a discussion was done among the families on how each would assist in the exploitation of resources wherein both would benefit in this merger.</p>	<p><i>Marriage</i></p> <p>n.d.</p>
	<p><i>Role of Missionaries</i></p> <p>The presence of missionaries enhanced the situation of the Mangyans in particular</p>	<p><i>Role of Missionaries</i></p> <p>n.d.</p>	<p><i>Role of Missionaries</i></p> <p>n.d.</p>	<p><i>Role of Missionaries</i></p> <p>n.d.</p>

Governance Systems of IPs	Indigenous Peoples (Central and Southern Luzon)			
	Mangyan	Batak	Agta	Dumagat
	<p>against exploitation from lowlanders</p> <p>Other agencies like the Catholic and Protestant Missionaries and Peace Corp Volunteers pushed for Hanunuo's education.</p> <p>Land disputes, medical assistance, and concerns on education were addressed with the help of missionaries who visited the place.</p>			

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Yakan	Higaonon	Bukidnon	Mansaka	T'boli	Mamanua
System of Rule, Authority, Leadership and Legitimacy	<p>Sultan as supreme head</p> <p>Datuship was either inherited, appointed or self-proclaimed</p> <p>Sovereignty derived from Allah</p> <p>Laws be consistent with Quran</p> <p>The position of Panglima is either hereditary, appointed or elected.</p> <p>Representatives of sultan: (1) Hadji (male); (2) Hadja (female); (3) Pakil</p>	n.d.	<p>Hierarchy of datus</p> <p>Datuship was not hereditary</p> <p>Symbolism pertaining to powerful emblems</p> <p>House of datu as venue of socio-political activities, etc.</p> <p>Assemblies of datus to make and revise laws.</p> <p>Power of Datu was weakened by government intervention</p>	<p>Community leaders were known as matikadong</p> <p>Leaders were assisted by elders (mangkadong).</p> <p>No election of leaders.</p>	<p>Datu as leader; interpreter of the laws, etc.</p> <p>Datuship was not hereditary.</p> <p>Customs and traditions as sources of laws.</p> <p>No written laws but the culture itself</p>	<p>Leaders were known as headman or chieftains.</p> <p>Elders as headman or chieftain; respected and revered.</p> <p>Chieftainship or datuship as not hereditary.</p> <p>Skill in hunting as important.</p> <p>Shaman or doctor could rule.</p> <p>Consultation with other elders was important for Mamanua.</p> <p>Women as highly regarded.</p>
Organization of Socio-economic and Political Activities	<p>Patriarchal society</p> <p>Father – head</p> <p>Family reputation as important</p>	n.d.	n.d.	<p>Politically involved as purok leaders, barangay officials, etc.</p> <p>Attending meeting, assemblies, etc.</p>	<p>Father – head and important</p> <p>Household as socio-economic and political unit</p>	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Yakan	Higaonon	Bukidnon	Mansaka	T'boli	Mamanua
Justice and Conflict System	Sultan presided <i>Agama</i> Court which settled disputes	Chief <i>Dato</i> presided sessions with 2 lesser <i>datos</i>  Fine for minor offenses	Revenge to show off their skills  Fear of incarceration deterred them from doing so.	Festive celebration with food in settling conflicts  Intervention of <i>Matikadong</i> is crucial to prevent tribal war.	Penalty or fines for offenses  Service fee if can't afford  Ostracism or death for major offense	Headman as judge  Ostracism as common punishment  Important role of women
Land Tenure and Property System	Land is not only for dwelling place but for cultivation.	n.d.	n.d.	High regard for land.  Lost in its ownership because exchanged for goods and money to outsiders.  Land disputes.  Outsiders monopolized the ownership, hired them as laborers with cheap salary.	High regard for land.  Vehemently rejected the plan of dam construction.	Communal houses  Deprivation of land
Service Provision and Delivery System	The service delivery and welfare provision were poor.  One hospital with one doctor among the Yakans.	Delivery of services and welfare was considered poor among the Higaonon tribe.  The people resorted to traditional	n.d.	Transportation and the condition of road of <i>Mansaka</i> were problematic.  High cost of fare was burdensome.  Deteriorating health	n.d.	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Yakan	Higaonon	Bukidnon	Mansaka	T'boli	Mamanua
	<p>Shortage of supply of medicines.</p> <p>Roads were substandard.</p> <p>Housing condition was problematic.</p>	cure for their illnesses.		<p>condition of IPs.</p> <p>Poverty as crucial in the worsening health condition of people because of their inaccessibility to doctors.</p> <p>Lack of clean water.</p>		
Management and Utilization of Resources	Yakans made use of what they have in their surroundings in order to earn a living such as coconuts, abaca, lanzones, rice, and cassava among others.	Higaonon were used to planting rice and corn, coffee, <i>abaca</i> and <i>guiyong</i> .	Bukidnon people were dependent on subsistence farming by slash-and-burn.	<p>Mansaka were used to food gathering.</p> <p>Farming was their major livelihood producing corn, palay and root crops.</p>	The T'boli resorted to hunting-gathering and " <i>kaingin</i> " but were also recognized as horticulturalists.	Mamanua resorted to <i>kaingin</i> and fishing.
Value and Education	<p>Yakans were illiterate due to low priority given on education. They focused on Quranic study.</p> <p>School building facilities and teachers were scarce (Ibid).</p>	n.d.	<p>There was an elementary school in Kalabugao barrio where the Bukidnon people reside.</p> <p>The hurdle was "absenteeism" among the children.</p>	<p>There were existing schools for high school, vocational, and college but the lack of teachers hindered the learning process of the Mansaka.</p> <p>Long distance of the school from the community of Mansaka.</p> <p>The quality of</p>	n.d.	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Yakan	Higaonon	Bukidnon	Mansaka	T'boli	Mamanua
	<p><i>Women</i></p> <p>n.d.</p>	<p><i>Women</i></p> <p>n.d.</p>	<p><i>Women</i></p> <p>n.d.</p>	<p>education was jeopardized because of lack of teachers.</p> <p><i>Women</i></p> <p>Patriarchal society among the Mansaka illustrated the sons being privileged over their daughters in terms of inheritance.</p>	<p><i>Women</i></p> <p>n.d.</p>	<p><i>Women</i></p> <p>n.d.</p>

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Bagobo	Manuvu	Matigsalog	Isama	Kalagan	Mandaya (Davao del Norte)
System of Rule, Authority, Leadership and Legitimacy	<p><i>Datu</i> as head and leader.</p> <p><i>Datu</i> as legislator, prosecutor and judge.</p> <p>Council of elders as revered.</p>	<p><i>Datu</i> as the tribal chieftain</p> <p><i>Datu</i> as legislator, judge and Commander-in-Chief</p> <p>Council of elders (<i>buy-ag</i>) known for intelligence, integrity and prudence assisted the <i>datu</i>.</p> <p>Elders may become chieftains.</p> <p>Datuship either inherited or chosen.</p>	<p><i>Datu</i> or village Chieftain as supreme leader, legislator, judge, commander-in-Chief.</p> <p>Ability, wisdom, wealth and power as traits for leadership.</p> <p>Reverence for the Chieftain</p> <p>No selection process for successor.</p>	<p><i>Datu</i> as the head or tribal leader.</p> <p><i>Ruma Bitiara</i> as council or policymakers or jury.</p> <p>Datuship is hereditary, permanent or for a fixed period of time.</p> <p>Chieftain was chosen on the basis of the following qualities: responsible, respectable, open-minded, and brave, which distinguished him from the others.</p> <p>Datuship changed to <i>alcalde mayor</i>, <i>Cabeza de Barangay</i>, district leader.</p>	<p>Datuship as system of leadership was hereditary.</p> <p><i>Datu</i> or <i>rajah</i> as political head with ministers</p> <p>Considerations: Age, capacity to lead, royal blood.</p> <p>Sultan ruled the group of <i>datu</i>s.</p> <p>Barangay captain who serves as the village representative to the government.</p>	<p><i>Datu</i> as head. Datuship was conferred by appointment.</p> <p>No election or appointment of leader.</p> <p><i>Matikadong</i>, an elderly person who is respected and obeyed by the people.</p> <p><i>Matikadong</i> as adviser, judge, mediator.</p>
Organization of Socio-economic and Political Activities	Spanish colonization introduced new political system.	n.d.	<p>Council of elders assisted the <i>Datu</i></p> <p>These elders or</p>	The <i>Datu</i> as head of the tribe. Accompanied by a security officer referred to as the	(1) <i>Datu</i> or <i>rajah</i> (2) <i>Rajamuda</i> or opinion council (3) <i>Nakuda</i> or prosecutor	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Bagobo	Manuvu	Matigsalog	Isama	Kalagan	Mandaya (Davao del Norte)
			leaders were usually members of his clan. In particular, they assisted in the crafting of tribal laws and rules.	<i>Arid sa Pinto</i> . The <i>Ruma Bitiara</i> which was a council composed of all the officers together with the leaders that served as jurors and policymakers help the <i>datu</i> in conducting his duties, monitoring the whole community, making decisions and all other affairs of the tribe whether internal or external in nature.	(4) <i>Masirataw</i> or executive secretary	
Justice and Conflict System	A <i>datu</i> invites another <i>datu</i> to settle disputes within his territory since he could not resolve such a conflict by himself.	In dispute settlement, the chieftain's decision was fully respected. He had the final say and the subordinates were always loyal, never attempting to betray him or undermine his authority.	To settle disputes between the subjects of two chieftains, the bargaining table, as it were, is often resorted to until a settlement is arrived at. When there is strong contention between the two <i>datu</i> s, other <i>datu</i> s could mediate and arrange a dialogue between	<i>Datu</i> was responsible for dispute settlement among tribal members  The <i>Nakuda</i> who served as fiscal or prosecutor facilitated the hearing of the case while the <i>Medtod Saingod</i> acted as the defense and parole officer.  Death as	<i>Datu</i> as arbiter of conflicts.  Judgment is usually done by the village <i>imam, datu, uztdj</i> , the <i>mokari</i> [elders] and even the barangay captain.	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Bagobo	Manuvu	Matigsalog	Isama	Kalagan	Mandaya (Davao del Norte)
			the conflicting parties. The resolution of the conflict could result to concessions being given to the aggrieved party. The mediator even received compensation from the offending party.	punishment for those who committed grave acts like murder and homicide.  Another big offense was adultery.		
Land Tenure and Property System	n.d.	n.d.	n.d.	The arrival of capitalists and landlords/owners drove the native inhabitants of Samal to move to far-flung areas of Samal Island. They lost their ancestral lands because of this. Now, their <i>datus</i> express the people's aspiration to see big capitalists and landowners out from the place.	n.d.	n.d.
Value and Education	<i>Women</i>  Women were at the bottom	<i>Women</i>  Women did not participate	<i>Women</i>  n.d.	<i>Women</i>  n.d.	<i>Women</i>  Some women also held political power	<i>Women</i>  n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Bagobo	Manuvu	Matigsalog	Isama	Kalagan	Mandaya (Davao del Norte)
	of the socio-political hierarchy as “their role was confined to house-keeping, tending the farm, and rearing the children.”	nor interfere in political matters. Their role was strictly confined to performing household chores like child-rearing and tending to the farm, after it has already been planted with the desired crops by the men.			in the community. She is responsible for making decisions on behalf of the women. Otherwise, she can only go so far as giving suggestions, especially during meeting with the datu and his council.	

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Mandaya (Davao Oriental)	Teduray	B'laan	Tigbao Subanen	Kulaman Manobos	Kalibugan
System of Rule, Authority, Leadership and Legitimacy	Council of Elders	<i>Kefeduan</i> as the leader of elders.  <i>Kefeduan</i> as honest, brave  <i>Timuay</i> as highest honor	Hierarchy: (1) <i>fulong</i> (2) <i>admagan</i> (3) <i>lifan</i>	Leadership rested on the <i>Timoay</i> .  <i>Saliling</i> was the Council.  <i>Datu Salapan</i> or <i>Sulotan</i> was recognized as the supreme and most respected tribal leader. The <i>Timoay</i> , <i>Tumanggong</i> , <i>Pangulima</i> and <i>Sangaliya</i> follow in importance.	Sultan as the supreme leader	The <i>Matua Radja</i> is their head, elected from among the members of a Council of Elders.  The head of the community or <i>panglema</i> is second in rank, followed by the <i>bagulal</i> or the cabinet members who represent different smaller communities and help the <i>panglema</i> in the administration of the larger community.
Organization of Socio-economic and political activities	Slavery stopped.  A more advanced and covert form of domination occurred through religion as forced labor and the payment of tributes were institutionalized.  Baptism became	Hierarchy is said to have not been prominent in Teduray (or <i>Tiruray</i> ) political organization.  The leader or head also determined, in consultation	The <i>admagan</i> were "well-to-do" by the community's standard for he "possessed horses, carabaos, <i>agongs</i> and <i>kamagi</i> (gold necklaces)," among others. Such property	The following are in the ranks of <i>Timoay</i>  • <i>Timoay Labi</i> – Chief Executive; • <i>Timoay Masala</i> – Assistant Chief Executive; • <i>Timoay Langhap</i> – Ambassador;	The tribal chieftain acts as the adviser of the community. He heads the tribal council and leads in community projects such as constructing a tribal hall.  The Sultan and <i>Datu</i> of the community select	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Mandaya (Davao Oriental)	Teduray	B'laan	Tigbao Subanen	Kulaman Manobos	Kalibugan
	a requisite for all transactions with the government, the church, the schools and other institutions, thereby resulting in massive "conversion" and the adoption of Christian names, actually Spanish names, for identification purposes.	with the <i>beliyan</i> (spiritual leader or priest), when to move and clear another swidden settlement.	were most often used to "help pay fines of an offender or in marital arrangement for dowry." But the <i>admagan</i> made sure that he is paid back for the use of his property, either through the services of the person helped or through repayment of actual goods given.	<ul style="list-style-type: none"> <li>• <i>Timoay Mangora</i> – Second Assistant Executive;</li> <li>• <i>Timoay Dumala</i> – In Charge of Religious Affairs; and,</li> <li>• <i>Timoay</i> – Ordinary <i>Timoay</i>.</li> </ul>	him via consultation with the other Manobos of the village.	
Justice and Conflict System	<p>The <i>baganis</i> and other tribal leaders continued to wield enormous power.</p> <p>Summary execution was practiced in some areas.</p> <p>An offender or criminal was executed by stabbing.</p> <p>Punishment by</p>	<p>The main responsibility of a <i>kefeduwan</i> in Teduray society was to see to it that the respective rights and feelings of all those involved in a case up for settlement were respected and satisfied.</p> <p>Payment of fines or claims</p>	<p>The <i>fulong</i> also existed as councils of elders to resolve conflicts within the community. When a case could not be resolved, the <i>fulong</i> passed it on to the <i>datu</i> of a particular B'laan clan or group. The <i>Datu</i>, recognized as the highest leader in the community,</p>	<p>The <i>Timoay</i> resolved and heard cases and in his absence, his assistants, the <i>Saliling</i>, performed the task.</p> <p>There was a hierarchy of courts.</p> <p>The procedure is simple and results are immediate with an effective system of punishment. Thus, the redress</p>	<p>Sultan as the highest judicial body.</p> <p>Another practice noted among the Dulangan Manobos of Lebak is their inclinations to violent means of resolving conflicts. As traditional headhunters, they wage "<i>pangayaw</i>" (tribal wars or headhunting expeditions) to</p>	<p>In settling both major and minor problems in the community, the <i>Panglema</i>, the <i>Bagulal</i> and the Elders have the authority to settle according to customary and traditional laws (<i>Adat and Galib</i>), and on the basis of the teachings of the Qur'an and Hadith.</p>

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Mandaya (Davao Oriental)	Teduray	B'laan	Tigbao Subanen	Kulaman Manobos	Kalibugan
	flogging and incarceration were common.	for damages in cases adjudicated led to the amicable settlement of cases.	resolved major conflicts within and among the tribes.  When settlement was too difficult to achieve, the <i>fulong</i> could even resolve the case by having the hands of both offender and victim put in boiling water -- the <i>skalot</i> ritual.	of grievances is fast. There is also the relatively low cost of settlement of cases and the parties' familiarity with customary laws and traditions.	defend their communities against transgression of honor and dignity, and from humiliation and disgrace.  Disrespect for elders is punishable under the Manobos' judicial system.  Serious offenses such as killing and repetition of the same offense are punishable with death.	
Land Tenure and Property System	A compact settlement or "community" did not exist since dwellings were located where the swidden farms were sporadically situated. Clusters of three to five houses usually belonged to the ruling authority like the <i>bagani</i> or <i>likid</i> .	n.d.	The <i>admagan</i> were "well-to-do" by the community's standard for he "possessed horses, carabaos, <i>agongs</i> and <i>kamagi</i> (gold necklaces)," among others.	n.d.	n.d.	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Mandaya (Davao Oriental)	Teduray	B'laan	Tigbao Subanen	Kulaman Manobos	Kalibugan
Management and Utilization of Resources	n.d.	<p>Clearing of the swidden, the planting and harvesting of crops, and the equal sharing of the rice or any other food produced from the land.</p> <p>The Teduray lived as hunter-gatherers and subsistence farmers, careful inhabitants of the forest and mindful cultivators of their fields.</p>	n.d.	n.d.	n.d.	n.d.
Value and Education	n.d.	<p><i>Value</i></p> <p>Tedurays are honest people, they respect the right of ownership, of occupancy, and abide by the first claim rule. If a person puts up a mark on a forest patch for</p>	n.d.	n.d.	<p><i>Education</i></p> <p>Some of the children attend formal school in a town (<i>Kulambo</i>) far from the area. They have come to appreciate the value of education, but are generally not able go beyond secondary school due to</p>	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)					
	Mandaya (Davao Oriental)	Teduray	B'laan	Tigbao Subanen	Kulaman Manobos	Kalibugan
		a prospective kaingin farm and to signify an intent to claim the area, no one would dare encroach and trespass the boundaries in keeping with the Teduray laws.			financial constraints.	
	<i>Marriage</i> n.d.	<i>Marriage</i> n.d.	<i>Marriage</i> n.d.	<i>Marriage</i> n.d.	<i>Marriage</i>  There is no divorce among the Manobos, although a couple may separate and marry another. The male may have two or three wives at the same time, but the female can only have one husband, until she decides to leave him for another.	<i>Marriage</i>  In marriage rituals, there must first be a consultation with the <i>Bagulal</i> and the Elders to discuss the price of dowry ( <i>unsuran</i> ) and the expenses related to the wedding ( <i>kawing</i> ) before the <i>Imam</i> solemnizes the wedding.

Governance Systems of IPs	Indigenous Peoples (Mindanao)		
	Iranun	Maguindanaoan	Maranao
System of Rule, Authority, Leadership and Legitimacy	<i>Datu</i> as the leader	3 major offices that follow a tripartite rotation of succession to the sultanate: (1)The <i>Sultan</i> (head of realm); (2) <i>Rajah Muda</i> (heir apparent) and (3) <i>Watamama</i> (male ward) is the core of the nobility in the Maguindanao dynasty.	The Sultan heads the pyramidal governing structure composed of the Sultan, <i>Datu a Cabugatan, Panundiongan, Radio Muda, Sangkohan, Datu Imam, Bailabi, Putri Maamor</i> or <i>Bae</i> .  The <i>Taratib</i> or <i>Igma</i> defines and prescribes the traditional roles and functions of each member.  Sultan was assisted by Council of Elders.
Organization of socio-economic and political activities	In the sultanate structure the community had royalty ( <i>Datu</i> ), freemen ( <i>Kasten</i> ), and slaves ( <i>Oripen</i> ).	Maguindanaoan polity is hierarchical.	Maranao political structure is a hierarchy of status and authority that unites places and peoples into political units of increasing comprehensiveness. The political structure functions primarily to permit neighboring communities and regions to co-exist.
Justice and Conflict System	The Sultan or his designate acts as judge while another is in charge of maintaining order during the deliberations. The presence of religious leaders helps in resolving the conflict.  Traditional and Islamic practices also interplay in the administration of justice.  The <i>Shariah</i> (Islamic Law) also ensures that the resolution is in accordance to Islamic law.	n.d.	n.d.

Governance Systems of IPs	Indigenous Peoples (Mindanao)		
	Iranun	Maguindanaoan	Maranao
	Major cases like rape, murder, theft, or land grabbing sometimes result in clan feuds ( <i>rido</i> ). The <i>rido</i> involves all members of the clans in hostility. It often results in a number of casualties for both parties. It can only be resolved peacefully through mediation by an uninvolved party.		
Management and Utilization of Resources	The Iranuns had agriculture as their main source of income. They also engaged in artisanship, trading, fishing and other marine industries including salt making. More prominently, the Iranun were renowned ship builders.	n.d.	n.d.

# **Mapping of IP Governance Practices in the Cordillera Region of the Philippines**

By

Lorelei C Mendoza, Teofino Macabiog, and Alicia G Follosco  
University of the Philippines Baguio

## **Introduction**

Traditional social and political structures including customary laws are dynamic institutions that respond to forces of social change like commercialization, nation-building and modernization. What people identify as traditional indigenous practices bearing the same name is not entirely coincident with their descriptions in ethnographic accounts. The description of these institutions is influenced by 'practice', i.e., what is 'on-the-ground' in the present, as well as its 'discourse', i.e., what these practices represent, imply or display in relation to social and political concerns of IP community members and 'outsiders' regarding these traditional institutions and practices. Indigenous political institutions as well as the state's politico-administrative system are open rather than closed systems. Hence, actual governance systems among IP communities of the Cordillera Administrative Region (CAR) result from the interface of traditional institutions and the state's legal and politico-administrative systems through time.

First, we present a more detailed mapping of the location of ethno-linguistic groups and their sub-groups in Northern Luzon provinces<sup>1</sup>. Then we present data on several economic indicators like, gross domestic product, employment rates, family incomes and describe the poverty incidence in the Cordillera Administrative Region. Second, we briefly describe governance systems among selected ethno-linguistic groups of the Cordillera based heavily on the studies undertaken by the research program on Cordillera Autonomy<sup>2</sup>. Third, we discuss the on-going process of 'indigenizing' governance to highlight the characteristics of this transformation.

## **The Cordillera IP groups**

The indigenous peoples (IPs) of the Cordillera have a relatively complex social organization, described as 'ili-type' where integration is based on territorial affiliation (Buendia, 2005: 158). Prior to their incorporation into the Philippine state in the early 20<sup>th</sup> century after successfully evading hispanization, these groups have had well-developed indigenous political institutions. May we caution the reader that although a majority of the IP groups in the Cordillera belong to *ilis* or 'settled' communities, there are in the Northern Luzon region, IP groups that are better described as bands or hunters and gatherers

The major issue for most of the latter half of the 20<sup>th</sup> century has been the unacceptable response by the Philippines state to the resistance of Cordillera IPs to its unceasing attempt to integrate and assimilate them into the national political mold. The 1987 constitution by providing for the creation of an autonomous region in the

Cordillera and the passage of the Indigenous Peoples Rights Act (IPRA) in 1997 have provided legal and political reasons for the continuing challenge and critique by the Cordillera IP communities of the national government's unproductive and lukewarm initiatives to establish the political and administrative arrangements that legally recognizes their customary practices and land law.

The specific IP group which will be discussed in the second part of this case study is the Masadiit, a sub-group of the Tingguians of Abra who inhabit the towns of Sallapadan, Boliney and Bucloc of upland Abra. This group has 'revived and re-established their traditional system of managing natural resources called the 'lapat' system which is placed at the core of their Ancestral Domain and Sustainable Development Plan.

### **Demographic Profile and Socio-Cultural and Politico-Economic Context**

#### *Brief profile of IPs and context*

The Cordillera Administrative Region consists of the six provinces of Abra, Apayao, Benguet, Ifugao, Kalinga, and Mt. Province and the City of Baguio located in Benguet. The better known groups in this region are the Ibaloy, Kankana-ey, Bontok, Kalinga, Isneg and Tingguian. At the extreme southern section along the Nagulian, Agno, and Ambayang River areas live the Ibaloy. Along the Amburayan and the northern portion of the Agno River live the southern Kankana-ey. The Bontok live along the upper Chico River, while the Kalinga settled on the lower Chico River area. Settled on the Asin and Ibulao river areas are the Ifugao while the Isneg live on the Apayaw-Apulog and Matalag River areas. The Tingguians inhabit the middle Abra river system (Prill-Brett, 1987: 2-3).

Clear-cut distinctions of ethnic boundaries are difficult to make as customs 'spill-over' into neighboring regions. Common cultural patterns such as language, beliefs, ritual myth, dance patterns and song, house types, manner of dress, socio-political and religious institutions found among members of villages indicate the village's inclusion in a specific culture area (Prill-Brett, 1987:11). As populations migrate and inter-village marriages occur, the already fuzzy boundaries among culture areas become even fuzzier. This may seem to contrast with the distinctness of physical boundaries among IP communities which are indicated by mountain ridges, rivers or other readily observable landmarks.

Settlements which grow out of the inter-marriage of members from distinct IP groups can 'lose' their IP identity as they become 'cosmopolitan' districts host to large numbers of migrant people from other IP communities as well as lowlanders, i.e., Baguio City or Tabuk. On the other hand some settlements 'create' a new identity when they distinguish themselves from their 'parent' IP groups and calling themselves by a new name. For example, the Bago group is believed to have been formed by the inter marriage of members of the northern and southern Kankana-ey and Ilocano groups residing in the boundary regions of Mt. Province and Benguet with Ilocos Sur and La Union. To complicate the matching of IP groups with settlements is the fact that provincial and municipal boundaries do not coincide with the boundaries of 'culture' areas or traditional villages.

The traditional systems of governance arise from the exercise of customary practices within the territories historically occupied by IP communities. As changes get underway in the economic, political, and social aspects of community life, customary practices are transformed. The character of social transformation can differ between communities which still occupy their traditional villages from those which now reside either by choice or by force in other geographic locations.

Figure 1 maps the location of Cordillera IP groups in the Northern Luzon Provinces including the six provinces of the CAR. During the validation workshop of March 30, 2006, participants from the provincial offices of the National Commission on Indigenous Peoples (NCIP), Planning and Development Office (PDO), and a people's organization identified the IP groups residing in the municipalities of each province.<sup>3</sup> Based on this information, more details were included in the ethno-linguistic map. These are shown in Figure 2. It is important to note that sub-groups are identified within an ethno-linguistic group. For example, there are upland and lowland Tinggians. In addition, the sub-groups among the Tinggians are identified as the Masadiit, Maeng, or Inlaud. The Bontok culture area villages include Gonogon, Alab, Samoki, Bayyo, Talubin, Barlig, Lias, Caneo, Bontoc, Tukukan, Maligkong, Tanulong, Tetep-an Fedilisan, Dalikan, Mainit, Gawa, Anabel, Betwegan, Sadanga, Guinaang, Betwagan, Bikigan, Saklit and Belwang (Prill,-Brett, 1987:12). These villages may coincide today with municipalities of Mt. Province or with barangays of municipalities. The villages of Tanulong, Tetep-an and Fedilisan are barangays of the municipality of Sagada, which is usually classified as Northern Kankanaï or Applai. The people of Barlig, though part of the Bontok culture area identify themselves as Balangao like the people of Natonin, another municipality of Mt. Province.

#### *Economic Indicators and Human development data*

The land area of the Cordillera Administrative Region (CAR) is 13,714 sq. km. It is 4.6 per cent of the country's total land area of 294,554 sq. km. In 2000, this region's population of 1.3 million made up 1.8 per cent of 76.5 million Filipinos. Table 1 presents data on the gross regional domestic product (GRDP) for the CAR for 1996 to 2003. CAR's GRDP constituted 2.37 per cent of the national gross domestic product (GDP) in 2004. This proportion is almost twice the region's share of the total population but only half of the region's share of the total land area. 2.37 per cent in 2004 was higher than the CAR's share of 1.98 per cent in 1996 but lower than 2.58 per cent share in 1999.

If we compare the performance of the regional economy with that of the whole country, we see that the annual change in the GRDP of CAR was larger than that of the Philippines for the period 1996 to 1999. However, in the latter period from 2000 to 2004, the annual change for CAR was smaller than the annual change for the whole country.

Table 1: Gross Regional Domestic Product (GRDP) at constant 1985 prices, 1996-2004

Year	Share of CAR in national GRDP (per cent)	Period	Annual change of GRDP of CAR (per cent)	Annual change of Phil GRDP (per cent)
1996	1.98			
1997	2.19	96-97	15	5
1998	2.28	97-98	3	(.56)
1999	2.58	98-99	16	3.3
2000	2.54	99-00	4	7.6
2001	2.45	00-01	(1.7)	5.7
2002	2.44	01-02	3.7	4.3
2003	2.13	02-03	3.4	4.4
2004	2.37	03-04	3.9	5.8

Source: NSCB

In terms of labor force participation, the region's rate was not different from the Philippines for the period 1998 to 2001. Employment rates for the region, however, were consistently above those for the whole country. This implies that unemployment rates were lower in CAR compared to those of the Philippines (see Table 2).

Table 2: Labor force participation (LFP), Employment and Unemployment Rates for Philippines and CAR, 1998-2001

	1998	1999	2000	2001
Labor force participation rate (LFPR)				
Philippines	66	65.8	64.3	67.5
CAR	67	67.2	64.2	66.6
Employment rate				
Philippines	90.4	90.6	89.9	90.2
CAR	91.1	93.4	92.8	93.9
Unemployment rate				
Philippines	9.6	9.4	10.1	9.8
CAR	8.9	6.6	7.2	6.1

Source: NSO, Income and Employment Statistics Division

In terms of income, families in CAR obtained in 2000 only as much as 96.9 % of the national average annual family income. This was a significant improvement over the smaller proportion of 83.7% of the national average a decade earlier in 1988. Also, note in Table 3 the decline in the gap between the regional family income and the national family income between 1988 and 2000.

Table 3: Average Annual Family Income, National and CAR, 1988-2001

	1988	1991	1994	1997	2000
Average Annual Family Income					
National	40,408	65,186	83,161	123,168	144,039
CAR	33,838	58,985	74,669	112,361	139,613
Percent Share of CAR average family income of the National average	83.7	90.5	89.7	91.2	96.9
Percentage that CAR income was below National average	16.3	9.5	10.3	8.8	3.1

Source: ADB, 2002 and NSCB

Data on poverty incidence in Table 4 show that CAR has successfully reduced the incidence of poverty among families from 41.9 in 1988 to only 24.8 in 2003.

Table 4: Annual Per Capita Poverty Thresholds, Incidence of Poor families, and Incidence of Poor Populations, National and CAR, 1988-2003

Incidence	Philippines	Cordillera Administrative Region (CAR)
Poor Families (per cent)		
1988	40.2	41.9
1991	39.9	48.8
1994	35.5	51.0*
1997	31.8	42.5
2000	27.5	30.7
2003	24.7	24.8
Decline from 1988 to 2003	15.5	17.1
Poor Population (per cent)		
1988	49.5	50.7
1991	45.3	55.4
1994	40.6	56.4*
1997	36.8	50.1
2000	33.0	37.7
2003	30.4	31.2
Decline from 1988 to 2003	19.1	19.5

Source: ADB, 2002 and NSCB

This was slightly better than the national achievement of poverty reduction from 40.2 to 24.7. In terms of incidence of poverty among individuals, the reduction was almost equal for the region and the country with 19.5 and 19.1 per cent respectively.

Finally, let us take a look at infant mortality rates for the region by province for the period 1999 to 2004 (see Table 5). For the whole region, the lowest rate was

obtained in 2003 at 9.48. The lowest rate was consistently obtained by the Province of Benguet. The provinces of Apayao, Ifugao, Kalinga and Mt. Province achieved significant decreases in the infant mortality rate during this period. Unfortunately for Abra and Baguio City, their infant mortality rates were higher at the end of the period.

Table 5: Infant Mortality Rate (less than 1 year old) by Province, 1999-2004

Province/City	1999	2000	2001	2002	2003	2004
CAR	13.14	12.25	11.11	10.25	9.48	10.70
Abra	10.87	9.86	10.78	9.50	7.93	12.90
Apayao	18.72	13.64	10.49	13.92	13.93	11.60
Baguio City	10.88	11.16	12.36	9.43	10.22	12.00
Benguet	7.21	6.85	7.04	8.47	5.34	5.50
Ifugao	16.85	18.08	14.38	10.90	12.90	12.70
Kalinga	17.34	14.59	9.73	10.52	11.24	10.10
Mt. Province	21.40	18.23	16.23	14.31	8.86	13.60

Source: Department of Health

## Governance System

### *System of rule, authority, leadership, and legitimacy*

“Throughout the Cordillera there are no single rulers’ (de Raedt, 1993:78). Authority is exercised through collective bodies such as the *amam-a* of Mankayan, the *ator* of Bontok, the *dap-ay* or *abong* of the Kankana-ey, the *tongtong* of the Ibaloy, the *lallakay* of the Tinggians, or the *pangats* among the Lubuagan. These bodies settle disputes between persons or families. Their decisions have the force of law. In addition, they may also oversee the holding of rituals and become guardians of peace pacts.

Table 6: Indigenous political institutions in Cordillera communities

IP group	Citizenship	Political Leadership
Ibaloy		Tongtong council is composed of the impanama or anum'nemen (wise men) of the village. Issues settled are boundary disputes, inheritance cases, marriage conflicts
Southern Kankana-ey	Ili is the largest political unit	Amam-a (dakay in other communities) are the elders of the community (in Mankayan)
Northern Kankana-ey	Ili is the largest political unit corresponding to what is known as sitio or barrio	The abong (dap-ay) tribunal or ward took care of community decision making
Bontok	Ili is the largest political unit or village. It consists of 3 to 18 wards. Each Bontok community is politically and economically autonomous	Amam-a or elders or old men by virtue of seniority and experience in life form the core of village decision makers. The old men decide for the ator or for the whole village through

IP group	Citizenship	Political Leadership
	from any other authority.	a supra-ator or informal council of elders.
Ifugao	The kinship group is the most important socio-economic and political unit. Each family is responsible for its own affairs.	
Ikalahan or Kalanguya		Village elders implement customary law and settle crimes, disputes and community problems (Natalio, 1987)
Isneg or Apayao	No rigid stratification of leadership. Political organization is related to pattern of people's settlement, i.e., clusters of 15 to 30 houses (Wilson, 1967)	Council of leaders (kamenglan and mengal) exercise authority and make decisions for the community (Wilson, 1967)
Kalinga	The home 'region' is where one has relatives and where one's loyalties are anchored (Dozier, 1966: 53). Today, the home region may coincide with the municipal district.	There is an Ap-apu or leader. There is also the Budong, a political institution that enables the resolution of inter-village or inter-region conflict.
(Main Source: Prill-Brett, 1987a)		

Among the Ifugao, the family is the most important socio-economic and political unit while among the Isneg, political leadership is traditionally exercised by the *kamenglan* or the bravest of the headhunters (Prill-Brett, 1987a: 29, 31)

The leaders or members of these collective bodies are often wealthy, have knowledge of customary law and wisely apply it, rich in life's experiences, and articulate.

Authority and leadership are also exercised by 'go-betweens' or persons who act as mediators to settle inter-village conflicts. These are the *pinakarsu* of Bontok, the *mangiugud* of Kalinga, or the *monkalun* of the Ifugaos.

#### *Organization of socio-economic and political activities*

The Tingguians, Isneg and northern Kalinga are largely slash and burn cultivators, the Bontok, Ifugao, and southern Kalinga are wet-rice cultivators, and the Ibaloi and Kankana-ey rely on wet and dry agriculture (ADB, 2002: 7). Wet rice cultivation has been adapted by the Northern Kalingas though at later dates than the IP groups found in the Central Cordillera Region. Commercial vegetable gardening has also taken root not only in Ibaloi and Southern Kankana-ey villages but also in Applai or Northern Kankana-ey, Ifugao, and Bontok villages.

The groups occupying the Cordillera, generally characterized by their development of wet-rice terracing agriculture tend to form permanent settlements and develop a system of territorial concepts such as land rights and ancestral domain (Brett, 1990:2). These territorial concepts developed over time through the community's interaction with neighboring groups and with other social systems.

Tied to the agricultural cycle are the community rituals of planting and harvesting including the practice of labor exchange among members who work in each other's fields. Such groups are more prevalent in the rice-growing communities. Interestingly, they may also be found among vegetable growing villages (Mendoza, 1997).

Economic differences like that between the baknang and the poor are observed in Cordillera communities. The baknang are those who own many rice fields and/or cattle. Traditionally, the gap between the two classes would not widen because the baknang would have to host redistributive feasts. Here, the baknang would feed the whole community and thereby affirm his wealth status. The periodic holding of the community feasts provided the 'brake' on the accumulation of wealth and the resulting class distinction. This is not to say that class membership is completely inconsequential. Jefremovas (2000) describes how such class status in Sagada defines the ability of vegetable farmers, women farmers in particular, to capture benefits and control aspects of vegetable growing such as the provision of credit or marketing.

#### *Power distribution, allocation and control, processes of decision making*

As already stated above, collective bodies exercise decision-making powers. Power is dispensed by the collective entity and not by an individual member of the group. Among the Bontok and Northern Kankana-ey, each family is a member of a ward through its head. Each ward has an ator which makes decisions for the ward. The leaders of the ward are members of the village ator which make decisions for the whole village.

Changes in the law can be made by the tongtong council of the Ibaloy upon the agreement of the majority of the people during a gathering (Prill-Brett, 1987a: 4). Even if the elders who sit in these bodies become leaders not by 'election'. It is still perhaps correct to conclude that their authority is to some extent democratic, or subject to the approval of the community at large. This is so because decision making is often exercised during community meetings and gatherings.

#### *Justice and conflict resolution system*

Customary law and adjudication persist to this day in many Cordillera IP groups even if the state's judicial system is also operative. There seems to be an accepted distribution of areas of responsibility between customary law and national law. The courts encourage the settlement of conflicts between individuals through customary law or through the barangay. As a participant in the workshop would claim, there are few cases filed with the courts since violations are adjudicated through customary law. However, it is the consensus that the attitude of a preferred use of customary law is changing. There are those who claim that the adjudication process of the courts with its rules of evidence is taken advantage of by the accused or the guilty especially when he is rich and/or educated. Even conflicts over land claims are brought to the courts for settlement instead of the council of elders when the claimant is rich and/or educated.

Ifugao peace pacts have become defunct, especially after the Second World War, and are not practiced anymore. Cases which involve inter-village conflict are

handled by municipal officials usually with the aid of the elders of the communities involved (Prill-Brett, 1990: 31). The peace pact system controlling inter-village and inter-region relationships is still in current use among the Kalingas, Bontoks, Apayao, Isnegs and Tingguians of Abra (Brett, 1990:6). The peace pact defines the provisions on the behavior of co-pact villagers while in the territory of the other. The peace pact holder is responsible for policing the boundaries so no one is killed within their territory. The 'bodong' or peace pact institution may also be observed in non Cordillera neighboring areas where the Kalingas have settled such as Cagayan and Isabela.

The traditional justice and conflict resolution system of the Ikalahans is where the elders discuss and settle disputes openly. All interested persons may listen and take part in the discussion by cross-examining or giving counsel to the parties in a dispute (Natalio, 1987).

#### *Land tenure and property system*

There are three types of rights to land which are exercised among indigenous Cordillera communities. These are communal land rights (exercised by all citizens of a community); indigenous corporate land rights (exercised by all members of a descent group, family, or ward); and individual land rights.

All three types may be found in Mountain Province, among the Bontok and Northern Kankana-ey. According to Russel (1983), a strong tendency for land to be held under individual land rights exist in communities which have adopted commercial vegetable farming.

It is important to stress, that for many Cordillera IP groups, daughters are accorded equal rights to sons in the matter of inheriting land. There is usually joint decision making between husbands and wife on the farm as well as complementary tasks in the cultivation of different plots of land, i.e., rice fields, swiddens, vegetable gardens (Mendoza, 1997).

The following table provides a brief characterization of the three types of land rights.

Table 7: Types of Land Tenure Systems in Cordillera IP communities

Type of Land	Characteristics
Communal land	<ul style="list-style-type: none"> <li>-usually far from the settlement but within the boundary of the village</li> <li>-usually forest land without permanent improvements</li> <li>-only village members can exploit the forest resources for lumber, firewood, and wild game according to custom law, i.e., lumber may not be taken out of the village or sold</li> <li>-fines are imposed on the offender by the elders and/or barangay officials</li> <li>-land rights consist of access and use but not to sale</li> </ul>
Indigenous corporate land	<ul style="list-style-type: none"> <li>-is common land of a descent group, i.e., <i>tayan</i> to the Bontok and <i>muyong/pinugo</i> to Ifugao</li> <li>- may be swidden land reforested by an individual</li> </ul>

Type of Land	Characteristics
	<ul style="list-style-type: none"> <li>- may be formerly part of the communal forest cleared and improved by a founding ancestor and if near a water source, converted into rice terraces</li> <li>-only members of the groups may exploit the resources of common land</li> <li>-corporate land cannot be alienated by a single member of the group</li> </ul>
Individual land	<ul style="list-style-type: none"> <li>-Rice terraces, residential lots, hillside tree lots</li> <li>-there is exclusive and restricted access and use of land and its resources</li> </ul>

Source: Prill-Brett, 1988 and 1990: 13-17

### *Management and utilization of resources*

The management and utilization of resources follow the property rights system described above. The use of individual property is determined by the individual owner. The use of property owned by indigenous corporate groups like the ward or the clan or a kindred group is acted upon by the members of these groups. Communal property utilization is acted upon by the community's decision makers i.e., ator, tongtong, etc. The specific rules of access, use, or alienation pertinent to a piece of land depends on its use, i.e., rice fields, swiddens, vegetable gardens, forests, or pasture.

An interesting case of adaptation between indigenous political institutions and modern governance systems is that of the Kalahan Educational Foundation (KEF). The Board of KEF manage the Kalahan Reserve which covers the ancestral domain of seven barangays. Each barangay has its tribal leaders on the board of KEF together with representatives from the Kalahan Academy alumni, the local government, and the youth sector (Rice). The foundation works closely with the barangay officials in formulating policies, implementing plans for the Kalahan reserve. The policies are sent to the barangay council for review and approval before adoption by the board of KEF. In addition, the Kalahan experience has become a model for the government's program in community participation in forest management (Dolom and Serrano).

The IPRA of 1997 recognized economic, social, and political rights of indigenous cultural communities (ICCs). It upheld, among others, the concept of ancestral domain and recognized the use of indigenous knowledge systems and practices by ICCs. In the matter of natural resource management, the IPRA's eventual implementation in 2002<sup>4</sup> by the NCIP focused on assisting communities previously issued a Certificate of Ancestral Domain Claim (CADC) to transform their claims into titles, i.e., Certificate of Ancestral Domain Title (CADT). There were at least two dozen CADCs issued to municipalities by the Department of Environment and Natural Resources under Department Order No. 2 in the early 1990's recognizing Ancestral Domain Management Units (ADMU) in the Cordillera.

For a CADT to be issued, the IPRA required that an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) be formulated. In the process of drawing up such a plan, many communities strengthened or 'revived' customary practices pertinent to the utilization of water and land resources located in

their villages and incorporated these in their ADSDP Plan. Further, the adoption of customary practices warranted the modification of the composition of decision makers or the 'modernization' of procedures. For example, the membership in a body that decides over land use may no longer be limited to the members of the traditional indigenous council of elders but may include barangay officials or even sectoral representatives from the youth or women. Records of fines collected from violators are kept and reported back to the community or other appropriate bodies. More of this interface between indigenous political structures and the state's administrative and legal structures with regard to natural resource management is described in Part 2 in the case of the Masadiit of upland Abra.

### **Analysis of Governance System**

The previous section has shown how indigenous political institutions continue to discharge their functions in the regulation of community life among Cordillera IP groups. The existence of the indigenous political system does not imply the absence of an operative national politico-administrative system exercising authority that emanates from the central government through the provinces, municipalities, and barangays.

The observation is supported by research. The major conclusion of Adorable (1990) in her study of the barangay in Naguey, Atok, Benguet is that the barangay has been adapted with many positive effects on the political participation of IP communities in the Cordillera. She reports:

1. The officials of the barangay were recognized as mainly responsible for initiating and mobilizing support of community projects. Traditional leaders or 'elders' who were active in initiating community projects were themselves in the formal leadership structure through occupying government positions or heading community organizations. The barangay officials enjoyed the respect and confidence of the people. (pp. 29-30).

2. People were active participants in the governance of their community through the barangay. "Democratic tendencies noted in the community, as indicated by a great deal of consensus on basic democratic procedures are further reinforced by the existence of secondary associations such as the consumers cooperative and coffee growers association." (p. 34).

3. The community enjoys a certain level of autonomy. The repulsion of the entry of the mining company in Naguey is indicative of the level of autonomy of the community. This experience shows the capacity of the people for conscious decision making in dealing with outside forces, no matter how influential (p.36).

These results from a study of a single barangay in Benguet were confirmed by a larger study covering 18 barangays in the Cordillera, also by Adorable (1990). The study was concerned with ascertaining the effectiveness of the barangay in the Cordillera as a vehicle for broadened participation in the decision making process as well as in generating widespread participation in community development efforts.

The research sites included urban and rural barangays in the four provinces of the CAR. These are (1) Mankayan (Kankana-ey): Poblacion and Guinaoang,

Tuba (Ibaloi): Poblacion and Tabaan Norte in Benguet; Bontoc (Bontok): Poblacion and Samoki, Besao (Kankanai): Kin-iway poblacion, and (Applai): Banguitan in Mt Province; (3) Lagawe (Ifugao): Poblacion and Boliwong, Banaue (Ifugao): Poblacion and Bocos, Mayoyao (Ifugao): Poblacion and Balangbang in Ifugao; (4) Penarrubia (Tinguian): Poblacion and Dumayco, Tayum (Ilocano): Poblacion and Deet in Abra.

There were 30 respondents from each site with 5-6 barangay officials and 24-25 barangay members for a total of 97 officers and 434 members.

The following findings may provide some basis to say that the incorporation of the barangay's political and administrative structure into the community's social and political life is successful for it has not displaced the traditional political structures.

The barangay is a mechanism for community decision making. The Abra and Ifugao respondents agreed that the barangay is an institution that articulates the desire and interests of its constituents. Benguet and Mt. Province respondents have 'no opinion' on this issue. All barangay respondents agreed that it was prestigious to be a barangay official. Barangay members differed with the officials that the council had instituted an effective way of receiving and documenting reactions from members.

However, in the matter of awareness and specific knowledge of barangay activities, it would seem that the community members had very little opportunity to make views known and to participate in the decision making-process in the barangay. In their view, meetings, discussions and consultations between officers and members on projects and activities of the barangay seldom take place. Moreover, decisions are very seldom made on the basis of voting of community members. Generally, municipal and provincial officials seldom communicate and visit the barangay. Making exceptions to this view are the respondents from Boliwong, Lagawe; Deet, Tayum and Banguitan, Besao.

Much of credit for the success of Banguitan in Besao, Mt. Province is due to the barangay captain who is also a community elder. He successfully ran for councilor of the municipality after serving as barangay captain. Important to the success of Banguitan is the active role assumed by the elders and traditional institutions in the community. The dapay still plays an active role in community life. Each sitio of the barangay has a dapay where the elders meet, where the traditional rituals of the agricultural cycle, death, or wedding are held, where disputes are settled. Elders join the barangay officials in keeping peace and order. The elders are members of the Lupon Tagapamayapa and help litigate petty crimes. The members of the Lupon are chosen from the elders and former barangay/barrio officials. In Boliwong, Lagawe and Tabaan Norte, Tuba the same pattern of active involvement of the elders in the formal structures of leadership of the barangay was observed (pp. 33-34).

When asked on the role of the barangay in national decision making, the general view of the respondents is that it had an insignificant role. The barangay was most effective in communicating to the people the plans and activities of the municipal and provincial governments and least effective in making itself felt in decisions at the national level. (p. 43). Data on actual participation show that as a

whole, the barangays have not been very successful in mobilizing participation in the implementation of the various projects of the barangay (p. 47)

The 'meshing' of authority, responsibilities, and functions of the indigenous political institutions with the state's politico-administrative system has indeed taken place particularly at the barangay level and in some cases at the level of the municipality. Others view this 'convergence as positive. Some may not be convinced that the 'convergence' process is entirely advantageous to IPs. This is the assertion of the study on indigenous peoples and the local governments by the Cordillera, Peoples Alliance in 2004. The report states that: the LGC provision to involve indigenous leaders in governance (as in the Lupon Tagapamayapa) tends to further undermine or weaken traditional structures where they are already being eroded by the larger and stronger forces of the market and the state' (p.37).

Project implementation, particularly of those 'brought' in from outside the local community, unless specifically provided by the project's mandate will not take the trouble to consult and involve community members. The inclusion of views from the barangay in the debate on national-level issues or even on provincial level matters hardly occurs. Quite crucial to the effective interface of indigenous political institutions and the state politico-administrative system is the inability of concerns from these village communities to reach and move government agencies into action particularly with regard to the delivery of government services.

The indigenous autonomy of the Cordillera communities described as 'autonomy' at the ili (village)-level' has been transformed by the effects of the acquisition of higher education, deepening involvement in commercialization of economic activities, the out-migration but continued ties with community members around the country and the world, i.e., through cash remittances, and the growth in population (Prill Brett, 1989). These are the economic and social forces of changes which are slowly but surely transforming IP communities in the Cordillera.

Political changes have also altered the parameters of governance in the Cordillera. The Organic Act Creating the Establishment of a Cordillera Autonomous Region was rejected in a plebiscite on January 30, 1990 and a second one was also rejected in 1998. There are those who would judge the whole exercise on the autonomy debate as a waste of time and resources. But it is important to stress that the discussions that took place in 1990 and 1998 initiated serious reflections by the members of IP groups on the issues and concerns of Cordillera regional autonomy. A key issue is the form and structure of the autonomous region. For until a consensus is reached on this matter, the pursuit of Cordillera autonomy may as well be dead, even if the idea is enshrined as a constitutional provision.

In 1991, the Local Government Code was passed, causing significant changes in the attitude of national government and national level agencies in their relationship with local government units. At the very least, the LGC has provided the more important legal and administrative anchor upon which local-level autonomy in decision-making long practiced and upheld by indigenous systems of governance continue to thrive. And the IP groups continue to pin their home on the Indigenous Peoples Rights Act (IPRA) of 1997 to provide the framework for substantial state recognition of the economic, political and cultural rights of indigenous cultural communities.

The state system can be more accommodating of indigenous political institutions and processes because these display the values of democratic participation; consensual, consultative and transparent decision making; and equal accord to men and women in all spheres of social life. At the local/barangay level, indigenous governance systems enable 'individuals and groups...to articulate interests, exercise rights, mediate differences in pursuit of the collective good'.

There is hope that eventually local level issues and concerns will permeate national and provincial politics. We desire to live in a transformed political landscape where national priorities are formed by the sincere attention to the needs and aspirations of local communities in general and the indigenous groups of the Cordillera in particular.

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### Endnotes

<sup>1</sup> The information used in the mapping was obtained through the Validation Workshop conducted by the research team for the Cordillera Case Study on March 30, 2006 from the workshop participants.

<sup>2</sup> A research program on Cordillera Autonomy was undertaken by the Cordillera Studies Center of UP Baguio for almost a decade, from 1986 to 1994 which tackled the issues of indigenous political institutions, the barangay, non-governmental organizations, administrative capability, cordillera autonomy, and perceptions and attitudes of cordillera inhabitants towards autonomy. Since then several important events have taken place.

<sup>3</sup> Unfortunately, the province of Apayao had no representative at this workshop.

<sup>4</sup> It took this long before the implementation of IPRA could begin with vigor because the Supreme Court had to confront and settle the petition questioning the constitutionality of the IPRA. The Supreme Court voted 7-7 to uphold the constitutionality of IPRA in December 2002.

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# **Governance Practices of Indigenous Peoples: A Case Study of Natural Resource Management and the Masadiit of Abra**

## **Introduction**

For indigenous peoples, the land and natural resources are a heritage, which the present generation must take care and pass on to the next generation. Indigenous peoples have protected and sustained their land and natural resources through their indigenous knowledge system and practices. Governments and civil society have appreciated sustainable development models based on what indigenous peoples have been practicing for a long time.

The Itneg or Tinggian<sup>1</sup> of Abra have an inseparable life and identity with their ancestral domain. Their ancestral domain, a sacred legacy from their ancestors and guarded by their spirits (Anito) must be preserved and protected for it is their home and their world (Dumagat, 1991). For ages, the lapat system has helped the Tinggians sustain their land and its natural resources.

## **Brief Profile of the IP and context: THE MASADIIT TRIBE**

The Masadiit is one of the sub-groups of the Tinggians who inhabited the towns of Sallapadan, Boliney and Bucloc in upland Abra. Originally, the Masadiit occupied one geographical area but the territory was divided into three municipalities in later years (see map of ancestral domain of the Masadiit). The peripheral boundary of the ancestral domain of the Masadiit coincided with the political boundaries of the local government units (Interview: Tinggonong, 2006).

The Masadiit population registered in 2000 was 10, 846 distributed in the three towns as follows: Sallapadan – 5, 497, Boliney – 3,330 and Bucloc – 2,109. The people were a repository of old Tinggian culture who maintained their traditional customs and practices and indigenous justice system and ways of worship, which have influenced their way of using, protecting and managing their land and other resources.

These indigenous people have abundant food production and locally available livelihoods. The town of Sallapadan has emerged as one of the rice granaries of upper Abra and it has been exporting rice to neighboring towns since 1960. Aside from rice, the people also raise livestock in their wide pasture lands and supply the livestock needs of the provinces of Kalinga and Apayao. Boliney town is more than self – sufficient in fruits – 485.24 percent, beef – 142.40 percent, carabeef – 1,490 percent. Bucloc has surplus of root crops – 154.17 percent and fruits – 238.48 percent. The food surpluses could compensate the less sufficient food supply they need (PPDO, 2001).

The Masadiit have rich natural resources. In Sallapadan, the biggest town, 55.22 square kilometers or almost half of the town's 112.45 square kilometers area is designated as watershed and 15.85 square kilometers or 14.10% as forest land. The

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<sup>1</sup> Also Tingguian or Tinguian.

watershed and forest resources help feed various springs and tributaries of two major river systems in the municipality – the Manicbel and the Abas Rivers, which irrigate rice fields along valleys and foothills, provide water for household use and help give protein to local folk as both rivers teem with fish. The forest areas also abound with rattan, softwood and hardwood species as narra, various species of vines and palms, different bamboo species wild game and honey. Boliney's area is mostly forestland with abundant bamboo, rattan, wild game and honey. The town also has the Bani Waterfalls, the Bani Hot Spring and Mount Poswey, a major watershed. Among Bucloc's natural wealth are its water systems: 3 major rivers systems - the Bucloc, Abas and Manicbel Rivers and 21 creeks that provide irrigation and domestic potable water as well as freshwater fish species. Bucloc's area is also forestland from which products such as timber, rattan, various bamboo species, honey, orchids and ferns and vines for handicrafts come from.

### **Governance System: The Tinggian**

#### *System of rule, authority and legitimacy*

According to the kadawyan (customary law), the mainsprings of authority, power and legitimacy among the Tinggians are the lallakay (council of elders), and ultimately the ap-appo (ancestors). The ap-appo have entrusted the kadawyan to the lallakay for its enforcement.

#### *Organization of socio-economic and political activities*

The role of the lallakay in maintaining the social organization, including the interpretation and enforcement of the kadawyan (customary law) is crucial and indispensable. The lallakay settle disputes and maintain harmony in the village. They are also responsible for the observance of the rituals governing all aspects of village life from childbirth, planting, harvesting, and burial of the dead. They lead in the protection of the forest and natural resources as well as in the communal fishing, and ingathering forest products. The lallakay and the young warriors are given the duty by the ancestors to defend the hunting grounds, the rice fields, and the rivers, but most especially the ili (village home). The ili is the home village or homeland of the Tinggian. Integral parts of the home village are the surrounding forests, rivers and valleys. This explains ownership of land is communal although cultivation is usually done by household or kinship group. The ili is an expanded form of the bubong (household). It represents the concept of the whole village community. It represents the political unity and the freedom of the community members from external control. On the other hand, it also implies complete control and sovereignty of the villagers over the entire territory. No particular individual or group could claim sole ownership of the village home or the surrounding territory.

#### *Power distribution, allocation and control, process of decision making.*

The lallakay or council of elders and leaders govern Tinggian society but the sovereignty over the entire territory resides in the people. The community members choose elders who have proven their worth, integrity, and have a strong sense of justice. Under the lapat system (meaning prohibit), the council prescribes regulations and policies on how community members use, protect and preserve natural resources after consultations and deliberations with heads of families in the village. Watchers called sirip help implement or enforce lapat rules and regulations. Each sirip is assigned a particular

territory to guard or watch that is usually a forest zone and a river which a sirip frequently passes through on his way to his ricefields or swidden farms. The services of the sirip and the elders of the council are rendered for free. But the council can decide to give incentives to the sirip in various ways like giving the sirip some extra rattan during harvest season of the forest product.

#### *Management and utilization of resources*

The Tinggians' secret in conserving their natural resources is the ancient tradition of lapat. Lapat (literally meaning prohibit) is the indigenous system of regulating, protecting, managing and using properly the Tinggians' land and its natural resources. Under the lapat system, all villagers and neighboring villages are enjoined to abide by some rules villagers themselves have agreed upon by consensus. For instance, the rules enjoin villagers and neighboring villages to refrain from cutting trees in the forest, gathering rattan, hunting wild animals and even fishing in the river for a certain period. After a certain period, the lapat-declared area is opened again for harvesting or hunting. However, harvesting or hunting is regulated. For example, one can harvest only a certain length, size and number of rattan or he can hunt only a certain size of deer or wild boar.

Lapat rules ban villagers from hunting pregnant and nursing wild animals. In like manner, one must not gather resources or hunt wild game beyond his family needs. For instance, villagers who intend to harvest timber for housing must seek the permission of the elders. In fact, they have to present the work plan of the house which must specify the volume of wood needed. If one gathers more than he needs, elders confiscate what is in excess of what is in the work plan. The elders also impose a corresponding penalty and the confiscated wood becomes property of the community. Lapat law also governs gathering resources for trade. Certain charges and fees are imposed on resources intended for sale. But when the village agrees through consensus that no one must harvest trees or other resources for commercial purposes, everyone must abide.

Areas commonly declared under lapat are watersheds and forests, rivers and creeks, and pasturelands. There are certain forest areas where the lapat holders declare a 'close' and 'open' season for harvesting forest products such as rattan. For rattan – rich forests, Tinggians often declare a ten – year moratorium or even longer on the harvest of rattan because it takes at least 10 years for a rattan plant to mature. Areas traditionally cultivated for kaingin and rice paddies are not covered by lapat.

#### *Land tenure and property system*

The kadawyan of ili hold communal and joint ownership of the home village. This confers right to any villager to cultivate any part of the territory and to bequeath such right to his descendants. He can exchange such right for something with a relative or any villager but not to a stranger. He can also donate such right or use it as dowry to a prospective daughter-in-law. Such transfer of right must be made public, especially among the lallakay and kin-group through a ceremony.

### *Justice and conflict resolution system.*

Misbehavior and misdemeanor in Tinggian society are settled by the lallakay. Wrong doers are fined or ordered to shoulder expenses for the food of elders settling the case. On cases where the community cannot find the violator, the community resorts to the sapata. In this case, the offender is tried in absentia through a ritual done by an elder who is an authority of the bagawas. A sapata involves a ritual done at early sunrise, during which an elder offers to the gods and spirits a prayer called bagawas. Through this bagawas, the elder prays that something tragic such as bloated stomach or swollen feet will befall the violator.

Disputes or conflicts attendant to land tenure among villagers are likewise settled by the lallakay of the same village. Territorial or boundary dispute between two or more villages are settled by the lallakay and leaders of the villages concerned and sometimes with the help of other lallakay and leaders from a mediating friendly village. A successful settlement of a territorial dispute is formalized in a peace pact called a bedeng (literally meaning boundary) or kalon (literally meaning an agreement).

If one violates any of the lapat agreements, he/she is given penalties commensurate to the gravity of his offense. Lapat justice does not only end when an offender subjects himself to community instituted penalties. It extends over to counseling the offender so he can reform himself and becomes accepted again as bonafide member of the community. There is no need for jails because the ultimate goal of lapat justice is to reform the violator.

In recent years, violations, which can not be settled in the village or barangay level, are elevated to the municipal courts.

## **THE LAPAT SYSTEM**

The **lapat** is an embodiment of the Tinggian indigenous knowledge, systems and practices that evolved through time as they relate to their natural and human environment, within or outside their ancestral domain. **Lapat** (parit) literally means prohibit. It generally encompasses a whole system of checks and balances governing misbehavior and misdemeanor in Tinggian society. Under the lapat system, all community members and neighboring communities are enjoined to abide by some rules community members themselves have agreed by consensus. This indigenous system has helped the indigenous people to regulate, protect, manage and properly use their land and its natural resources.

The lapat system has three underlying principles (Tingonong, 2002). The first principle is people's **stewardship** over natural resources. As stewards, people have the right to use their land and natural resources but they do not have the right to abuse or to dispose off their resources as they please. The second principle is **communal ownership and collective responsibility**. Under this principle, land and natural resources are for everyone and one's right to them is limited by the rights of others. Likewise, community members participate in decision making in all concerns, including the protection of natural resources. The third principle is **sustainability**. The Tinggians have sought to sustain their natural resources in order to have something to entrust to

the next generation. Under Tinggian tradition, the land and natural resources are also tawid or heritage which must be passed on to the next generation.

The **council of elders or leaders** govern the Tinggian society and the lapat system. The community members choose elders who have proven their worth, integrity and have a strong sense of justice. The council prescribes regulations and policies on how community use, protect and preserve natural resources. Watchers called **sirip** help implement or enforce the lapat laws. Each sirip is assigned to guard or watch a particular territory usually a forest zone which a sirip passes through on his way to his rice fields or swidden farms. The services of the sirip like the council elders are rendered free but the council can decide to give incentives in various ways such as giving him some extra rattan during harvest season of the forest product. Every community member is duty bound to help implement lapat laws. By tradition, if one happens to discover a violation, he is expected to report the violation to the sirip. A violator is given penalties commensurate to the gravity of his offense.

Areas commonly covered under lapat are watersheds and forests, rivers and creeks and communal pasture lands. However, there certain forest areas where the lapat holders declare a “close” and “open” season for harvesting forest products such as rattan. For rattan-rich forests, Tinggian folk often declare a ten – year moratorium on the harvest of rattan because it takes at least a year for rattan seed to germinate and at least ten years for a rattan plant to mature. Areas cultivated for kaingin and rice paddies are not covered by lapat but the farmer is still subject to the rules of lapat.

Agreements and regulations begin to take effect once a community proclaims a lapat area and they end after the community decides to open the lapat area to allow community members to gather products. The lapat involves procedures and rituals. First the elders, leaders and village officials meet with family heads and after careful deliberation, they declare which certain portion of the community will be under lapat. Then elders and leaders send messengers to neighboring communities to inform them about the lapat - declared territory. Religious rites accompany the lapat declaration. As part of the Tinggian culture of cooperative self – help, each community member contributes to all expenses required in the lapat ritual. Usually, the community procures a cow or a carabao and at least a jar or two of sugar cane wine. Then the elders, leaders and community members assemble to declare the metes and bounds of the lapat covered territory. To seal the agreements an elder shouts a prayer to Kabunian or God saying the animal and wine is sacrificed so the people will recognize and testify to the sanctity, vitality and integrity of the lapat agreements and the people will keep, abide with and enforce the lapat laws and regulations. The elder then declares that the lapat is valid and ready to be enforced.

### **INSTITUTIONALIZING THE LAPAT SYSTEM**

The government and people from the civil society appreciate the role of indigenous knowledge systems and practices in helping protect and manage natural resources. Lapat used to be part of Tinggian society’s oral tradition. But in recent years, lapat laws have become part of local government ordinance, at least at the barangay and municipal level in some towns. Aside from being written, lapat rules are now being officially institutionalized to some extent.

In the towns of Sallapadan, Boliney and Bucloc, the home of the Masadiit tribe, all the three municipal government units through their municipal councils have formally recognized and adopted the lapat as their system of managing their land and natural resources.

On the part of the national government, the two regional government agencies, namely the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR) have formally recognized and adopted the lapat system in the protection and management of their reforestation projects in the three towns of Sallapadan, Boliney and Bucloc. The Cordillera Highland Agricultural Resource Management Project of the DA and DENR covers 12 barangays in the three towns where it supported a total of 2,239 hectares of reforestation projects. These barangays include Naguilian, Maguyepyep, Gangal, Bila-bila and Saccaang in Sallapaadan; Baoyan, Poblacion and Daongan in Boliney; and Ducligan, Labaab, Lamao and Lingey in Bucloc.

The regional officials of the DA and DENR have realized that the reforestation projects in the province of Abra will stand a better chance of sustenance and survival when the native practice of lapat will be instituted as the forestry management system to complement other known practices introduced by the government. Experiences in most reforestation projects funded by government and foreign assistance have shown that the established plantation were left to the elements after the flow of funds had stopped at formal project expiration. Likewise, established plantations turned over to government for maintenance and protection were not attended to due to lack or inadequacy of funds to support their maintenance and protection. These officials were convinced that with lapat the communities covered by the CHARM Project would assume responsibility and continue to manage and protect their reforestation projects even without or with little assistance from the government. Lapat is the native answer to the desired sustainability of community based forest projects in Abra.

In 2002, the Year of the Mountains as the United Nations declared, the three towns of Sallapadan, Boliney and Bucloc, after a series of consultation between the CHARMP officials and local officials, elders and leaders, have decreed to protect and manage the CHARMP's reforestation projects the lapat way. To formally seal the three municipal government's decision, local officials and representatives of the CHARMP, other government line agencies and non-government and people's organizations performed a grand ritual in Bucloc town on April 22, 2002 in what was called the "Festival of the Mountain."

The CHARMP has also helped facilitate and train beneficiary barangay communities to put into writing their rich lapat laws in the form of constitutions and by – laws and resolutions. Each of the 12 CHARMP – covered barangays in the three towns have passed constitution and by laws and barangay resolutions institutionalizing the lapat as a system and mechanism of protecting and managing their natural resources including their reforestation projects. Stipulated in these written resolutions and by-laws are the lapat system's guiding principles and framework, resources the lapat covers, penalties and sanctions, and the terms of office of officers. As it incarnates itself in the form of constitution and by-laws and resolutions, the lapat system is now officially institutionalized.

An emerging trend in the Masadiit communities is the federation of lapat elders' councils. Lapat elder's councils in each of the municipalities of Sallapadan, Boliney and Bucloc have formed municipal federations. In Sallapadan, the SANABI which federated lapat councils from baranggay Sakkaang, Naguilian and Bila-bila was formed. The Bucloc Lapat Federation and the Boliney Lapat Federation were also established. The trend towards federation will definitely pave the way for the full institutionalization of the lapat system.

The lapat system is also catching up with development in information technology. By tradition, messengers have to ride horse or travel on foot to inform orally neighboring community folk about the new lapat. Today, after an area is declared as under lapat, some lapat officials send out formal letters to officials and leaders of neighboring communities, advising them about the metes and bounds and coverage of the new lapat. Maps are even enclosed in the letters. Other communities use two – way radios to inform neighboring communities. With such information mechanism lapat officials aim to disseminate widely and formally the declaration of a new lapat to forewarn would be intruders or violators. These practices further attest to the institutionalization of the lapat system.

A recent development in lapat administration and law enforcement is the integration of the council of lapat elders into the organizational structure of the barangay local government unit. In some Masadiit communities, the Council of Lapat Elders is the same as the Barangay Council, the governing body in the barangay or the Barangay Lupon, the amicable settlement court in the barangay mandated by the Local Government Code. The sirip or watchers are the same members of the Barangay tanod or barangay policemen. Participation of barangay and municipal officials in the meetings of lapat organizations has become a common practice of the local people. The practice of having the constitution and by-laws or resolutions of these organizations noted by the mayor, vice mayor or barangay captain has become part of the system. These developments indicate the integration of the lapat system – the indigenous governance of natural resources of the Masadiit into the affairs of their local government. Indeed, the lapat has evolved as a mainstream institution whose rules, regulations and policies are becoming integral parts of government policies on natural resource management among the Masadiit.

In this area, an effort to install a body above the municipal governments is being proposed. A body composed of elders, sectoral representative of different organizations in the area will be created and called the Tribal Governing Council. This body will manage the domain, not in competition with the provincial or municipal governments. The Council will pursue development within a framework of integrated area development coupled with the indigenous systems of governance and resource management.

The elements which may contribute to the success of a tribal governing council over the ancestral domain are the following:

- a) the municipalities form a contiguous territory
- b) the people of these municipalities belong to one sub-group (i.e., Masadiit) of a major ethnolinguistic group (i.e., Tinggian)
- c) resources are consolidated towards economic viability
- d) there is historical tradition for the management of the forest areas in the three municipalities as one forestland

On the other hand, there are questions regarding the possibility of establishing the Tribal Governing Council which are:

- a) Will the Council be a legislative body?
- b) Will the Local Government Code recognize a 'tribal' government?
- c) How much support will come from the formally elected leaders of the local government units?

### **IMPACT OF LAPAT INSTITUTIONALIZATION**

The formal recognition by the state of the institutionalization of the lapat system for the protection and management of the natural resources of the Masadiit has produced positive effects.

Community elders and leaders are active in the administration and enforcement of the lapat system. For example, in March 2002, elders of Barangay Labaan in Bucloc town, fined two men with P2,500 and required them to produce a pig worth P2,000 and rice and drink worth P500 and feed all members of the community. Both men were punished because they cut precious rattan vines, which should not be destroyed under lapat natural resource policies. In another case, lapat holders in Lamao, Bucloc confiscated in February 2003 three truckloads of semi finished narra lumber from a timber poacher from Ilocos Sur. The poacher was also fined P10,000 and was advised not to poach again as he was treading on lapat – covered territory.

The elders also carefully assess the short-term benefits of commercial ventures against their long term impacts. The possibility of losing or polluting their water system by commercial activities like mining operations frightens them. For these elders who inherited the wisdom of their ancestors, water is more precious than gold because it is water that sustains not only their rice fields and farms, but their very lives as well.

Government recognition, appreciation and acceptance of the lapat system at least at the barangay and municipal levels empower the community folk and give them a sense of pride in their culture. If part of their culture becomes a part of government policy, they certainly take pride in helping contribute something significant in local and national development. The Masadiit case shows a good case of how the practices of indigenous peoples can contribute to formulating resource management policies, a bottom – up approach in policy formulation. It shows how the indigenous peoples exercise their rights to their ancestral domain including their right to self-governance and self-determination, and their right to freely pursue development and equally enjoy the full measure of human rights without distinction or discrimination. This trend signals the improvement of local governance.

### **GOVERNMENT AND THE LAPAT: PROSPECTS FOR REPLICATION**

There are points of convergence between the government laws and policies and programs on natural resource management and the lapat system.

The Community – Based Forest Management (CBFM) strategy under E.O. 263 of 1996, for example, can work well with the lapat system. The CBFM allows community

members to use the forest for their basic needs on condition that they follow certain schemes on how to use, protect and manage forest resources. CBFM looks upon the local people as partners and comrades in protecting and managing their environment. The strategy expects community members to become responsible forest stewards when they are organized, trained, equipped and secured in their forest lands. In return, local communities are granted the right to extract, use, process and sell forest products through a land tenorial instrument called the Community – Based Forest Management Agreement. The goal of the CBFM strategy is the sustainable use and management of resources, particularly timber jibes with the local people’s communal goal to use, protect and manage a sustainable ancestral domain.

Aside from CBFM, the idea of a “protected area” under the National Integrated Protected Area System (NIPAS) Law or R.A. 7586 is compatible with the lapat system. The NIPAS law seeks to conserve and protect national parks and watersheds. The law mandates the government to set aside portions of biodiversity – rich land and water system as Protected Areas. Mt Poswey, a major watershed in Boliney town was declared a protected area. The lapat system can help ensure the protection of these officially designated protected areas.

The lapat system can also help strengthen Executive Order 247. This policy lays out guidelines for academic and commercial researchers who intend to gather Biological resources. The E.O. requires both academic and commercial researchers to first seek the “free and informed consent” of the community folk before collecting wildlife and other specimens. Both academic and commercial researchers and collectors of wild life specimens can not simply enter a lapat – declared area. Otherwise, they will be sanctioned under lapat rules. With the current wave of piracy of bio-diversity resources, the lapat system becomes more relevant than ever.

The country’s environment and natural resources are currently in varying states of degradation. The way of the lapat is a viable environment and natural resource management system and it should be replicated in other areas to ensure environmental sustainability.

### **GOOD PRACTICES, LESSONS LEARNED AND MAIN CHALLENGES IN THE MASADIIT IP GOVERNANCE**

The institutionalization of the **lapat** as a system and mechanism of protecting and managing the natural resources of the indigenous communities is one of the good practices of IP governance as seen in the case of the Masadiit tribe. The formal recognition and adoption of the lapat by the barangay and municipal governments of the Masadiit tribe demonstrates the viability of convergence of indigenous governance with the formal system. In practice now, the council of elders and formal barangay and municipal officials/leaders join hands in governing the Masadiit tribe particularly on natural resource management and conflict resolution among their constituents. Government officials and leaders join in the sessions of the lapat organizations and even note the minutes of lapat organization meetings. This shows that the community folk respect the authority of their formal leaders and that they also need their support. The institutionalization of the lapat system with local government support is making natural resource management more effective in the towns of Boliney, Bucloc and Sallapadan.

The formal establishment of lapat organizations in the barangays of the Masadiit folk as well as the formation of these barangay lapat organizations into municipal federations with written constitution and by-laws specifying the rules and regulations on the protection of the natural resources, sanctions and penalties, duties and mandates of officers among others is another good practice worthy of emulation. Through the lapat associations, the community folk participate in the election of lapat officers and exert influence on decisions and policies on governance of their ancestral domain. The duties and responsibilities of the lapat leaders are formally laid down and with this they are challenged to be accountable to the people or else they will be replaced next election time. The rules and regulations, decisions and policies agreed upon are written and communicated to the people thereby promoting transparency and predictability in the natural resource management of the Masadiit.

The peaceful settlement of conflicts among the community members through the council of elders and barangay officials is a good conflict resolution method that is still practiced by the Masadiit tribe. The municipal courts are freed from the piling of legal cases and justice is served fast through the indigenous way of conflict resolution.

Well organized and dedicated lapat holders and members are confident that they could succeed as long as they would get all stakeholders – community folk, local government units, partner government agencies and NGOs to work together, each of them doing its appropriate role. Meanwhile, the Masadiit folk seek the official recognition and support of the provincial and national government of their lapat system. Their municipal and barangay governments have formally recognized and adopted the lapat way but recognition and support from higher levels of government could fully institutionalize this time-tested way of managing natural resources and pave the way for policy making process that considers decisions from the communities. Moreover, noting that there are points of convergence between the government laws and policies and programs on natural resource management and the lapat system, recognition and adoption of the lapat system can hasten its replication in other areas.

The community folk are also in need of capability building in managing their lapat associations and in formulating their comprehensive natural resource management plans.

One issue that is noted in the application of the lapat system is that the traditional boundaries in some areas are not clearly designated. The lapat holders and members need assistance in land mapping. Mapping can indicate both traditional and official political boundaries and areas with border conflict. Mapping out land and natural resource use will also guide the local folk to track down which part needs to be protected and reforested or which part can be opened for agro-forestry and other land resource use.

Another issue is the confiscation of forest resources by the DENR authorities which lapat holders permitted their fellow villagers to harvest under lapat rules and regulations. On the other hand, violators of lapat rules particularly outsiders seek the help of the DENR and the courts and claim that the lapat holders do not have the authority to confiscate illicitly harvested resources. Hopefully, official recognition of the lapat system especially at the national level can put an end to this issue.

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# Indigenous Peoples' Governance in Mindanao: The Subanen Case

Luisa Sambeli

## Introduction

This is a preliminary study on the governance systems of selected indigenous groups on Mindanao Island in the southern Philippines. Compared with the other two geographical regions in the Philippines (Luzon and Island Group), Mindanao has the largest total population of indigenous peoples (IPs).

This paper adopts the definition of IPs as put forth in the Indigenous Peoples Rights Act (IPRA), and various United Nations documents, which when summarized point to the following characteristics of such peoples<sup>1</sup>:

- a) They belong to communities whose members practice a culture or life ways that are different from the mainstream. Members of the group also share a common language.
- b) They define themselves (self-ascription) and are defined by others (ascription by others) as belonging to a distinct cultural group.
- c) The communities have lived in a defined territory, which they describe as their ancestral domain or ancestral land<sup>2</sup>, since pre-colonial or colonial times.
- d) The communities have been marginalized because of their resistance to assimilation by colonization, and continue to suffer marginalization from the mainstream, including the state, because they differ from the mainstream.
- e) They should be regarded as those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.<sup>3</sup>

In the Mindanao context, there is an elaboration of IPs here as the diverse people that were described as non-Islamized and non-“Bisaya” groups by various ethnographic literature, and territorial boundaries as reflected in ethnographic maps. The introduction of Islam split the peoples of Mindanao into two distinct categories, Moros<sup>4</sup> and Lumads<sup>5</sup>. Those who adopted Islam became the Moros and those who did not became Lumads. Lumads are regarded as the original inhabitants of Mindanao. Lumad also now refers to the non-Muslim, non-Christian IPs of Mindanao. Through the years, many members of the ethnolinguistic groups have adopted Islam as a way of life. Some converted to Christianity, while others, the Lumads, held on to their indigenous beliefs, practices, and traditions. The Higaonon, Subanen, Tiduray, T'boli, and other non-Muslim tribes are collectively called Lumads (ADB).

There are “18 non-Muslim” ethnolinguistic groups such as the Ata, Bagobo, Banwaon, B'laan, Bukidnon, Dibabawon, Higaonon, Mamanwa, Mandaya, Manguwangan, Manobo, Mansaka, Subanon, Tagakaolo, T'boli, Tiduray, Ubo, and the controversial Tasaday.<sup>6</sup>

There are at least 13 Islamized ethnolinguistic groups indigenous to Mindanao. They are the Badjao, Iranun, Jama Mapun, Kalagan, Kalibugan, Maranaw, Maguindanao, Molbog, Palawani, Samal, Sangil, Tausug and the Yakan (ADB).

Apart from providing an overview of governance issues of IPs in Mindanao, this paper undertakes a case study of the Subanen group. As a preliminary study, the primary sources of data are secondary in nature. However, many of them are based on recent on-the-ground information. Within the Zamboanga Peninsula, more recent data is culled from the province of Zamboanga del Sur.

The overview mentioned in the preceding paragraph takes off from a 2004 study on IPs and local government, which recounts experiences in Malaysia and the Philippines.<sup>7</sup> Among the case studies undertaken for that research were the T'boli in South Cotabato province (South Central Mindanao) and the Bagobo in Davao City (Southeastern Mindanao). Hence this current study intends to both validate and add to that earlier research, considering different groups and sites in Mindanao.

### **Justification in the choice of area and IP group**

For this preliminary case study, we have focused on the Subanen indigenous group. First, the Subanen indigenous group offers a situation that may affect interventions regarding the enhancement of capacities with regard to governance. Regarding their proportion to the total populace, the Subanen still comprise a large portion of the provinces where they can be located in the Zamboanga Peninsula in Western Mindanao—Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay, Misamis Occidental (Maps 1 and 2). In terms of administration, the Subanen are looked after by the National Commission on Indigenous Peoples (NCIP) under the IPRA. Overall, there is a strong projection of IPs' issues within the Zamboanga Peninsula.

Given the time constraints in the conduct of this study, accessibility in terms of travel and access to key informants were major considerations in the choice of area and IP group. Another factor considered was the relative safety in travel to the area. While there is no area in Mindanao totally free of conflict, the degree of tension is relatively less in the said area.

### **Demographic Profile and Socio-Cultural and Politico-Economic Context**

#### *Brief profile of IPs and context*

Data on ethnicity and language spoken can be taken from the Census of the National Statistics Office (NSO) for the years 1990 and 2000. Currently, the credibility of the existing official list of the NCIP created under the IPRA leaves much to be desired. There is still a need for it to distinguish the distinction in meaning between “indigenous peoples” and “ethnolinguistic groups.”

According to the 2002 study of the Asian Development Bank (ADB), most of the IPs in the Philippines are in Mindanao, where 23 percent of the country's population resides. In 1995, the population of the Western Mindanao region was about 1.1 million, of which roughly 46 percent were IPs. According to the NCIP, the majority (61 percent) of the IPs are in Mindanao, while a third (33 percent) resides in Luzon. The remainder (6 percent) are scattered among the Visayan islands.

A 2003 study of the University of the Philippines, with data culled from the NSO 2000 census, produced the population breakdown of IPs in Mindanao according to ethnicity as shown in Table 1.<sup>8</sup>

**Table 1: Population of Mindanao IPs According to Ethnicity (2000)**

IPs	Sub-groups	Population
B'laan		194,067
Dibabawon		3,043
Higaonon	Bukidnon, Talaandig	164,585
Isamal		6,379
Kalagan		23,470
Klata		42,264
Mandaya <sup>1</sup>	Kamayo, Davawenyo	460,242
Manobo <sup>2</sup>	Agusan Manobo, Arumanen, Ata Manobo [Talaingod], Dulangan, Kulaman, Kamigin, Manguangan, Matigsalug, Pulangion, Tigwa	254,863
Mansaka		35,052
Mamanua		1,450
Tagabawa		11,330
Tagabili (T'boli)		92,523
Tagakaolo		82,950
Teduray		57,296
Ubo (Manuvu) <sup>3</sup>		
Subanen <sup>4</sup>		279,367

<sup>1</sup> Included in this figure are Kamayo and Davawenyo speakers

<sup>2</sup> Not included are Kamigin 26, 716; Matigsalug 23, 700 in Bukidnon (1990) and 5,064 in Davao del Sur

<sup>3</sup> No data. May have been included in Manobo

<sup>4</sup> Not included are Kolibugan 18,723

Based on Table 1, it can be seen that the Subanen are the second largest group of IPs in Mindanao after the Mandaya.

The Subanen live along the hinterlands and coastal lowlands of the Zamboanga Peninsula. Towards the uplands of northern Mindanao, particularly on the plateaus of Bukidnon, are the Higaonon. Within the highlands of central Mindanao, particularly along the mountainous slopes of the provinces of Davao, Bukidnon, and Cotabato are the Bagobo. The Manuvu, Matigsalug, Ata, and others are the groups that occupy the upper headwaters of the Davao, Tinanan, and Kulaman rivers (ADB).

According to the 2002 Culture and Peace Studies Journal of Ateneo de Zamboanga University (ADZU), there are more than 400,000<sup>9</sup> Subanen today in the provinces of Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay, and in Zamboanga City. At the same time, many Subanen have been absorbed into mainstream society and many a Subanen community has successfully made the transition to what we might call modern Philippine living.

Early researchers wrote that Subanens originated from the Malaysian wave of migration, but another researcher theorized that Subanens are of Indonesian stock. The Subanen were already here prior to the 14<sup>th</sup> century. According to Hapalla, Father Combes wrote about the people of Mindanao in the 14<sup>th</sup> century and he mentioned four nations which were found to inhabit Mindanao: the Suluanos, the Mindanaoans, the Subanens, and the Lutaos.

The whole Zamboanga Peninsula, covering some 17,675 square kilometers, is considered as the traditional Subanen homeland. It is the westernmost part of Mindanao, with a

southwest-northeast-trending and 150-mile long. The peninsula is constructed of highlands that extend the length of the peninsula, dominate the interior, and as a whole comprise one of the four major upland structural members of the island of Mindanao. It is separated from the main mass of Mindanao by a narrow horst that forms the isthmus between Pagadian and Panguil bays. Table 2 shows the population of IPs in Mindanao by province.

**Table 2: Population of Mindanao IPs by Province (2000)**

Province	POPULATION	IP Population	% of IP Population
Agusan Del Norte	552,849	2,212	0.40
Agusan Del Sur	559,294	87,543	15.65
Bukidnon	1,060,265	187,264	17.66
Camiguin	74,232	26,716	35.99
Compostela	580,244	35,052	6.04
Davao	743,811	50,862	6.84
Davao Del Sur	1,148,675	365,464	31.82
Davao Oriental	446,191	216,533	48.53
Lanao Del Norte	889,213	3,000	0.34
Maguindanao	801,102	57,296	7.15
Misamis Occidental	486,723	21,274	4.37
Misamis Oriental	1,126,245	12,520	1.11
North Cotabato	1,122,429	41,862	3.73
Saranggani	410,622	133,149	32.43
South Cotabato	1,102,550	109,368	9.92
Sultan Kudarat	586,505	27,541	4.70
Surigao Del Norte	481,416	489	0.10
Surigao Del Sur	501,808	132,069	26.32
Zamboanga Del Norte	823,130	156,966	19.07
Zamboanga Del Sur	1,935,250	119,850	6.19

Note: Basilan, Lanao del Sur, Sulu and Tawi-Tawi have no IP population. Zamboanga Sibugay as a recently established province does not yet have disaggregated data.

The term “Subanen” is derived from the word “suba” meaning “river,” “mouth of the river,” or “upstream” (Hapalla). There is a general confusion as to whether it should be “Subanon” or “Subanun” or “Subanen” or “Suban-on” and so forth. In the established literature, there does seem to be a preference for “Subanon,” especially that coming from the earlier generation of anthropologists and ethnographers. In recent times, the variations in the spelling are sometimes meant to distinguish among various Subanen sub-groups (ADZU). Subano refers to a male Subanen, while Subana refers to a female Subanen (Lingating).

According to the Summer Institute of Linguistics’ *Ethnologue* (2004) there are five Subanen languages: central subanen, kolibugan subanen, lapuyan subanen, northern subanen, and western subanen. In Hapalla’s paper, the Subanen language has several dialects and she presented that there are three separate languages: (1) the Subanon spoken by the people of Malayal, Sibuco, Zamboanga del Norte and Bakalan, Ipil, Zamboanga Sibugay; (2) the Subanun spoken by the Tuboy-Siayan, Zamboanga del Norte, and the surrounding area; and (3) the Subanen spoken in Lapuyan-Margosatubig, Zamboanga del Sur. According to Hapalla, the Lapuyan Subanen has already been studied and analyzed, and has become a written language (the other languages lack a formal study).

The degree of dialectal differences becomes more pronounced as the tribes are geographically spread out farther from each other and are influenced by the languages that are dominant in their area. The farther away geographically they are from each other, the less likely for them to understand each other (Hapalla).

According to Hapalla, another factor is the influence of other dominant linguistic groups. The Subanon of Malayal, Sibuco (Zamboanga del Norte) and Labuan, Patalon, and the surrounding areas in Zamboanga City are influenced by the Zamboangeño language (Chavacano) because of the close proximity to Zamboanga City. The Subanon of the Baliguian and Siocon, and the Subanen of Sindangan, Malindang, and Zamboanga del Sur are influenced by Cebuano.

The Subanon do not understand themselves 100 percent of the time because of the differences in vocabulary. They understand each other only between 55 percent and 74 percent of the time (Peralta).

*Human development data (poverty level, health situation, education, political participation, etc.)*

The IPs in Mindanao, for the most part, basically subsists through swidden and wet-rice cultivation, hunting, fishing, gathering, and the trade of locally manufactured items (ADB).

Information from various studies reinforces the general assessment about the poverty situation in the Mindanao region. Based on income measures, the regions with the highest poverty incidence are in Mindanao. The provinces where poverty is deepest and most severe contain populations of IPs. Western Mindanao which forms part of NCIP's Northwestern Mindanao ethnographic area was ranked second nationwide in terms of rural poverty incidence (ADB).

In Mindanao, the incidence of self-rated poverty as perceived by residents was 64 percent in March 2001 and 70 percent in July 2001. Self-rated food poverty was also higher in Mindanao than the national average.<sup>10</sup>

The IPs assert that they are not poor, but are living in difficult circumstances brought about specifically by loss of land and access to resources. If they are able to gain control of their territories again, they can rise from this condition. (ADB)

In National Economic and Development Authority (NEDA) survey findings on Minimum Basic Needs, the present study found that Mindanaoan indigenous communities aspire to have more income to provide for basic household needs like food, clothing, education, and medical services.

## Governance System

### *Indigenous Political System as Models for Governance*

Indigenous' socio-political systems can offer viable models of leadership and governance. For our indigenous peoples have ordered and organized their societies with non-hierarchical, participative, and consensual value and structures. From the papangay and sineggal complex in the Cordilleras to the Datu-Bagani tradition of the Lumad Mindanao, these complexes or indigenous socio-political institutions have been pillars of societies that have maintained and preserved the bio-diversity, the richness of different forms of life within their ancestral territories. These indigenous socio-political systems were part of values and traditions which have maintained the way of life and defended the peoplehood of IPs from subsequent colonizers and invaders (Agbayani, 1994:67).

To better understand the governance system of the IPs of Mindanao, below is a summary of their traditional indigenous beliefs and religion:

- a) Establishing altars as monuments in sacred and worship sites.
- b) Execution of periodic rituals in the sacred areas or sites.
- c) Planting of a tree, shrub or plant to identify sacred sites or places.
- d) Telling stories or narrations about the sacred places and sites.
- e) Recognition and confirmation of spiritual leaders as custodian of the sacred places or sites.
- f) Establishing and enforcing customary rules relative to the sacred places or sites, and a calendar for the execution of rituals and ceremonies relative to sacred and worship sites.
- g) Telling stories about immortalization—narrating religious myths of creation and legends of the gods and ceremonies.

According to the indigenous peoples organization called Panagtagbo Mindanao (United Indigenous Nations of Mindanao)<sup>11</sup>, governance based on indigenous customary laws is an important indicator of IPs development. Customary laws enable the IPS to control and regulate the structures, organization, and functions of institutions within indigenous territories. The enforcement of customary laws and regulations empower indigenous leadership and protect them from the exploitative and manipulative influences of outsiders.

The traditional religion of the Subanen is animist. Long before the coming of Islam, the Subanen had a system of government. Their leader was called the *gomotan*. He had a staff that assisted him in governing his people, especially when the clan would grow big and expand. He led the work in the farm as well as led the men in fighting their enemies to defend their domain. Generally, they were a peace-loving people. They only fought to defend themselves and never attacked other groups of people (Imbing).

The Subanen believe in the Supreme Being named Apo Magbabaya. They also believe in the *madlangaw* or supernatural world, wherein live four types of beings who cannot be seen by mortals: (a) the *gimaud* (soul); (b) *mitibug* (spirit of the forest, mountain and river); (c) *getau telunan* (demon); and (d) *diwata* (deities).

Ritual or *daga* is important to the Subanen, as it generally is for most IPs. Rituals in the Subanen world view have important functions. One of them is to communicate with and appease the supernatural beings. The other is as rites of passage or challenges to mark important events in the Subanen's life cycle. Still another is to mitigate against dangers to the community, such as illness (Paguntalan).

*System of rule, authority, leadership, and legitimacy*

The Subanen generally recognize three types of leaders within their society, each with particular functions which do interrelate with one another. These leaders are the *timuay*, *datu*, and *mamunuan* (Paguntalan).

A Subanen ruler could rule only if he belongs to the ruling family. Even then, he has to qualify. The family title is not automatically passed on to him. It requires that the man has shown consistently the power of good judgment, the ability to make good and crucial decisions. He must also be conversant of the laws and practices of the tribe. In ancient Subanen practices, succession to position or leadership occurred only after the death of the incumbent leader.

*Organization of socio-economic and political activities*

Within the Philippine archipelago, there are three identifiable systems: indigenous ethnic communities, rural villages, and urban centers. An appropriate taxonomy of ethnic social organization can be done through identification, comparison, and classification of ethnic communities into organizational types based on their shared cultural similarities and difference, levels of socio-cultural integration, and structural forms—from simple to complex (UNDP-RPO)

In social organization of IPs of Mindanao, kinship is basically a major form of organizing principle. There are three types of social/political organization as shown on Table 3 (Annex 1 shows the types of social organization of IP groups of Mindanao).

**Table 3: Types of Social Organization**

<b>Simple</b>	<b>Complex</b>	<b>Intermediate Group (neither simple nor complex)</b>
Characterized by relatively few and homogenous social units and less elaborate cultural forms	Characterized by greater internal heterogeneity of social units and more elaborate cultural forms	Community made up of amorphous aggregate of person who may not be related to each other
Family of the household serves as the basic social unit around which all activities revolve	Differentiation in the structure of social relations is clear cut and revolves around specialized institutions	Group life no longer revolves exclusively around the family, although family influence on individual and group behavior remains pervasive and considerable
Very few specialists and specialized roles outside of the family and kinship	Different social units are held together as a functioning whole by sets of rules as customary laws in tribal societies or legislated laws in modern societies	Neighborhood is the focal point of most social activities
Leadership is strictly limited to the oldest member of the family	Leadership is assumed by the office of the leader, which may	Semi-specialists are present and role-differentiation is discernible

Simple	Complex	Intermediate Group (neither simple nor complex)
	be hereditary or “elected”	
		Leadership assumed by the oldest kinsman or by a council of elders, composed of persons with superior knowledge about local traditions and personal charisma

Source: UNDP-RPO Mapping of Indigenous Governance Practices.

### Simple Types of Political Organizations

*(Patriarchal and kinship-based; chieftain is nominal; leadership is shared by a chief and a council of elders)*

So far as known the Subanun have never congregated into villages, as do the Moros and Filipinos. Their tribal government is *patriarchal* and each chief governs by paternal rights, subject to the will of the people. Such communal chief has the title of *t'muai* and holds it only while acting as headman of the community (Finley).

The *family is the government* and that the father is the head of the family and its absolute ruler. A community is formed when there is an association or confederation of families under the leadership of a *timuai*. Family rights are supreme and therefore the right of secession from the community inheres in the head of the family. When a family becomes dissatisfied with the conduct and control of a headman, the father secedes and places his family under the domination of some other *timuai*. This does not always involve a change of residence, but more often only a change of allegiance (Finley).

The family becomes sufficient unto itself as an independent governing unit in all matters, under these conditions, except those pertaining to its relation with other families in the same class (Finley).

The tribal government of the Subanun has evolved the executive *timuai* and clothed that official with the necessary authority to adjust the relations between the families of a confederation or community. The size of such a community depends upon the ability and the popularity of the *timuai* in charge. Families come and go and give the headman due notice of the change. In this respect, perfect freedom is accorded the families (Finley).

### Immediate Types of Political Organizations

*(Egalitarian; composed of small independent self-governing political units with no large political organization and structure)*

The Subanon is basically an egalitarian society. The villages they form may also be regarded as small independent political units, which are headed by a “gukom” or headman. The headman is called “gukom” but the more popular label is *timuay*, which became familiar in the Salug valley upon the arrival of the Presidential Assistance for National Minorities [PANAMIN] (Sumingit). It is well noted that the settlement patterns among the Subanon is unnamed, impermanent cluster of three to twelve dispersed households, usually on a prominence overlooking the swiddens.

Kinship is mainly based on family and the bilateral personal kindred do not extend beyond second cousins. The Subanons are characterized by an overlapping network of politically unorganized communities of neighbors and kin. Neighboring communities tend to form regional groups, whose members interact from time to time in trade, feasting, and litigation (Lebar).

There never existed any large political units among the Subanons and that a timuai, acts as head chief of a tribe (Christie).

### Complex Types of Social Organization

**Head is a chief who has sole authority with broad powers.** The power of the timuai combines in one person both civil and religious authority. Unlike the Datu, which only has civil authority, the timuai conveys great power in that it combines in one person both civil and religious authority (Finley).

**Power shared by chief and a council of elders.** Timuai was assisted by a number of men namely: the *saliling* (deputy), or *masalag tau* (big or important man). It was not unusual for a Subanon headman to be dubbed *panglima*, despite the inappropriateness of the term, and sometimes, *capitan*. All the important men, including the headmen is collectively referred to as the *be-ge-lal* (Christie).

**High Chief.** The old Subanon title *panungo* signifies “chief of chiefs” and ceases upon death of the man upon whom the unusual honor has been conferred by a council of timuai. No young man can hold the title of *panungo* as it is reserved for men of age, long experience, popularity, and success. When superseded by another headman, the title of timuai becomes honorary until the late incumbent may be called to assume the direction of his community. Once a timuai, the recipient of the honor is liable at any time during his life to further active service as headman (especially if he has been faithful in the discharge of public duty), when not prevented by physical infirmities. In some cases where such headman has been notably efficient in leadership and very popular with the people, the commonality has insisted upon his remaining in office until the very moment of his death (Finley).

### *Political Leadership*

The Higaonon continue to practice, recognize, and respect the traditional Datu leadership system. Although some of their members have been elected to various government posts, traditional leaders claim harmonious relationships with the latter. Recognized in the area are two main Datus and others who comprise the Council of Elders. The Datus have specialized skills recognized and respected by the community—they make the major decisions concerning the community. Collectively, they take charge of ceremonial functions, conflict resolution, and healing functions.

In the Ata Manobo community, the Datu is the center of governance and conflict resolution. Common issues are murder, adultery, theft, and unpaid debts. The Datu should have goodness and strength of character, be helpful to the community in development plans and services, generate respect and trust from the group, and look after the peace in the community.

The recognized political leader of the Subanen is the *timuay*<sup>12</sup>, who is respected because it is believed that his authority comes from Magbabaya, the Supreme Being. In some areas, leaders are called *datu*. This is a historical error, as *datu* is a Moro title; during the

colonial period, government officials erroneously called them that.<sup>13</sup> Table 4 shows the different ranks of the *timuay*. Not all communities, though, have the whole range of *timuay*.

**Table 4: Different Ranks of Timuay (T'muai, Thimuay)**

<b>Rank</b>	<b>Role</b>
<i>Gumutan</i>	Validates if the decisions made by the <i>timuay</i> under him are correct, based on Subanen jurisprudence called <i>thanggian</i>
<i>Timuay Langhap</i>	Ensures that the different <i>timuay</i> do not usurp one another's authorities, and that the proper processes are followed in the deliberation of cases
<i>Datu Sapalaw</i>	Primary role is to identify territorial boundaries
<i>Datu Aluhës</i>	Watches out for potential leaders and endorses them to the <i>datu sapalaw</i>
<i>Thumanggong</i>	Manages people who have been given the death sentence, acts like a parole officer
<i>Saliling</i>	Negotiates the penalties of those given punishment, is also tasked with helping to look for those who can assist in paying the penalty if the guilty person is not able to pay it
<i>Timuay Mangura</i>	Looks for and teaches the potential leaders among the youth
<i>Datu Watâ</i>	Ensures that respect among the youth is maintained, performs "intelligence" functions
<i>Timuay Labi</i>	Watches out for those who might possibly go against the <i>timuay</i>
<i>Palabunghas</i>	Ensures that wedding procedures are in good order, talks to the parents of the affianced
<i>Pangulima</i>	Has the primary responsibility of protecting the community, can declare war, sounds the alarm when there is an emergency in the community
<i>Kapitan Bitiala</i>	Sets the date for the wedding date in consultation with the parents of the affianced, announces decisions regarding weddings
<i>Panunggo</i>	Negotiator in war and peace, signals the start of war with a red flag, anyone who kills the <i>panunggo</i> is to be given heavy punishment
<i>Sulay</i>	Logistics officer, ensures that there is enough food in the community especially when there are visitors
<i>Bago Sulong</i>	Helps the <i>sulay</i>
<i>Khalang Gêtaw</i>	Reserve leader

### *Spiritual Leadership*

The *balyan* plays an important role in Subanen society because he or she mediates, through ritual, between the physical and spiritual worlds, making sure that the relations between people and supernatural beings are in good order so as not to bring *dlaro* or illness to people. As spiritual leaders, they may advise the *timuay* on important decisions that would affect the community at large. There are *balyan* who also become *timuay*, and they are called *thleagum*, though only a very few ever reach this stage.

Among the most important of rituals involving the whole community is the *buklog*, which are undertaken when an important *balyan* dies or when there is an upgrading of ranks of *timuay*. The *buklog* is critical to consolidate the community as well as to build up solidarity among different Subanen communities.

### *Defense of the Territory*

In general, the traditional indigenous territory practices of the IPs of Mindanao are as follows:

- a) Dissemination of oral histories concerning traditional boundaries of ancestral territories.
- b) Protecting and preserving natural landmarks and boundaries of traditional territories.
- c) Dissemination and implementation of custom laws governing traditional territories.
- d) Recognition and installation of traditional leaders to govern the territory.
- e) Conscious utilization and conservation of natural resources within traditional territories.
- f) Forests and mountains are conserved as indigenous poultry, pharmacy, piggery, deer ranch, and wildlife sanctuary.
- g) Rivers, lakes, and streams are conserved as fishing areas and fish ponds.

In Subanen society, there is a ritual called *phalas* overseen by the *balyan* in the defense of the territory. The *mamunuan* or *pagluhasan* (like the *timuay* and *balyan*), plays an important role because they are tasked with the peace and order of the community. The *mamunuan* are soldiers who defend against outsiders, while the *pagluhasan* keep the order within the community. In Subanen communities wherein these “warriors” still exist, the *mamunuan* are not identified to outsiders to protect them.

### *Power distribution, allocation and control, processes of decision-making*

All these leaders are generally chosen according to bloodlines. But titles are not automatically hereditary; there must be a recognition and acknowledgement by the community of what the leader has contributed to the community.

Leadership among the Teduray is assumed by the elder who possesses the personal skill to persuade and influence, and who is a good speaker with knowledge of customary law. The council of leaders called *pakilukesen* by the Arumanen Manobo is composed of persons of wealth and charisma, and with knowledge of customary law. They meet to settle cases and decide on important social and religious affairs (ADB).

Among the Manuvu, Higaonon, and some Bagobo groups, the influence, power, and authority of the Datu prevails. In the performance of his obligations, the Datu is assisted by a council of leaders and other respected members of the community.

Subanen law is called *bhétad*, which encompasses the different aspects of an individual Subanen’s life cycle and community life. The *timuay* is in charge of enforcing the *bhétad*.

### *Rules of succession*

The traditional rules of succession (how one becomes a chief) are through (1) hereditary; (2) hereditary plus merit; (3) hereditary, intermarriage, and bravery; (4) hereditary or acquisition; (5) achievement but lineage plays a part; (6) ability; (7) former *bagani*; or (8) destiny. Annex 2 shows the rules of succession of other IPs of Mindanao.

In Ata Manobo society, the Datu's power is inherited but there is also a selection process to identify an individual worthy of the position among offspring and closer relatives. The Ba'e or wife of the Datu is also respected and has important leadership functions.

In Subanen society, the gukom holds office until he dies or as long as the populace supports him. It is unusual to pass this position to a son. But it is usually passed to somebody associated with the gukom in the exercise of his functions. If the people do not accept him, a deceased gukom's choice of a successor can be overruled. In fact, when a gukom dies, the successor is not formally installed by a ceremony. Rather, when need arise, like seeking advice and assistance in all kinds of matters, the people naturally go to the one considered to be worthy as a new gukom. Highly esteemed, respected, and noted to be a man of experience, wisdom, and humility are the qualities a Subanon chief should possess (Suminguit).

### Role and Functions

In *highly-integrated communities*, datu is judge, leader in war and peace, legislator in matters outside custom laws. In *less-integrated communities*, datu is merely mediator and arbitrator (Fernandez).

Among the functions of a Manuvu Datu are settling cases, keeping the peace, and deciding where the village is to move for the next swidden cycle (ADB).

A Subanon chief's responsibilities include officiating marriage negotiations and ceremonies, and facilitating festivities. The gukom also acts as a judge and adjudicator. However, the gukom also refers to a sub-group of headman who acts as legal authority. Their decisions are usually followed and observed by the Subanon constituents (Suminguit).

### *Limitations on the exercise of power (Loss of confidence from the followers)*

Territorial limitations. The actual power of a Bagobo datu outside his own district amounted too little. The power of the datu is very great in his own district, however, he is also obliged to respect the laws and customs handed down by the ancestors.

Traditionally, a Bukidnon datu is a local leader within his community or settlement. Scope extended later with the establishment of "high datuship" encompassing many communities.

Inherent limits of power. A Manobo chief cannot claim legal authority or use coercion unless act is 1) sanctioned by influential members of the clan; 2) approved by public opinion; and 3) in conformity with customary law and tribal practices.

In Subanen society, it is impossible for the headman to commit great abuses. If he showed himself to be harsher in his punishments than the community believed as allowable under the unwritten but universally recognized law, namely, custom, he found his followers drifting away from him; this occurred by the simple process of their going into another district and placing themselves under the orders of another headman. It is, indeed, surprising that the headman exerted as much authority as they did. It was due to the Subanon's profound reverence for custom and his dislike of the alternative of obedience, namely, running away from his kinsmen, that they could punish crime by levying fines, as they undoubtedly did (Christie).

The *timuay's* power was quite limited and that abuse of power is almost impossible. The office ran in families, but did not ordinarily pass directly from father to son, rather from the late holder to his brother (rule of succession through hereditary).

#### *Justice and conflict resolution system and dispute settlement*

The process of mediating cases among the Subanen is called *bisala*, wherein kinship ties plays an important role. The *bisala* determines how heavy the crime is in order to be able to set the corresponding punishment. The *timuay* is in charge of the process. The *daga dasal* is part of the process of the *bisala*. This ritual is overseen by the *balyan* to end the *bisala* and is intended for both the accused and the aggrieved party.

More serious crimes such as murder are endorsed to the *barangay* or municipality, depending on the decision of the aggrieved party and the *timuay*. Judgment is arrived at after a series of negotiations. Sometimes the *timuay* may undertake the negotiation in behalf of the accused, especially if the latter has no money to pay the penalties.

#### Source of Conflict

Sources of conflict may be due to damage to property, breach of contract, homicide, seduction followed with pregnancy, rape, abortion, adultery, assault, slander, witchcraft, theft, forcible entry of dwelling and others. Enmity between Subanun and non-Subanon communities usually arise when the latter grab the land of the former or deprive them of their right to get forest products (Suminguit).

The IPs' strong attachment to their land and resources led to intermittent conflicts (the so-called tribal wars) with other groups (kin) that violated their territory.<sup>14</sup> At varying levels, these communities had developed social and political structures to regulate their relations within their communities as well as with outsiders. Intercommunity relations ranged from cooperation to conflict (ADB).

#### Conflict between members of a tribe against non-tribe

Three kinds of conflicts may arise in the Subanun community namely: (1) quarrels between members within the jurisdiction of one headman; (2) hostility between members of one or more Subanun villages; (3) and enmity between members of the Subanun community and non-Subanun communities (Suminguit).

Conflicts between Lumad (natives) and non-Lumad (migrants) have arisen over the years, specifically with the problem of the land. The Lumads are being pushed out of their ancestral lands by the non-Lumads and logging concessionaires. Moreover, non-Lumads have been known to cheat the natives out of their lands. Besides land, the Lumads complained of injustices perpetrated by the Government and the non-Lumads (Burton).

#### *Land tenure and property system/Management and utilization of resources*

Indigenous communities already had customary concepts and practices of land use and ownership prior to Spanish colonization. The indigenous concept of ownership was one of collectivism, where private ownership by one or a few individuals seemed alien (ADB).

Among the Manobo group, land was considered as communally owned by the people forming the community. To Subanon group, only Apo Gumalang, the paramount God, had the right to own land (ADB).

As with other indigenous groups, the Subanen believe that land or *gétaw* is not property to be owned, but rather to be utilized and cared for. As one Subanen leader says, “Su dlupa di maangkón di kataw, pero sud lupa mahaangkón di gétaw kay ba matay, lubèngan si *gétaw*” (Land cannot be owned by a person, but a person can be owned by the land. After all when a person dies, he or she is buried in the land). Some Subanen believe that this belief is responsible for non-indigenous migrants from the lowlands they call *dumagat* usurping much of their land. They allow the use of the land, without realizing that the *dumagat* interpreted such acquiescence as giving them the right to own the land.

Having said that, it is important to note that there is recognition of tracts of land being accessed by particular families, or based on kinship. This is not ownership per se, but as the right to use and manage the land (usufruct). Kinship heads are generally also the political leaders.

#### *Service provision and delivery system*

According to the 2005 study undertaken by Anthropology Watch for the World Health Organization (WHO), the general health situation in regions and provinces with the largest concentration of IP populations is below the national average. In general, it indicates a poorer health situation among IP communities compared to non-IP municipalities and to provincial averages as well.<sup>15</sup>

In the 1997 UNDP Philippine Human Development Index (HDI) Report, Western Mindanao and the Autonomous Region in Muslim Mindanao (ARMM) registered extremely low values in access to safe water, toilet facilities, electric supply, and health care services. Mindanao continues to be poor with reference to public services, as noted in the HDI for the area (ADB).

Educational facilities. In Higaonon community in Bukidnon, there are two public elementary schools, one in the town proper and another in one of the villages. Secondary education has to be pursued outside the area. Currently, in Ata-Manobo community in Davao, access to education has become a problem. The family usually borrows to finance the education of the children using the harvest as collateral (ADB).

Health facilities. There is a health center in Higaonon community in the town proper which has one midwife offering mainly family planning services. Not all villages have a water system. The Higaonon still avail of the services of the indigenous medical practitioner after consultation at the health centers. In the Ata-Manobo community, the Municipal Health Center has a nurse, midwives, and village health workers. Women healers provide childbirth assistance and treatment of diseases, while family planning is conducted through the use of indigenous herbal contraceptives (ADB).

#### *Value and education system*

The traditional educational practices of the IPs of Mindanao are as follows:

- a) Storytelling at night before going to sleep.
- b) Making, keeping, and playing indigenous musical instruments.

- c) Chanting songs and epics to entertain people in the house.
- d) Singing lullabies for the children.
- e) Toy making and teaching the children to play.
- f) Teaching the children and youth to weave and prepare weaving materials.
- g) Training the children to participate in farming, hunting, fishing, food gathering, and preparing traps for wild animals in the forests.
- h) Teaching the children to prepare and cook food.
- i) Teaching the children to mend and do stitching and embroideries.
- j) Telling the children the dos and don'ts in the community.
- k) Teaching the children to read time through the sounds of insects and animals and through the colors of leaves of trees.
- l) Teaching moral lessons and values to the children through folktales.
- m) Teaching the children to learn the native language and history.
- n) Involving the children in all community activities; supervising and monitoring activities of children.
- o) Genealogical accounting regularly practiced.
- p) Solemnization and counseling of indigenous marriage and ceremonies.

IPs see the importance of sending their children to school even if costs are beyond what they can afford. To meet school expenses, families do not hesitate to sell a piece of land or an heirloom. For example, among the Higaonon, some have abandoned the traditional practice of arranged and child marriage in support of their goal for their children to complete high school or college education. Higaonon parents decide on their local language or Visayan for instructional purposes since these are easily understood. They are also open to learn Tagalog and English because these are viewed necessary in Communicating with outsiders. Although a curriculum for Lumads has been developed, the Ata-Manobo parents want their children to be taught according to the language of the lowlands (ADB).

The IPs, however, are also wary of negative influences of education in terms of the changes in values of their children. For the IPs, the loss of indigenous knowledge in return for lowland aspirations is a dilemma. (ADB)

Among the Subanen, the young girls were trained to weave clothes and the young boys were trained to weave baskets and other handicraft made of wood and rattan before the opening of public schools. Some boys were trained to be blacksmiths to make farm implements and weapons such as spears and bolos (Imbing).

With the coming of American missionaries in 1912, the great majority of Subanens, especially the Subanen of Lapuyan, accepted Christianity, which spread to all the Subanens in the Zamboanga Peninsula. With the opening of public school in Lapuyan, Zamboanga del Sur in 1919, many of the Subanens went to school and their lifestyle had greatly improved. It is only in Lapuyan where there are many professional Subanens who are working in our country and abroad (Imbing).

## Analysis of Governance System

The traditional customary leadership and governance practices of the IPs of Mindanao are as follows:

- a) Arbitration and mediation of conflicts are performed with the participation of the community.
- b) Penalties are enforced against violation of customary laws.
- c) Recognition of kinship is promoted as a measure of preventing conflicts in the community.
- d) Community leadership is confirmed in the community through rituals and ceremonies.
- e) Indigenous leaders and elders conferences are regularly conducted.
- f) Oral history on customary leadership and justice system are regularly conducted.
- g) Potential mediators and arbitrators are trained as disciples in conflict mediation.
- h) Leadership in the community is identified from the younger generation by observing the potentials of children to mediate conflict among ranks.
- i) Children are encouraged to settle their childish quarrels and conflicts with emphasis on kinship and neighborhood.

Annex 3 shows the customary governance and leadership practices, issues, and interventions needed for the survival and development of indigenous cultures, traditions, and institutions. Annex 4 shows the traditional leadership systems and power structures.

### *Participation village decision making, local and national elections, and representation in formal governance systems*

At first glance, it may seem that the power of the *timuay* is almost absolute. However, interviews with leaders will show that the traditional *timuay* is perceived to make decisions for the good of the community and that a community census is usually desired before such decisions are made. There is a perception that problems arise when the traditional leaders are supplanted by better-educated, more outspoken individuals who get to be recognized by the formal governance systems.

Because the Subanen still comprise a substantial block of the Zamboanga Peninsula population, they are able to negotiate with electoral candidates at the various levels, from barangay to national. In many instances, there is some form of block voting wherein a kinship head may ask the citizens in one's territory to vote for particular candidates.

The IPRA mandates that IPs can be represented in the Local Special Bodies (LSBs). This is something that the NCIP is still advocating for. So far, there is still no Subanen representation in such LSBs. However, there are several municipalities with Subanen local officials.

In the past decade, Subanen leaders have established the Subanen Legislative Assembly (SLA), which sought to document the Subanen's customary laws. While there is a draft, this process is considered unfinished, with the SLA citing lack of funds.

Overall, there is still some ambiguity on Subanen leaders' use and mix of resort to traditional and mainstream forms of governance, including in their recognition of organizations

representing their communities. For instance, there is some outcry against the Tribal Councils, which were set up under the presidency of Corazon Aquino in the 1980s. There are charges all over the country, including from Subanen, that those chosen to sit in these Councils are not traditional leaders and frequently protect the interests of outsiders. And yet, there are municipal-level Tribal Councils in the Zamboanga Peninsula which are upheld because respected Subanen leaders are in these Councils. This generally occurs in areas where the Subanen are still a big majority.

With the creation of Lapuyan in Zamboanga del Sur into a regular municipality in 1957, there was a change in the leadership from singular leadership to multiple leadership. But the customs and tradition are still preserved because mayors and other municipal officials elected into office are direct descendants of Gomabon-gabon, Daasunay, and Pauli. It is only in Lapuyan where the great majority of the municipal officials and employees are Subanen and where Subanen language is still spoken (Imbing).

#### *Access to systems of justice and conflict mediation including informal justice and conflict resolution mechanisms*

In Subanen communities where the Subanen are still a majority and the presence of traditional leaders is still strongly felt, cases between and among Subanen are decided upon using the indigenous adjudication systems. This is more difficult to do when the conflict involves a non-Subanen, because the latter will most likely refuse to settle according to Subanen ways. At times there will be a call to follow the customary laws, especially when the issue is between or among Subanen. At other times, there will be a call to utilize the formal justice systems. Indigenous peoples, including Subanen, therefore tend to decide what mode to use on a case-to-case basis, depending on what they perceive to work best for a given situation. Future studies can focus on the factors which influence such decision-making.

#### Who adjudicates?

**Superior datu with two subordinate datos.** If the case is important, the headman would send out the most influential man of the region to assist him. For small disputes, the headman does not necessarily settle it himself. Instead, his lieutenants or sub-headmen resolve it (Christie).

**Gukom with other leaders.** When a feud arises between two members of the same community due to a robbery, the *gukom* adjudicates the dispute, assisted by several prospective leaders like *kagon*. They attentively listen to the arguments of both parties and deliberate the matters impartially. Subanen love arguments and debate matters for several hours. It is their practice not to put down their opponent. Instead, the one who is in a difficult position or in bad light is often helped to speak (Frake).

#### Nature of adjudicatory proceeding

The Subanen conduct conferences called *bichara*. The interested parties would go to the headman's house either of their own motion or on receipt of a summons, where they would be assigned a mat on which to sit and would be passed the betel box. Moreover, both parties had to deposit beforehand some valuable possessions, such as gongs or old jars, which pledges the person who was fined could get back only by complying with the decision of the court (Christie).

**Adjudication if parties are from different communities.** If conflict is between members of two Subanon communities, the *gungal gukom*, in conference with headmen of other communities who are not part of the conflict, act as judges. The headmen of the plaintiff and defendant act as prosecution and defense counsel, respectively. With the imposition of the national legal system, however, conflicts from within or from without Subanon community are usually brought to the Office of the Barangay Captain or other court of law governed by non-Subanon adjudicators.

**Adjudication if adverse party is from a non-tribal community.** Enmity between Subanon and non-Subanon communities usually arises when the latter grab the land of the former or deprive them of their right to get forest products. It is settled at the Office of the Barangay Captain or some other court of law governed by non-Subanon adjudicators. Suminguit notes that the non-Subanon adjudicator is partial to non-Subanon clients. Aside from this, the Subanon is not knowledgeable about the processes of Western jurisprudence. Thus, the Subanon—either plaintiff or defendant—always come out a loser.

**Singing and dancing in trial.** Singing and drinking are part of any formal trial. The competent legal authority must remain in the forefront of these activities if he is to present his case effectively. Musical and, especially, bibulous talent comes easily to most Subanon, but only a few individuals have the forensic proficiency to uphold a legal decision. Yet among these skilled few, prowess in manipulating interpersonal relations by legal persuasion is sought as consciously and with the same passionate interest as in military prowess in other societies (Frake).

#### Forms of punishment and sanctioning agencies

When one party is proven to be guilty, he is forgiven and advised by the headman not to commit the offense again. He is then requested to return or replace the stolen goods. He is warned that if he is caught a second time, he will not only have to return the stolen goods, but also will have to pay P30.00 as penalty. The second judgment will be called *ukuman nag putukan* (penalty with advice). Further, if he commits the same offense a third time, the penalty will increase to P60.00. He will also be asked to return the stolen goods, and at the same time be advised not to do it again and he must swear before the plaintiff and the public that from now on, he will not do undesirable things (Suminguit).

Another example of punishment is the payment of fine. The fine for murder or *bangonan* is Php12,000 as well as the cost of burial and ritual called *dlumpuhan*. The fine for attempted murder is Php6,000. On a case-to-case basis, the exact amount will depend on the outcome of negotiations.

Subanon justice was cheap according to Christie. Fines and penalties for crimes ranging from theft to murder are properly appropriated. Cotton cloth, slavery are among the forms of penalty, however, the amount of the fines levied various offenses will vary from region to region due to the differences of temper and power of the various headmen, and more especially, on account of the aggravating or extenuating circumstances existing in each case (Christie).

#### Emoluments (share of the fine)

The only emolument of the headman was a *share of the fine*, the injured party usually getting all the rest of it. The headman was expected to share the judges' part with the men who

assisted him in the trial. It would appear at first sight as if chiefs would be disposed to levy excessive fines, since they enjoyed a part of the proceeds. As a matter of fact, their power was too limited, and the traditional amount of the fines too well known, to allow them to indulge to any great extent, if at all, in this abuse. (Christie, 1909)

*Interactions between national and formal justice systems and customary law systems of IPs*

The NCIP in 2003 put forth Administrative Circular No. 1, or “Rules on Pleadings, Practice and Procedure before the National Commission on Indigenous Peoples,” wherein the IPRA-mandated responsibility of the NCIP to decide on cases involving IPs is outlined. There are some cases already filed in relation to Region 9, referring to the Zamboanga Peninsula, although there are no resolved cases yet.

The same ambiguity mentioned earlier exists in the realm of justice issues. One arena to observe this is with regard to mining activities in indigenous territories. A controversial case among the Subanen is the mining of the Canadian company TVI in Siocon, Sibugay. Despite protests and cases from the local to international levels, despite the Subanen community there already having a Certificate of Ancestral Domain Title (CADT), the TVI is still able to maintain its presence there.

*Gender sensitivity in traditional justice processes and respect for human rights in the outcomes of the proceedings*

As with several other indigenous groups, the Subanen claim that there is no gender-based discrimination in their culture. It is just that the gender roles assigned to them are not as public as those of men. But this does not mean that they are not consulted when it comes to critical family and community decision-making. Women can become *timuay* and *balyan*, but it happens rarely.

As with many other indigenous groups, Subanen women have good participation in swidden farming.

*Participation of indigenous women in formal and informal (customary) governance institutions*

In ancient Subanen practices, women were allowed to sit among the elders, but because of the nature of women—the common conception is that they talk too much and sometimes without wisdom—there were only a select few who got the prestigious title of *thimu’ay* (Hapalla).

A study by Anthropology Watch in 2003 included a Subanen area. The main methodology was a survey wherein the clustered random sampling was undertaken. In a community with some 1,000 Subanen residents, it was not possible to find a young, single female Subanen. The subsequent analysis showed that this cluster was empty because most young single women were working as domestics outside of the community, and a very few were studying. Anyone else who were not either working or studying would end up marrying young. There is a high incidence of women (girls) marrying at the age of 13 or 14, especially in the more isolated Subanen areas.

There will probably be an increasing trend of women’s public participation if more women tend to obtain higher levels of education.

In conducting gender-awareness activities among IPs, including the Subanen, what should be taken into account is the strong need for consensus-seeking among IPs, such that highlighting women versus men is not acceptable.

*Practices in addressing discrimination and stereotypes of IPs through the non-governmental organizations (NGOs) and Indigenous Peoples Organization (IPO), etc.*

There are non-government organizations (the Philippine Association for Intercultural Development [PAFID], Anthropology Watch, Mangyan Missions, Upland NGO Assistance Center, etc.) and indigenous peoples organizations (Panagtagbo Mindanao, Tribal Education for Ecological Systems Inc., Lumad Development Center, etc.) whose goals or objectives are to address the issues of IPs, such as delineation and recovery of ancestral lands, health, education, livelihood, and technology transfer. All these address poverty-related issues and should result in improved quality of life, if implemented effectively (ADB).

To address the constraints of IPs development, the Panagtagbo Mindanao created the "The Indigenous Peoples Comprehensive Plan of Mindanao" that specifically defines the direction for the development of the IPs based on the integrity of their cultures, traditions, institutions, and territory. The traditional activities identified in the plan provide the foundation of the struggles of the indigenous communities towards self-governance and empowerment in accordance with the integrity of their cultures and territories. The identification of these constraints is necessary to be able to define the appropriate intervention of the government and non-government institutions for the development of the indigenous communities (Annex 3). The plan identifies the programs, projects, and activities that will give recognition, protection, and promotion of the cultural identity of the IPs of Mindanao.

*Access to and control of land and natural resources, and access to mediation in land and resource disputes;*

The IPRA provides for the government's recognition of traditional indigenous territories or ancestral domains with the awarding of CADTs. Of the some 37 CADTs awarded by the NCIP so far, there are three Subanen ancestral domains which have been awarded with a CADT, or 8 percent of CADTs ever given. There are some eight other Subanen ancestral domain claims being processed by the NCIP in 2006 and scheduled to be completed within the year.

There are issues of forest use as well, when traditional communities practice swidden farming in areas which the Department of Environment and Natural Resources (DENR) deem to be protected areas. For example, there is a pending legal case mounted by the DENR in Pagadian City charging Subanen farmers of burning forest areas to make area for swidden farmings. The Subanen counter-claim that the areas in question are not traditional forest areas but were already traditional swidden lots which have been left to fallow (and therefore trees have regenerated). The case is still pending. The community involved has applied for a CADT, and members hope that with a CADT ancestral domain management, including management of land use will be their own concern.

Under the IPRA, ancestral domain management is supposed to be the right and responsibility of the Subanen within the territory, with a management plan to be called the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). After the

formulation of the ADSDPP, it is expected that the communities will strive to have the plan incorporated with or at least introduced to the development plans of the local government units.

*Access to education systems and involvement of youth in local governance institutions*

Currently, in Ata-Manobo community in Davao, access to education has become a problem. The family usually borrows to finance the education of the children using the harvest as collateral. In Higaonon community in Bukidnon, there are two public elementary schools, one in the town proper and another in one of the villages. Secondary education has to be pursued outside the area. Although scholarships are welcome, there is a clamor for more rigid screening to ensure that those selected really belong to indigenous communities (ADB).

Many of the Subanens went to school with the opening of public school in Lapuyan, Zamboanga del Sur in 1919. It is only in Lapuyan where there are many professional Subanens who are working in the country and abroad (Imbing).

It is the aspiration of the Higaonon to continue strengthening their traditional political organization and structures; recognition of the youth as community leaders, both in the traditional and state mandated systems (ADB).

There is still a need to provide spaces for inclusion of youth in governance activities.

### **Assessment of Governance Capacities**

*Accountability* – making leaders liable and answerable to people from which they derive their authority

The illustration by Christie on the limitations on the headman's exercise of power and by Suminguit on the rules of succession, the Subanen governance scores high marks when it comes to accountability.

If the followers believe that their leader has showed himself to be harsher in his punishments than the community believed as allowable under their custom, they would drift away by simply going into another district and placing themselves under the orders of another headman (Christie). There may be very few instances where accountability can be better illustrated.

While rule of succession is hereditary, a deceased *gukom's* choice of a successor can be overruled if the people do not accept him. When need arises, the people naturally go to the one considered to be worthy as a new *gukom* who is highly esteemed, respected, and noted to be a man of experience, wisdom, and humility (Suminguit).

*Participation* – access of people to and influence on village policies and decisions

Using this criterion, one can conclude that while there may have been instances of access by the people to and influence policies and decisions; it is still under the backdrop of a ruling family. As stated above, traditional *timuay* is perceived to make decisions for the good of the community and that a community census is usually desired before such decisions are made.

While the Subanen claim that there is no gender-based discrimination in their culture, gender roles to female members are still as public as those of men. Women are not consulted when it comes to critical family and community decision-making, and there are only few instances when they can become *timuay* and *balyan*. As pointed out by Hapalla, only select few got the prestigious title of *thimu'ay*.

*Predictability* – consistent and fair application of customary laws, village decisions, and policies

The fact that these people have maintained their cultural practices since pre-colonial or colonial times notwithstanding the absence of written laws, rules, and regulations clearly shows how consistent and fair they have been in application of their customary laws, village decisions, and policies.

*Transparency* – availability of clear information, regulations, rules, and decisions.

Clear information, regulation, rules, and decisions are not readily unavailable to those that are not members of the community. It does not mean that they are not readily available to the Subanen themselves. In this criterion, it would not be judicious to jump into conclusion. A deeper study should be undertaken to assure that lack of transparency on regulations, rules and decisions among the members of the community.

## **Conclusion**

The IPs diverse cultures are so rich—their customary knowledge systems have made it possible for the IPs to survive for generations. Indigenous communities seek to manage their domains based on their own systems and methods. There are moves to assess the effect of outside influences on their culture and to reject what is incompatible and harmful to the local traditions and values. Moreover, those influences considered enriching could be modified and integrated into the culture and society (ADB).

In providing an assessment of the adverse and favorable impacts of the relationships of IPs with the outside world, the awareness of ones cultural identity is very important. The assaults against the indigenous cultures, identity, and territory have seriously affected the survival and development of the IPs. The loss of the sense of history, identity, and self of indigenous communities have been the results of the encounters between indigenous and western religion, education, politics and government, economy, and defense (Panagtagbo).

The Philippine Government established a greater presence in the formerly remote areas of indigenous occupation after its independence. This required that communities of IPs elect village captains, mayors, and national leaders. For the isolated communities until now, these created changes in the leadership structure. There remain, however, groups little influenced by change and others where imposed structure and traditional structure continue to coexist (ADB)

In areas where traditional Subanen culture is still relatively intact, community members agree that following customary laws contribute to realizing the basic elements of good governance. For instance, when it comes to the resolution of cases, it is perceived that the interpretation of the customary laws by respected leaders generally aim for a win-win solution

for all parties concerned. The objective is not revenge or punishment, but to bring back harmonious relations within the community.

This is not to say that Subanen customary laws are perfect for ensuring that the basic elements of good governance are followed. There is still a tension with regard the ascendancy of human rights versus IPs' right to self-determination. The latter when narrowly followed can be interpreted to mean that for as long as IPs want something or it is within the customary laws, even if it is anathema to human rights advocacy it should be upheld.

Much tension lies in the Subanen's efforts to be able to project community-level interests in the formal governance systems. Problems lie in the following arenas:

- a) cooptation of some Subanen leaders by the mainstream (meaning their foregoing respect for customary laws);
- b) lack of educational credentials and low literacy levels which is a handicap in formal governance systems (and further enhancing the power of co-opted Subanen leaders who usually have reached higher levels of learning); and
- c) community-level lack of knowledge with regard to formal governance systems.

The Zamboanga Peninsula is more fortunate than in other IPs areas in that there is comparatively a better perception of the NCIP's intentions and efforts to look after the interests of IPs in Region 9. Thus, there are expectations that the NCIP in its various levels there would contribute to governance capacity building of the Subanen.

The passage of the IPRA into law proclaimed the liberation of the IPs from colonial bondage. The implementation of the law, however, is confronted with several constraints: (1) colonial hangover—individuals who run the government and non-government institutions are still locked with the top-bottom concept of authority and power; (2) self-governance and empowerment of people from the grassroots are confronted with serious difficulty because top leaders of colonial institutions tried to keep the authority and decision over the indigenous communities; and (3) loss of identity and loss of the sense of history among the people—members of the indigenous population who were corrupted by western cultural influences have lost their cultural identity. This condition prevented them to define appropriate direction for development, thus, made them vulnerable to exploitation (Panagtagbo).

Governance based on indigenous customary laws is an important indicator of IPs development. Customary laws enable the IPs to control and regulate the structures, organizations and functions of institutions within indigenous territories. The enforcement of customary laws and regulations empower indigenous leadership and protect them from the exploitative and manipulative influences of outsiders. To strengthen the customary governance, political organization and leadership structures of the IPs, the following (consolidated outputs of the IPs of Mindanao, Annex 3) are the interventions needed from the government, NGOs, and private institutions:

- a) Provide documentation and recognition on the traditional system of installing leadership of indigenous communities.
- b) Facilitate support to the strengthening of traditional conflict resolution, mediation, and settlement processes using customary laws.
- c) Provide support towards the establishment of indigenous leadership formation and training centers.

- d) Provide technical and financial support towards the operationalization of the IPRA in accordance with the cultures, traditions, and institutions of IPs.
- e) Provide support towards the formation of indigenous courts and justice systems;
- f) Provide documentation on cultural policies and penalties as basis for enforcement of customary laws.
- g) Facilitate solidarity and exchange by holding regular congress of indigenous leaders and managers of ancestral domains.

There is still a need to provide spaces for more programmatic inclusion of women and youth in governance activities—recognition of the youth as community leaders both in traditional and state mandated systems.

The struggles of the IPs for the recognition, respect, protection, and promotion of their cultures have sufficient recognition under the IPRA. The government and non-government institutions that support the struggles of IPs, however, do not have sufficient knowledge about the sensitive elements of culture that are necessary for IPs development.

The participation of the IPs themselves in the implementation of the IPRA is very important. The IPs themselves have the greatest responsibility to express and manifest the cultures that deserve recognition, protection, and promotion under the law. The government, NGOs, and private institutions who are concerned for the development of the IPs would remain at a loss, unless, the leaders of indigenous communities provide guidance and direction for the implementation of the IPRA law based on their cultures, traditions, and institutions.

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#### ENDNOTES

<sup>1</sup> Guia et al (2005).

<sup>2</sup> Ancestral land under the IPRA refers to lands occupied by individuals, families, and clans who are members of indigenous cultural communities, including residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots.

<sup>3</sup> The Asian Development Bank (ADB) uses this working definition of indigenous peoples in its operations.

<sup>4</sup> The term *Muslim* and *Moro* refer to those people who have adopted Islam as a religion and a way of life. However, *Muslim* refers to a universal religious identity, while *Moro* denotes a political identity distinct to the Islamized peoples of Mindanao and Sulu (ADB, 2002).

<sup>5</sup> A Visayan term which means, “born of the earth” or native.

<sup>6</sup> Rodil (1994).

<sup>7</sup> Center for Orang Asli Concern et al (2005).

<sup>8</sup> Padilla (2003).

<sup>9</sup> The 1994 census notes of the National Museum showed that there were about 204,056 Subanen in Zamboanga del Norte and about 193,305 in Zamboanga del Sur. (Barbosa)

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- <sup>10</sup> Results of the two surveys on self-rated poverty and self-rated food poverty conducted by the Social Weather Stations in March and July 2001.
- <sup>11</sup> IP groups coverage of Panagtagbo: Arumanen, Ata Manobo, Bagobo, Banwaon, B'laan, Bukidnon, Dibabawon, Dulangaan, Higaonon, Ilianen, Mandaya, Mangguangan, Manobo, Mansaka, Matiglangilan, Matigsalug, Subanen, Tagabawa, Tagakaolo, Talaandig, T'boli, Teduray, Tigwahanon, and Umayamnon.
- <sup>12</sup> The term *timuai* is found in the old native chronicles of Sulu and is there applied to the pagan chiefs in that island before its conversion to Mohammedanism (Christie, 1909). The communal chief is called timuai traced to a Maguindanao moro word meaning chief or leader. It was first used by Tabunaway, ruler of Maguindano (Finley, 1913).
- <sup>13</sup> The datanship institution began with "the ten Bornean datus" who, sailing from Borneo, reached the Visayas (circa 13<sup>th</sup> century). These Malayan datus were doubtfully Mohammedans, but their sultan in Borneo bore the Mohammedan title of "Sultan." Before the Islamic period in Mindanao area, chieftdom had been in existence, but the term "datu" was still not in popular use in the political sense before the advent of the Mohammedan Malay. (Kadil, 1988)
- <sup>14</sup> Constantino (1992), Tan (1997).
- <sup>15</sup> Guia et al (2005).

## TYPES OF SOCIAL/POLITICAL ORGANIZATIONS

IP Group	Simple Types	Intermediate Types	Complex Types
<p><b>Manobo</b></p>	<p>Whole political organization, including system of government, social control, and administration of justice is essentially patriarchal; chieftainship is only nominal. Clan springs from kinship of individual members, and the stronger or wiser member may be recognized as chief.</p> <p>Manoboland is divided into districts which are the property of different clans. Each district is under the nominal leadership of the warrior chiefs and the more influential men. In time of peace, these districts are open to everybody but in time of war, only persons of tried friendships are permitted to enter. A clan consists of a chief whose authority is merely nominal and a number of his relatives varying from 20 to 200 souls. The whole system is patriarchal, no coercion being used unless it is sanctioned by the more influential members, approved by the consensus of opinion of the people and in accord with traditional custom.</p> <p>Social cohesion between families in settlement and inter-settlement movements of individuals and families within the community are maintained and regulated by kinship.</p>	<p>In political governance, the Manobo communities in Mt. Apo did not develop into unified political units since their households are dispersed in their individual swidden farms. For the community, datu meant a brave warrior. However, the datu system did not exist among the Agusan Manobo. It was later through the influence of the Islamized inhabitants of Mindanao that the datu was incorporated in the Manobo political system.</p>	
<p><b>Banwaon</b></p>		<p>Most Banwaon communities are relatively small, politically autonomous from its neighbors, and closely linked to one or more clans. They are governed by one or more male datu or female ba-e. These local leaders are</p>	

IP Group	Simple Types	Intermediate Types	Complex Types
		chosen by community members (sakop) on the basis of tradition standards; i.e., concern for others, knowledge and understanding, and ability to negotiate and settle disputes.	
<b>T'boli</b>		Intermittent political system is rather complex consisting of a number of autonomous kinship or lineage units, and fostered by continuous cultural link. However, the tribe has no explicit political organization and structure, and each of the component segment is self governing unit under the direction of community leaders (e.g., datus).	
<b>Mamanua</b>		Hunting and gathering societies do not have a formal organization, but rather an informal one where there is no particular authority to rule the group in the true sense of the word. They were under the leadership of a pangulo (head or chieftain); under the pangulo are the beganis (warriors). The council elders worked with the pangulo. The mabalaw was the arbitrator when conflict arose; he acted as a lawyer. The baylan, as a religious specialist, performed the rituals for the community.	
<b>Tala-andig</b>		Pre-colonial political structure similar to a family wherein the authority emanated from the head of the household. Datu was leader or head of a tulugan or tribal community. Under the datu, were the sabandal or protectors of the community known for their courage, expediency, and obedience.	
<b>Mandaya</b>		Early Mandaya political structures vary depending on the size of the area followers covered. There was absence of a compact settlement or "community" since dwellings were located where their swidden farms were sporadically situated. Clusters of three to five houses were found only near the ruling authority like the bagani or likid resided.	

IP Group	Simple Types	Intermediate Types	Complex Types
<b>Bagobo</b>		<p>Practice of slavery was common.</p> <p>In political governance, the Bagobo communities in Mt. Apo did not develop into unified political units since their households are dispersed in their individual swidden farms. For the community, datu meant a brave warrior. It was through the influence of the Islamized inhabitants of Mindanao that the datu was incorporated in the Bagobo political system.</p>	
<b>Higaonon</b>			<p>The basic social and political organization is the <i>gaup</i>. It is an area occupied by a group of people or households (usually the kins) that serves not only as their political territory, but also an area as a source of their subsistence. It is consequently headed by a datu—with the authority to control and distribute land resources as well as to protect the resources of the gaup; supported with “alimuang” (literally stands for lion) or datu’s bodyguards in defending the gaup.</p> <p>The contemporary civil government, however, is now extending its control over the political system of the Higaonon community. Election of political officials such as barangay captain, barangay councilors, purok/sitio presidents, and others, as well as governance of the present civil and other laws. Nevertheless, the datuship among the Higaonons is still influential not only in their political system, but in other aspect</p>

IP Group	Simple Types	Intermediate Types	Complex Types
			of their lives.
<b>Manuvu</b>			<p><u>Territoriality</u> - the land of the Manuvu people is not merely a geographical entity; these people call their country their <i>ingod</i>. This ingod in turn is a unity of contiguous and discrete communities which they call individually as banwas.</p> <p><u>Village authority and government</u> – there is a gradation of local authorities developed by the</p>

IP Group	Simple Types	Intermediate Types	Complex Types
			<p>society, from the ancient buyyags, old men, who were the main support of the kin group.</p>
			<p>Although Manuvu political organization lacks the adequate employment of force, which is the police or the military, it can enforce obedience by some other ways: a system of fears, threats, and custom law.</p> <p>The Manuvu society is anarchic but it is an anarchy with its own system of order: 1) retaliation is the supreme law of the society; 2) it has a loose political organization; and 3) its concept of authority and power is weak. Despite the apparent structural weaknesses, there are social and cultural forces that channeled anarchic tendencies to social purposes enabling the society to grow and live in the manner of orderly communities.</p>

Source: UNDP-RPO Mapping of Indigenous Governance Practices.

### RULES OF SUCCESSION (HOW DOES ONE BECOME A CHIEF)

Indicator	Bagobo	Balaan	Bukidnon	Manobo	T'boli
<i>Ability</i>				No hereditary chieftainship. A Manobo becomes chief out of respect earned after years of demonstrated ability.	Datuship is not directly hereditary. A highly-respected and well-known datu's son, for instance, might never be considered by the people wise and proficient enough in what is "traditional." Hence, they would never accorded their father's title of datu regardless of the family's possible wealth or social prestige.
<i>Hereditary</i>	The office is hereditary and usually passes from the father to his eldest son. Should the datu be without an heir, or the son be considered inefficient, the under chiefs and wise old men may choose a leader from among their number.	Upon the chief's death, he is succeeded by his eldest son, unless the old men of the group should consider him incompetent, in which case they will determine upon the successor.			
<i>Hereditary but Datu-father has discretion to choose</i>			The ordinary transmission of the datuship seems to be from father to eldest son, however, considerable discretion allows a		

Indicator	Bagobo	Balaan	Bukidnon	Manobo	T'boli
			<p>datu in designating his successor and he is by no means bound to follow the law of primogeniture. In the case of a datu who has no sons of his own, his youngest brother is being groomed as his successor.</p>		
<i>Hereditary plus merit</i>					<p>By inheritance (gubot). But the son of the datu must earn it through merit and that he has the ability to adjudicate trouble. Basically, the datu should be wealthy, intelligent, witty, good public speaker, influential, capable of mediating disputes effectively, native of the place, and with a rank of nobility.</p>
<i>Hereditary, Intermarriage and bravery</i>			<p>Three paths to datuship: 1) hereditary succession and achievement; 2) intermarriage or marriage to the daughter of a datu must possess datu qualities; and 3) bravery—bagani may become a datu.</p>		

Indicator	Bagobo	Balaan	Bukidnon	Manobo	T'boli
<i>Achievement but lineage plays a part</i>				<p>In principle, it appears that the position of a datu is hereditary but in actual practice, the basis is more of achievement than ascription. However, the son of a datu has more chances of becoming a datu because of the training that his father can give him if he shows interest. The rule of primogeniture plays a part in the choice of a successor, and a datu has considerable discretion.</p>	
<i>Hereditary or acquisition</i>			<p><u>Birth</u> - because his father was the former datu, although this does not guarantee that he will always be in this position and be looked upon as a leader of his people.</p> <p><u>Acquisition</u> – because he has always acted as counselor whenever his neighbors quarrel and he has gained the respect of the people in his tribe.</p>		

<b>Indicator</b>	<b>Bagobo</b>	<b>Balaan</b>	<b>Bukidnon</b>	<b>Manobo</b>	<b>T'boli</b>
<i>Former bagani</i>			One key element in bagani becoming datus is the fact that no one can control them, and they are therefore become a law unto themselves, not subject to any datu.	The chieftainship naturally falls to one who has attained the rank of bagani, that is, to one who has killed a certain number of persons, provided he is otherwise sufficiently influential to attract following.	
<i>Destiny</i>			According to Datu Dinawat Ogil, the high datu of Namman, of the Tigwa-Salug region, becoming a datu is not simply in the choosing nor in the learning. He thinks it is in one's fate. He believes that he became a datu because he had been circumspect in all his acts.		

### FEMALE DATUS

<b>Bukidnon</b>	<b>Higaonon</b>	<b>Manobo</b>
There was one woman datu reported to be active in the upper Pulangi River valley. She assumed the office upon the death of her husband. Factors bringing about her	A Bai (a female datu or leader in the community) is also chosen and thus consequently performs the political and religious functions. A Bai is chosen if she is	Women play no part in public affairs; no female chiefs; women are domestic chattels. But there is one woman by the name of Sinapi who travels around like a chief and through her

<p>succession included her lack of children and her reputation for wisdom and other appropriate virtues.</p>	<p>observed to possess intelligence/wisdom and other related virtues as an adult. It has also been revealed that a Bai has a vital role both in choosing/ recognizing and in dethroning a datu whenever he violates in discharging his duties and thus becomes unacceptable in the community. The chosen Bai is also given the right to participate in community decision-making as well as settling conflicts.</p>	<p>influence arbitrates question that the men are unable to settle. In the Jesuit letters, there was a mention of Pinkai who had great weight among her tribesmen of the Argawan River.</p>
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Source: UNDP-RPO Mapping of Indigenous Governance Practices.

### **CUSTOMARY GOVERNANCE AND LEADERSHIP (Traditional Practices, Issues, and Interventions Needed)**

<b>Traditional Practices</b>	<b>Issues and influences affecting survival and development of indigenous cultures</b>	<b>Interventions needed from Government and Non-government institutions</b>
<ul style="list-style-type: none"> <li>Arbitration and mediation of conflicts are performed with the participation of the community.</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous traditional leaders are corrupted and eventually controlled and dominated by western system through trainings and seminars.</li> </ul>	<ul style="list-style-type: none"> <li>Provide documentation and recognition on the traditional system of installing leadership of indigenous communities.</li> </ul>
<ul style="list-style-type: none"> <li>Penalties are enforced against violation of customary laws.</li> </ul>	<ul style="list-style-type: none"> <li>Customary leadership is disempowered by government institutions and politics.</li> </ul>	<ul style="list-style-type: none"> <li>Facilitate support to the strengthening of traditional conflict resolution, mediation, and settlement processes using customary laws.</li> </ul>
<ul style="list-style-type: none"> <li>Recognition of kinship is promoted as a measure of preventing conflicts in the community.</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leadership structures are duplicated and replaced by governance structures of the colonizers.</li> </ul>	<ul style="list-style-type: none"> <li>Provide support towards the establishment of indigenous leadership formation and training centers.</li> </ul>
<ul style="list-style-type: none"> <li>Community leadership is confirmed in the community through rituals and ceremonies.</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders lack the capacity to protect and defend the rights and interests of the tribes.</li> </ul>	<ul style="list-style-type: none"> <li>Provide technical and financial support towards the operationalization of the IPRA in accordance with the cultures, traditions, and institutions of indigenous peoples.</li> </ul>
<ul style="list-style-type: none"> <li>Indigenous leaders and elders conferences are regularly conducted.</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders are exploited by government, private, and religious institutions.</li> </ul>	<ul style="list-style-type: none"> <li>Provide support towards the formation of indigenous courts and justice systems.</li> </ul>
<ul style="list-style-type: none"> <li>Oral history on customary leadership and justice system are regularly conducted.</li> </ul>	<ul style="list-style-type: none"> <li>Traditional leaders are corrupted by politicians, corporations, and religious institutions through the use of positions and money.</li> </ul>	<ul style="list-style-type: none"> <li>Provide documentation on cultural policies and penalties as basis for enforcement of customary laws.</li> </ul>
<ul style="list-style-type: none"> <li>Potential mediators and arbitrators are trained as disciples in conflict mediation.</li> </ul>	<ul style="list-style-type: none"> <li>Suppression of traditional leaders' enforcement of cultural policies of the tribe.</li> </ul>	<ul style="list-style-type: none"> <li>Facilitate solidarity and exchange by holding regular congress of indigenous leaders and managers of ancestral domains.</li> </ul>
<ul style="list-style-type: none"> <li>Leadership in the community is determined from the younger generation by observing the potentials of children to mediate conflict among their ranks.</li> </ul>	<ul style="list-style-type: none"> <li>Division and suppression of traditional leaders who exert efforts in upholding customary governance and leadership.</li> </ul>	
<ul style="list-style-type: none"> <li>Children are encouraged to settle their childish quarrels and conflicts with emphasis on kinship and neighborhood.</li> </ul>	<ul style="list-style-type: none"> <li>Traditional mediation and conflict resolution processes had been duplicated and marginalized by government justice system.</li> </ul>	

<b>Traditional Practices</b>	<b>Issues and influences affecting survival and development of indigenous cultures</b>	<b>Interventions needed from Government and Non-government institutions</b>
	<ul style="list-style-type: none"><li>• Peace building processes and solidarity of traditional leaders had been disrupted by the divide and rule tactics of politicians, private, and religious institution intervention.</li></ul>	

Source: *The Indigenous Peoples Comprehensive Plan of Mindanao* by Panagtagbo Mindanao.

## LEADERSHIP SYSTEMS AND POWER STRUCTURES

IP Group	Simple Types of Social Organization	Intermediate Types of Social Organization	Complex Types of Social Organization
<b>Bukidnon</b>	The political organization of the Bukidnons was characterized by the absence of an overarching structure where there was no chief or datu to whom all gave fealty ( <i>no single leader; leader is an elderly headman</i> ).		The datu who holds the <i>giling</i> is theoretically the highest datu of the Bukidnon, but his possession of the <i>giling</i> renders him so sacred that he cannot involve himself fully enough in human affairs to mediate the many disputes that might be brought before him.  <u>Inter-tribal alliances</u> - The usual relationship of a datu to another is mutual friendship. They invite each other to their Kaamulan (social gathering) like wedding, thanksgiving, and worship. They send one another handog (shares) of their game or catch for the day. But when their members run into trouble and the datu of the erring party refuses to submit to a paghusay (settling of disputes), this gradually becomes a feud.
<b>Bila-an</b>	There seems never to have been a time when this tribe was organized under a single leader. Each district is so isolated from the others and the population so scattered that any such development has been barred, and hence the people of each river valley or highland plain have their local ruler. The power of this ruler is real only so far as his personal influence can make it so ( <i>no single leader; leader is an elderly headman</i> ).		
<b>Bagobo</b>			Each district is headed by a datu who is supposed to be subject to the datu of Cibolan. He is the supreme judge in all matters, though he may, if he desires, call in the old men to help him decide difficult cases.
<b>Higaonon</b>			Also recognize hierarchy in their political

IP Group	Simple Types of Social Organization	Intermediate Types of Social Organization	Complex Types of Social Organization
			<p>system. The datu is the acknowledge leader of a given political unit. Consequently, there are several datus in the community, relative to their specialization. Likewise, there is a hierarchy of leadership, specifically among the datus. The lowest type of datu is <i>didingkulan</i>, who leads a particular village activity such as fishing, hunting, and trapping.</p>
<b>Mamanua</b>	<p>The Mamanua usually choose an elderly man as a headman—referred as anga or ama (father), tata or tigulang (old man). In important matters, the advise of the headman is always sought by the members of the local group.</p>		<p><u>Tribal Councils</u> – composed of chosen leaders or senior members of the community; membership depends on the number of families comprising the settlement. Elders are chosen for their knowledge of customary laws and sagacious wisdom. Council is the co-partner of the pangulo or datu in making decisions for the community activities.</p>
<b>Manobo</b>	<p>Whole political organization, including system of government, social control, and administration of justice is essentially patriarchal; chieftainship is only nominal. Clan springs from kinship of individual members, and the stronger or wiser member may be recognized as chief.</p>	<p>Arumanen Manobo- authority in the village is vested upon the highly respected elders who posses wealth, personal charisma, knowledge of traditional lore, custom laws, and genealogical history. They must have skills in oratory and experiences in warfare. These elders sit in the council known as <i>pekilukesen</i>.</p> <p>The authority of the council is backed up by elaborate custom laws and traditional practices, for examples, sets of customary laws cover codes of conduct (the kukuman), civil transactions (kukumen te mechinged), ethic rules (kukuman te surinam), criminal offenses (kukuman te bunu), and marriage laws (kukuman te esaw'i).</p>	<p><u>Tribal Councils</u> – composed of datus from different barangays of a municipality who have been chosen by their barangay constituents. Functions: to implement customary laws; to make decisions over conflicts or problems of the community; to impose penalty (buna) on persons guilty of a crime; to assist the datu in maintaining peace and order; and to teach the young the knowledge or lore of the tribe.</p>

IP Group	Simple Types of Social Organization	Intermediate Types of Social Organization	Complex Types of Social Organization
<b>Mandaya</b>		<p>Head is a warrior-chief/bagani assisted by a council of elders. The group of elders assisting the warrior-chief is called antutukay. These respected men constitute the advisory council of the bagani.</p> <p>In areas with large domain, political authority is vested to the <i>likid</i> also referred to as the <i>mamdong</i> or <i>pasado</i>. Under the likid was the council of elders or bawukan. The bagani was next in rank. In smaller groupings, the bagani was vested the power to rule. To become a bagani, a Mandaya warrior must have killed seven to ten people. Though it was transferred by genealogical succession, one has to earn the title before assumption.</p>	
<b>Manuvu</b>			<p>Head is a chief who has sole authority with broad powers. The jurisdiction of a datu over his banwa or village is called buwis, where he can exact obedience (of whatever sort); hence this is limited to a particular bounded area. However, the larger territorial jurisdiction called <i>nama</i> had a wider coverage and radius of enforcement, since this covers the jurisdiction embraced by two or more banwas.</p>
<b>Tala-andig</b>			<p>Datuship attained by going through process and different levels. From the lowest level, one moves into a higher rank—that of dadantulan—provided that he can prove himself worthy of such position. Promotion is done without a ritual. Highest rank is reached if he has been involved in settling cases or feuds that eventually culminated into a pact called the <i>tampuda hu balagon</i>. After a</p>

IP Group	Simple Types of Social Organization	Intermediate Types of Social Organization	Complex Types of Social Organization
			<p>ritual, he is proclaimed as dadangulan ha datu (high datu) and only he can provide blessing to newly-appointed datos.</p> <p><u>Tribal Council</u> – called <i>pasagi</i>, composed of different Tala-andig communities. It has authority to settle cases. Above the tribal council is the tribal executive committee composed of eight members (all chieftains) and which is the law-making body. Overall, datu or chieftain presides over the council and executive committee and enforces the rules decided by the latter.</p>
<b>Tiruray</b>		<p>Chief is a moral leader. Kefeduwán is a moral leader and his work is conducted in tiyawan, the formal adjudicatory discussion in which he and his colleagues manifest the expertise in Tiruray custom and law.</p>	

Source: UNDP-RPO Mapping of Indigenous Governance Practices.

## Teduray Governance and Justice System: A Case Study

### Introduction

The Teduray is one of the 17 or 18<sup>1</sup> of “Lumad”<sup>2</sup> or indigenous peoples (IPs) in Mindanao. Sometimes referred to in the literature on indigenous peoples or indigenous cultural communities (ICCs), the Teduray consider the municipalities of Upi and North Upi in Maguindanao province as their traditional homeland. In earlier literature on the Teduray, they are being referred to as “Tiruray.” However, this term has been considered as the outsiders’ or the lowlanders’ terminology to refer to the people. The people themselves prefer the term “Teduray” as the more accurate and therefore, more politically correct term to be used to refer to them.

Dr. Stuart Schlegel, one of the pioneering ethnographers on the Teduray explains the shift from “Tiruray” to Teduray in his latest work, *Wisdom from the Rainforest* (2000). Schlegel originally used the term “Tiruray” in his first ethnography on the people, *Tiruray Justice* (1970). He claims that the word Tiruray was first used by the Spaniards as they heard it from the people. The Spaniards interpreted the **e** in Teduray as **i** and the **d** as **r**. In other words, the first term used to refer to the people was an outsiders’ term, not as the people themselves use to refer to themselves. He has since then corrected himself and has refrained to use the term Tiruray. Rudy Rodil, a known Mindanao historian also uses the term Tiruray in many of his earlier writings, including his 2004 edition of the book, *The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago*. According to a key informant, after this explanation from Schlegel, all references to the indigenous peoples in Upi – both North and South – has used the term, “Teduray.”

As indigenous peoples, the Teduray share many things with other groups native to Central Mindanao, especially with the Dulangan Manobo and even with their Islamized “siblings” – the Maguindanawn. Among these commonalities are their stories of origin, as well as other folklore genres, linguistic features, and other aspects of their culture.

The Teduray share a common history with the Islamized Maguindanawns (“people of the flooded plains”) of the Cotabato River Valley as well as with the Dulangan Manobo of Cotabato province. According to Teduray oral tradition, before the coming of Islam to Maguindanao, these three peoples were one and the same. These three groups trace their roots to two brothers, Mamalu and Tabunaway. The brothers practiced a tradition of self-rule, culture and economic activities whose title holders are called Baglalan under a Timuay system of governance.<sup>3</sup> The popularity of the story among the members of the three groups proves that indeed, these three indigenous groups in Central Mindanao emanated from the same family.

This common origin stops at the point of conversion of one of the brothers to Islam. According to oral tradition, the development of a common system of governance among the three groups was interrupted when Tabunaway embraced Islam after Shariff Muhammad Kabungsuan introduced Islam and the Sultanate system of governance to the residents in the Cotabato areas, specifically, communities in the banks of the Pulangi or Rio Grande de Mindanao. Mamalu and Tabunaway were then known tribal chieftains controlling several villages within the Cotabato area. Tabunaway chose to become Muslim while Mamalu decided to retain their traditional way of life and system of self-rule. It is believed that the

Teduray and the Dulangan Manobo trace their origins to Mamalu while the Maguindanawn trace their roots to Tabunaway.

Descendants of the three groups also believe that the two brothers drew up a pact that recognized this point of separation in their lives – that despite differences in their way of life, they will still have mutual respect of the system of governance and religious beliefs adopted by their respective followers and descendants. Specifically, the treaty or pact signed by the two brothers covered the following agreements: recognition and respect of territory, system of governance and religious beliefs of each group; continuing and unlimited practice of their traditional means of livelihood and “*sawit*” system of gift-giving among the communities; unity against their common enemies and lifetime treatment of each others’ followers and descendants as brothers and sisters.<sup>4</sup>

However, as the Sultanate system of governance among the Islamized indigenous groups in Mindanao evolved to be a powerful and influential system among Mindanao peoples, the pact between the two brothers was forgotten. The system of self-rule maintained by Mamalu and his descendants was subsumed under the leadership of the powerful Sultans of Maguindanao. Mamalu’s descendants – the Teduray and the Dulangan Manobo became the subjects and slaves of the powerful rulers of the Sultanate of Maguindanao.

Colonial rule both of the Spaniards and the Americans just reinforced the already subordinate position of the Teduray vis-à-vis the descendants of the powerful Sultans of Maguindanao. This has engendered a not-so-pleasant inter-ethnic relationship between the Maguindanawn and the Teduray. Many Maguindanawn, especially scions and descendants of royal families that trace their roots to the powerful Maguindanao sultans look down on the Teduray as slaves and subjects. Many Teduray also feel inferior to the Maguindanawn and have sad stories to tell about how Maguindanawn in general treat them. There are, however, happy stories of intermarriages between Maguindanawn men and Teduray women and these have served to patch the strained relations between the two groups. But the number of such intermarriages is not sufficient to create a major shift in the attitude of the greater number of Maguindanawn toward the Teduray. There are also stories of some groups of Teduray who have fought alongside their Maguindanawn counterparts in fighting common enemies in the past. Some of these have been documented by Schlegel in his 2000 book.

As a consequence of the subordination of the Teduray to the Maguindanawn, the latter’s system of governance did not develop as well as that of the Sultanate. However, the Teduray are now conscious of this valuable aspect of their tradition and culture. Through the Timuay Justice and Governance (TJG), some Teduray leaders are working toward the codification and popularization of the system. This system will be described in this case study.

### **General overview of the study including scope and limitation**

This case study describes the Teduray governance and justice system that is now being restored or slowly being revived by a group of Teduray elders within their communities in both North and South Upi, Maguindanao. This system has been operational since the time of Mamalu and Tabunaway except that some historical events arrested the full development of the system.

Data for this report have been collated from key informant interviews and from secondary data from both published and unpublished materials like ethnographies, articles, field reports, position papers and magazines. The report describes and analyzes the basic features of the Teduray governance and justice system. The analysis is based on the structural-functional framework that examines the political structures and roles established in the indigenous community as its members interact and interface with other socio-economic and cultural institutions in a particular IP polity.<sup>5</sup> Such framework looks at the IP governance system using the following parameters: locus of power and control, source of legitimacy, leadership types, mechanisms and systems; accountability, and equality and fairness. The last aspect includes the various modes of people participation in village or tribal processes.

One of the stringent limitations in this case study is the lack of ample time to do fieldwork. Thick descriptions, as in the case of ethnographies, cannot be adequately achieved based on a few days' visit and interactions with key informants in the communities where the system is said to operate. Informants tend to project idealized versions of the system that is being described and there are limited opportunities for the researcher to make cross-references and triangulation among various sectors of the IP population being studied.

No governance system exists in a socio-economic, cultural and political vacuum. The governance system described in this case study operates as a system that interacts with other institutions in the local government bureaucracy and local socio-economic systems. While largely deprived and isolated compared to other minority groups like the Maguindanawn or Iranun of Maguindanao province, contemporary Teduray have already been integrated into the cash, credit and market economy of small-land cultivation in the mountainous municipalities of North and South Upi.<sup>6</sup>

### **Justification in the choice of area and IP group**

The traditional homeland of the Teduray consists of mountainous, tropical forest areas of the Cotabato Cordillera, more specifically in the municipalities of North and South Upi, Maguindanao province. The area has scattered hills and very limited plains with a coastal portion on the west side facing the vast waters of Illana Bay and the Celebes Sea. Such an environment has made the Teduray relatively isolated and deprived of much needed basic social services from the Philippine government functionaries. For instance, it was not until after the Second World War (1945) when public elementary schools were established in Upi. And it was not the Philippine government itself that initiated this move.<sup>7</sup> The missionaries of the Episcopalian Church, in cooperation with a local prominent Teduray family, the Molungaw, put up the first public elementary school in the Teduray homeland.

Despite their relative deprivation and isolation, the Teduray has managed to survive as a people with an identity apart from their nearest kin, the Maguindanawn Muslims. Over the years, the Teduray is known to have practiced their age-old justice and governance system despite the inroads made by Philippine legislative and political systems.

Moreover, the Teduray are among the few Mindanao IP groups that are still inadequately studied, especially its governance system. While a landmark ethnographic study on Tiruray (sic) Justice has been done by Dr. Schlegel in the late 1960s, there is a need to examine the contemporary Teduray and how the group members have managed to make sense of this system under the Philippine political and legislative system.

With these reasons in mind, the researcher has conceptualized this case study as a contribution to the national research project on indigenous governance systems. Insights that can be gleaned from this case study can be used as a framework for identifying appropriate approaches for promoting indigenous rights-based good governance practices. Good governance is believed to be a linchpin in addressing the challenges of poverty and other forms of vulnerability of this upland community.

### **Demographic Profile and Socio-Cultural and Politico-Economic Context**

Compared to the more numerous and more “powerful” Maguindanawn, the Teduray has a small population. The exact number of Teduray, however, is something that can endlessly be contested because each group making a survey or census comes up with a different number. For example, according to both Anthrowatch and the National Commission on Indigenous Peoples (NCIP), the estimated number of Teduray is 204,060. They are found not only in the two Upi towns in Maguindanao but also in an adjacent town, Ampatuan, as well as in three towns in Sultan Kudarat province. The three towns in Sultan Kudarat province are Esperanza (which is adjacent to Ampatuan), Lebak and Kalamansig. Another estimate puts the number of Teduray at 350,925, but this number includes Teduray who have migrated to other places in Mindanao and even to Manila.<sup>8</sup>

The University Research Center, Notre Dame University – Cotabato City also conducted a population survey in 2004. According to this survey, there were only 56,044 Teduray distributed as follows:

- South Upi – 36,697
- North Upi – 12,164
- Esperanza, Sultan Kudarat province – 1,360
- Lebak, Sultan Kudarat - 395
- Kalamansig - 328

Teduray consider themselves as having a main group and a sub-group, consisting of the offsprings of mixed marriages between the Teduray and the Dulangan Manobo of North Cotabato. The sub-group is locally referred to as Lambangian.

The CCP Encyclopedia of Philippine Art (1994) classifies five different types of “*etew Teduray*” (Teduray people). The classification is based largely on the nature of their environment, thus:

- *Etew rotor* (mountain people)
- *Etew dogot* (coastal people)
- *Etew teran* (tran or river people)
- *Etew awing* (Awang people – those Teduray living in Awang, in the municipality of Dinaig, now Datu Odin Sinsuat, Maguindanao. This municipality is also adjacent to the two Upi towns; and
- *Etew Ufi* – Upi people – those who reside in either South or North Upi.

Generally speaking, mountain-living Teduray tend to retain significant aspects of their traditional way of life, especially the type of agriculture they practice and their justice and governance ways. On the other hand, coastal living Teduray (*etew dogot*) live as fishers with occasional boat making as an additional source of income for them. Except for the *etew rotor*, all the other types of Teduray have managed to be assimilated to the prevailing social, economic and political systems in the areas where they live. Among

these, the etew Ufi and the Etew Awang are among the more “acculturated” ones to the culture of the predominant or influential group in the areas where they live.

#### *Brief profile of IPs and context*

In terms of their socio-economic and environmental contexts, the Teduray have been classified as those from *Figel* and *Kakaba-kaba*. Teduray from Figel are swidden cultivators in more traditional, upland communities and are generally considered to be still practicing the “old ways” of the Teduray, from their neighborhood and kinship relationships to their justice and governance systems. Since they live in the last remaining forest cover, Figel people also hunt, fish and gather food the traditional way. They are only marginally dependent on trading with the coastal and lowland cash economy. However, the number of this group of Teduray at present is believed to be quite negligible compared to the *Kakaba-kaba*. Teduray belonging to the latter group practice plow farming in areas that have generally lost forest cover due to extensive logging operations of business companies owned by outsiders, mostly elite from either Luzon or the Visayas. This group of Teduray has largely been integrated into the local market economy of rural lowland, basically Christian majority Filipinos.<sup>9</sup>

Despite the inroads of modern communication and transportation facilities, many upland communities in Upi, especially those that still practice the more traditional Figel type of subsistence systems as described earlier, are still very difficult to reach. Only heavy duty, four-wheel type of vehicles can reach such communities. In some communities, like Nalkan and Tambak, both of North Upi, the only modes of transportation are the horse and motorized banca (canoes without outriggers). The average number of hours to reach the nearest rural health unit in Tambak is seven hours and five hours to reach the nearest health station in Barangay Nalkan. Consequently, the communities have very poor access to basic social services that are available in many lowland, more accessible and more economically progressive barangays in other parts of the province.

*Human development data (poverty level, health situation, education, political participation, etc.)*

Teduray populations in both Figel and Kakaba-kaba contexts are highly vulnerable to difficulties and stresses related to abject poverty and physical isolation from urban and development centers. Such vulnerabilities have surfaced because of their state of inability or inadequacy to cope or mitigate risks in their lives. In the vulnerabilities and capacities analysis done by Accion Contra el Hambre (2005), the writers conclude that like most other indigenous tribes in the country, (the) Teduray present a high exposure to vulnerability factors, derived mainly from their geographical isolation, loss of traditional sources of subsistence and loss of cultural identity, among others.<sup>10</sup>

The ACH survey of 119 households (719 members) from eight communities in the two Upi towns in 2003 showed that the average monthly incomes of the Teduray respondents is only PhP2,027, roughly about 40 US dollars. This means that each household survives on just a little more than US 1 dollar a day. The 119 HH respondents were the sample population out of the total of 5,010 HHs in the eight barangays in the two Upi towns. These barangays include: Rifao, Tambak, Nalkan, Renede and Kiga in North Upi and Kuya, Pandan and Kibukay in South Upi.<sup>11</sup>

Table 1. Average yearly, monthly and daily incomes among 119 HHs in 8 communities in Upi (Data source: MVO/ACH HH survey, 2003)

Period covered	Ave. Income
Daily	PhP 67
Monthly	PhP 2,027
Yearly	PhP 24,324

Of the HH's daily income of PhP 67 (just a little over USD 1, based on current peso-dollar exchange rate of PhP 51 to 1 USD), 87 percent or PhP 61 is used to buy food. This leaves each member of the HH only PhP 6 to be used for other household needs and other daily exigencies. The same HH survey also revealed that on the average, the Teduray HH in the eight study communities spend an average of PhP 2,055 every month for food, health needs, other household needs, transportation and even for ceremonial or ritual expenses. This means a deficit of PhP 28 on a monthly basis.

As in their day to day expenses, the Teduray spend more than half of their monthly income for food (PhP 1,590 or 78%). Education gets the smallest share in the budget, with only PhP 39 (around 2% of their average monthly incomes). Health is given a lesser priority, as shown in the monthly expenditures of PhP230, or 11 % of the monthly income.

Like many of their marginalized and isolated counterparts in other mountainous and hard-to-reach areas in Maguindanao, the Teduray are highly susceptible to varied diseases, many of which are highly contagious although preventable among more affluent societies. Because of their low incomes, many cash economy-integrated Teduray have resorted to buying food that are considered "filling" but have negligible nutritional value. Excessive logging of their rainforests has led to the loss of their traditional food sources. Subsequently, the Teduray have to purchase many of their food items from small variety stores in the town centers of both North and South Upi. Many of these food items are processed and as such, do not have much nutritional value.

Moreover, their over-all poverty situation has prevented them from accessing medical services aside from those that are minimally provided in the barangay health centers. Many times, these centers are inadequately supplied with medicines and do not have regular health personnel to cater to the health needs of the barangay residents. In the eight communities surveyed, there was a high prevalence of contagious diseases like diarrhea, malaria and skin diseases. These diseases could have been prevented if the Teduray have safe water sources and good sanitation and housing conditions. Poverty and their geographical isolation have prevented them from having the necessary measures to avoid such diseases in their communities.

One of the indicators of high vulnerability among the Teduray is their low educational levels. Because of poverty, many Teduray families cannot afford to send their children beyond elementary or high school levels. In the MVO/ACH survey, majority of the adults in the households were either illiterate or had very little or no formal schooling at all. The low educational levels among the people are aggravated by the absence of the lack of educational facilities in their mountainous areas and services needed to harness their productive skills.<sup>12</sup>

Another situational analysis on the Teduray women confirms the low educational levels among them, especially among their women. Out of this study, 225 Lumad (IP) women were surveyed. Only 150 of these women had some elementary and high school education while 58 never had the opportunity to go to school. Only 17 or 8 percent of the surveyed women had some college level education, and all of them did not finish a college degree. The researchers of this situational analysis conclude that the low educational levels of Teduray women contribute to their over-all feeling of inferiority, low self-esteem and powerlessness.<sup>13</sup>

In terms of community involvement, Teduray are generally constrained to actively participate in the social and political activities of the communities because of their economic marginalization. The women, in particular, hesitate to commit long hours of community work or even for social awareness seminars that can pave the way for effective community organizing. The women in the situational analysis argue that their priority is their family's economic survival, and therefore they devote most of their waking hours for income generating activities rather than attending community assemblies or gatherings which they perceive to be a "waste of their time" since they cannot immediately see tangible results of such meetings.

Low educational levels are also barriers to effective political participation. Many Teduray get short-changed even in their economic transactions with some scheming lowland middlemen. It follows that they also tend to have very limited, albeit a subordinate role and participation in local political processes. While many Teduray have been assimilated into the mainstream Philippine political institutions as constituents, they have not maximized the opportunities for participating in activities that can lead to their empowerment. For a long period of time, the mayor of Upi has been a Maguindanawn datu, a scion of the powerful Maguindanao royal families in Cotabato. In the barangay of Saniag, Ampatuan, where an enclave of Teduray families lives, the barangay chairman (the head of the political unit under the Philippine government) is a Maguindanawn. The mayor of the town is also Maguindanawn.

Some elite Teduray have acquired some political clout, but this is limited in terms of their own concerns and areas. Some have been elected barangay chairmen in their respective communities and one had been elected mayor of Upi. One Teduray woman had been the director of the regional Office of Southern Cultural Communities (OSCC), which is the regional office equivalent to the National Council of Indigenous Peoples (NCIP). The daughter of this woman has just been appointed the Deputy Governor for Indigenous Peoples of the ARMM, under the new regional governor.

### **Governance System**

According to Alim Bandara, the Supreme Tribal Chieftain or Timuay Labi of the Timuay Justice and Governance, the Timuay system of governance is a traditional form of leadership and tribal-based self-governance practiced by the Teduray and the Lambangian since "time immemorial up to the present."<sup>14</sup> Bandara added that a collective form of leadership and the free participation of the citizens through attendance in assemblies called for by the Baglalan (tribal title holders) characterize this governance system. Such a system has made the Teduray and other tribal groups in the Central Mindanao area distinct from the Maguindanawn.

The word Timuay is derived from the Teduray term “timu” which means to collect, unite or put together in English. Interestingly, the same word is used by the Maguindanawn to mean the same. This is provenience of the close affinity of the Maguindanawn to the Teduray despite their differences in way of life, especially in their systems of governance.

Historically, the Timuay system has reached the tribal level of leadership. This means that every tribal group embracing the Timuay system of governance had its own territory, centers of governance, laws or legal systems and defense. According to the accounts of elders among the IPs, all the indigenous groups in Mindanao, from the Subanun of Zamboanga peninsula to the Lambangian, Teduray, Dulangan Manobo, T'boli, B'laan, Arumanen Manobo of Cotabato to the Bagobo of Davao provinces used to practice the Timuay system of governance at the tribal level. The system was about to evolve to an inter-tribal formation but was nipped in the bud, so to speak, when Islam came and brought with it the Sultanate system of governance to the Cotabato river valley areas.

Teduray elders acknowledge that the introduction of the Sultanate system was peaceful. However, it had some potentials for conflict even at its early stages. This was because the powerful Sultans of Maguindanao subjected some of the Timuay controlled areas to their rule, consequently reducing some of these IPs as vassals or subjects or worse, slaves to the members of the Maguindanawn royal families. As described earlier, this has spawned not-so-pleasant ethnic interactions between the two groups who are believed to have descended from two blood brothers, Mamalu and Tabunaway.

A description of this system and its main features follows.

#### *System of rule, authority, leadership, and legitimacy*

One of the principles followed by the Timuay Justice and Governance is that of collective leadership. Such leadership comes from a tradition of collective decision-making that “promotes a free, peaceful and modestly progressive community...”<sup>15</sup> In this type of leadership, the authority of the Tribal Title Holders (Baglalan) emanates from the constituents themselves. In this system, constituents participate freely and voluntarily in the Village Assemblies, Cluster of Village Leaders' Conference and the Tribal Congress. This is the basis of the legitimacy of the tribal title holders or leaders.

The legitimacy of leaders and their authority is spelled out in the Kitab Keadatan or Tribal Customary Laws which is the body of laws that the Baglalan or tribal title holders implement. It has three major parts, the *Ukit* which lays down general guidelines to be followed by the constituents of the whole community in the performance of their social duties. The Ukit is like a Constitution of a country which has a Preamble and four chapters.

The second part of Kitab Keadatan is the Tegudon which is the detailed basis of day-to-day activities in implementing the Ukit. It lays down the guidelines for constituents' relationships with land and community livelihood, leadership, culture, defense and justice system as well as the concept of development for Teduray society. It is also composed of four chapters.

The third part of Kitab Keadatan is the Dowoy. The Dowoy provides for penalties and disciplinary actions including the manner and those in charge of executing the penalties for any transgressions in the Kitab, Ukit and Tegudon.

Traditionally, the Kitab, Ukit, Tegudon and Dowoy were orally handed down from one generation of Baglalan to the next then disseminated using the same medium to the constituents in the different communities. Presently, through the efforts of the Timuay Justice and Governance organization, these important traditional guidelines of the Teduray way of life are being written to prepare these for codification and eventual popularization among the entire Teduray population not only in Upi but also in the other towns in both Maguindanao and Sultan Kudarat where the Teduray have lived since “time immemorial.”

According to the Ukit, as compiled and adopted by the Timfada Limud (Tribal Congress) of both Teduray and Lambangian held on October 2-5, 2002, the Timuay Labi (Supreme Chieftain) is the highest leader of the Timuay Justice and Governance. He chairs the meetings of the Supreme Council of Chieftains (Minted sa Inged). The Timuay Labi is assisted by the Titay Bleyen (Assistant to the Supreme Chieftain), the Ayuno Tulos (Administrative Officer), and sectoral representatives from the youth, women, peasants, fisher folks, professionals, civil society organizations and other sectors. The Council also includes some elected members whose number is to be determined by law in accordance to the need of the TJG.

Since the Council is composed of representatives of various sectors, the election of the Supreme Chieftain or Timuay Labi is done by consensus among the Council Members. However, there are some qualifications required of anyone who will become the Supreme Chieftain. Among these are: sufficient experience and good leadership track record; wide knowledge of the Ukit, Tegudon and other laws used by the TJG; must be able to read and write; must not occupy any position in the mainstream government (Philippine national and local government units), as well as in the private sector. In addition, a Supreme Chieftain candidate must not be below 35 years old at the time he or she assumes responsibility.

#### *Organization of socio-economic and political activities*

Traditionally and even in the current efforts to preserve the Ukit and Tegudon, the political organization of the Teduray is not hierarchical but egalitarian. In their social organization, the Teduray were organized in settlements of five to ten families that constituted dispersed hamlets, spread out over an area. During his extended period of immersion with the Figel Teduray in the late 1960s, Schlegel also observed that in the Figel neighborhood that there were no indications of rank or high status other than the Balaud's having a much bigger house than the rest of the community members. The legal leader of the community lived in exactly the same simple way as the others in the community.<sup>16</sup>

Presently, Teduray families tend to cluster together in the barangays where they are present although some of the traditionally dispersed households still exist in the more remote areas of the Teduray mountainous homeland. According to the MVO/ACH household survey, the basic residential unit is a nuclear family composed of the father, mother and children. But because of close extended family ties, the Teduray family may include unmarried, dependent elders or even married but still dependent children. Among the Teduray, the family is a group of persons living together and eating from the same pot. This explains why the Teduray term for family is “kemureng” (pot).

According to Schlegel, there are four overlapping social groups among the Teduray, namely: the neighborhood, the settlement, the household and the nuclear family. Kin ties – both by consanguinity and affinity - largely determine family relationships. On the other

hand, households and settlements are spatially established (since they live in dispersed hamlets). The neighborhood is basically oriented to social ties related to working together in daily subsistence work, like hunting or doing slash and burn agriculture. <sup>17</sup>

The *inged* (neighborhood) is the largest social unit. It comprises several settlements the members of which render mutual assistance among themselves in all agricultural activities (like swidden or slash and burn among more traditional and mountain-located Teduray) as well as in community rituals. Normally, most members of an *inged* are related to each other through consanguinity or affinity.

In a neighborhood or hamlet, work and the outputs of the work are shared among the households. The daily catch of a group of hunters of a neighborhood – be it meat from wild pigs or deer or fish caught in the river - is shared equitably among the member households. There is cooperative unity among the members of a particular Teduray community. Such gesture of sharing leads to the formation of strong social cohesion among community members.

As mentioned earlier, the Teduray political organization is basically egalitarian. This doesn't mean the neighborhood does not have a leader. The leader of each subsistence unit or group from the neighborhood is usually chosen by consensus by the member households. The leader oversees the clearing of the swidden, the planting and harvesting of crops and the equal sharing of rice or any other food produced from the land or gathered from foraging activities. Among the swidden-oriented Teduray, the leader of the neighborhood also determines when to move and clear the next swidden settlement. The leader does this in consultation with the shaman or *beliyan*.

#### *Power distribution, allocation and control, processes of decision making*

Distribution of power in the Timuay Justice and Governance structure is based on the principle of collective leadership. As such, political power is not centralized in one body, e.g. the Council of Chieftains (Minted sa Inged). It is the center of leadership, but this leadership emphasizes that its authority emanates from the constituents or ordinary Teduray whose representatives sit in the various councils from the village level to the Tribal Congress level. Figure 1 shows the Timuay Justice and Governance structure.

Figure 1. TIMUAY JUSTICE AND GOVERNANCE STRUCTURE

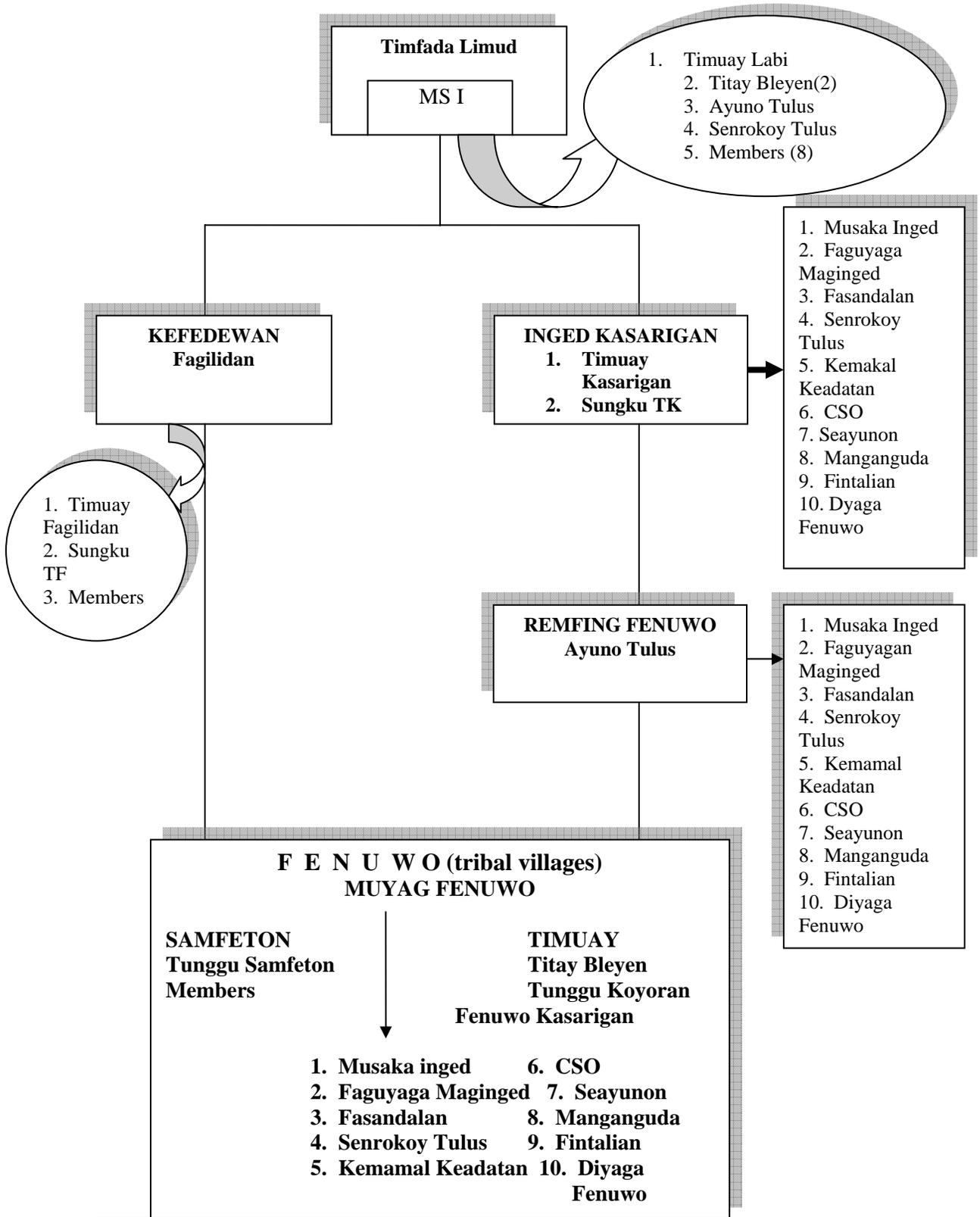


Figure 1 shows the various levels of decision-making in the Timuay Justice and governance system. The levels are not indicators of hierarchical orientation but rather that of recognizing that every level of Teduray political organization has its own processes of decision making, as laid down in the Ukit or Teduray constitution. At every level, all sectors of the community are represented by their acknowledged leaders who sit in the local or village council or tribal villages.

### *Justice and conflict resolution system*

The Timuay Justice and conflict resolution systems, procedures and processes are the mandate of the Kefedewan or the Tribal Justices. These are tribal title holders who are acknowledged experts in resolving different types of conflicts (*lidu* in Teduray language). Conflicts are settled through a series of *Tiyawan* (tribal judicial procedures) in order to make every constituent maintain a “good state of mind.” (Article IV, Teduray Ukit or Constitution)

Among the Tribal Justices, the Fagilidan or Tribal Appellate Court is the highest level of leadership. The Fagilidan formulates the governing rules and guidelines in the Tiyawan process. These rules shall in turn be approved by a Congress of Kefedewan.

The Tiyawan can be likened to a formal adjudicatory discussion before which cases involving members of the community are brought for deliberation and settlement. To qualify as a Kefedewan, an individual must be highly learned in Teduray customs and laws and should possess extraordinary skills in reasoning and a remarkable memory. In addition, he or she should have the capacity to be calm and collected in the debates that would ensue during the Tiyawan and should be able to speak in highly figurative or metaphorical language in the process of settling disputes.

It is the mandate of the Kefedewan to see to it that the rights and feelings of the protagonists in a case brought for adjudication are respected and satisfied. The position of the Kefedewan, like all the rest of the positions in the Timuay Justice and Governance structure, does not have any compensation. As such, the Kefedewan needs to carry on with his or her usual economic or subsistence activities like the rest of the members of the community.

For the Teduray who have largely been assimilated to the mainstream cash economy of the lowland majority Filipinos, the traditional role of the Kefedewan of the Fagilidan has diminished over the years. The role of the Kefedewan for these Teduray has been supplanted by their counterparts in the Philippine government political and legal system. Peasant Teduray are constituents of the legally elected representatives of the Philippine government units in their barangay, municipality and province. Many of these representatives are non-Teduray.

According to Articles 186 to 188, the settlement process followed by the Kefedewan goes as follows:

- ⇒ First step: *Felolok* or filing of the case. The case shall be reported to the kefedewan. The report should include a description of all the circumstances that contributed to the case and the recommended resolution of the victims of the incident.
- ⇒ Second step: *Sobut* (verification) – All the Kefedewan involved will coordinate with each other and meet to discuss the case for their immediate action. The suspect

shall be informed of the case so he or she can prepare. The date for the settlement of the case shall be set for the information of both parties. If the parties to a case are not available, they can be represented by their relatives, parents or any person they authorize or trust to represent them.

⇒ Third step: *Tiyawan* (Actual settlement) – This is the complicated process of bringing peace to the mind of the victims. A highly metaphorical almost mystical type of language is used by the Kefedewan during the *Tiyawan* deliberations. The kefedewan must never lose his or her cool during the debates. The *tiyawan* process has four steps, namely

1. *adang* (introduction) – here, both parties exchange greetings; and the kefedewan checks if all the parties involved are present and later the kefedewan in charge will narrate the case brought to them for settlement.
2. *sefetukol* – it is in this stage where the rights of both parties are stated. Those who are wrong have to give way. The Kefedewan makes a critical analysis and appropriate decision on the case.
3. *Timfad* – here, one of the Kefedewan will give the decision; however, he inquires from those who are present if there are no reactions
4. *Feredaan* – announcing the agreement or decision on the case

### *Land tenure and property system*

One of the principles followed by the Timuay Justice and Governance is the communal ownership of everything in the community. Traditionally, the Teduray recognize that things are not owned by anybody. Humans are just stewards of things on earth – they are free to use these things in order to survive in this world. This communal concept of ownership is especially applied to land and other basic sources of livelihood. Despite this principle, the TJG respects the rights of individuals to own properties.

It is this principle of communal ownership that has paved the way for the disenfranchisement of the Teduray from their ancestral lands. During colonial times, Public Land Laws were promulgated for citizens to apply for Torrens titles for lands they have cultivated over the years. Among these were the Land Registration Act of 1902 which had follow up versions in both 1903 and 1905. In 1902, the LRA required that citizens should register their land holdings or the lands they have cultivated since the time of their ancestors. Not being schooled in English and in the ways of the Americans at that time, the Teduray, along with Maguindanawn and other ethnic tribal groups did not bother to follow this law. The Public Land Act of 1905 provided that all those lands not registered under LRA 1902 will be considered public lands and therefore alienable and disposable. Anybody who can provide proof that he or she owns any parcel of land can have this land registered in his or her name.<sup>18</sup> This was also true for corporations. As a result, many non-natives of the area were able to register lands of indigenous peoples.

Presently, many impoverished Teduray are landless and work as farm hands for lowland landlords in the mountains that the Teduray consider their ancestral homeland. They also do farm-related labor like corn shelling (using their hands) for which they get measly pay like PhP 10.00 per sack of shelled corn.

### *Service provision and delivery system*

Services rendered by the leaders and tribal title holders in the TJG are voluntary in nature. Even the Supreme Chieftain (Timuay Labi) performs his tasks without any remuneration. All positions in the TJG structure do not carry any wealth or position or centralized power since decision making is done collectively by the councils at every level of the governance system, from the fenuwo (villages), remfing fenuwo (cluster of villages) to the inged (territory) up to the Tribal Congress (Timfada Limud) level.

Delivery of services is done directly, to whoever needs a particular service or work from any of the leaders in the village, cluster of villages up to the tribal level. For example, when cases are brought to the Kefedewan for adjudication, the Tribal Appellate courts will be convened immediately.

### *Management and utilization of resources*

According to the principles followed by the TJG, the environment is the basic source of food, medicines and materials for both the home and the people's livelihood. The Teduray consider their environment an extension of their lives and bodies. Thus, they deem it necessary to preserve and maintain people's closeness to and good relationships with the environment. According to this principle, the Teduray are prohibited to do anything that will destroy the environment.

The present state of environmental degradation in the Teduray ancestral homeland is caused by excessive logging by non-Teduray. This is also one reason why the Teduray is pushing for a delineation of their traditional homeland so they have a legal basis for ejecting any entity that has caused the destruction of their natural resources.

The TJG also spells out proper management and utilization of resources considering their basic principle of respecting people's close ties with the environment. The plans and programs for management and utilization of resources are done through the Faguyaga Maginged. Livelihood programs shall emphasize food security through food production without the use of inorganic chemicals. Materials to be used should be environment-friendly so that natural resources in the forests, rivers and seas will not be depleted. In the cluster of villages, it is the Senrokoy Tulus who is tasked to implement programs on resource management.

### *Value and education system*

Socialization among Teduray children starts early, when a child has already learned to walk. At the age of six, a Teduray child is already exposed to the farming way of life of their parents so he or she becomes a helper to his or her parents in the fields. This early orientation to farm work educates the Teduray child to the ways of surviving in his or her society so that by the age of puberty the child is already ready to work in the farm like his or her parents.

For the Teduray, anything used by human beings for survival, for preserving good relations with the neighbors and other members of society has a value (laga, in the Teduray language). This system of recognition of a thing's value is considered by the Teduray as very important in "putting an orderly flow of life in society."<sup>19</sup>

Education for young Tedurays is largely done through informal means, like socialization at an early age, and through imitation of what the older members of society are doing.

### **Analysis of Governance System**

As described above, leadership among the Teduray emanates from the masses and should therefore be given back to them through the duly authorized leaders in the various levels of councils from the village, cluster of villages to the Tribal congress.

This principle has to be considered in analyzing Teduray governance.

*Participation village decision making, local and national elections, and representation in formal governance systems*

Section 6 of the Ukit stipulates that every human being in society has equal status with others. This is based on the view that land is the “Mother” of all human beings. This being so, all human beings, as children of the Mother Land, are equal. The Ukit forbids the use of other human beings in order to elevate one’s status in society.

This principle is the basis for the collective form of decision making in the various levels of Teduray governance. Every citizen has the right to participate freely and voluntarily in the deliberations in the village level assemblies up to the assemblies among the tribal title holders or Baglalan in the Tribal Congress. Based on this principle, Teduray governance is highly participatory. Every constituent is given the right to claim his stake in deliberations that will redound to his welfare.

Present-day, acculturated Teduray have already been assimilated to the cash, credit and market economy prevailing in lowland communities. They are also integrated into the Philippine local and national government units as constituents who are required to participate as voters in both local and national elections. This is perhaps the only type of participation that ordinary Teduray constituents do in their lifetime. Largely because of their marginalized and impoverished status, present-day Teduray are not adequately represented in the Philippine formal governance system. Those elected to bring their voices in the Philippine’s House of Representatives are non-Teduray and expectedly, will not be bringing the voices of the lowly Teduray in the national body.

The sorry state of public infrastructure in the Teduray homeland, like rough and rugged roads that become impassable during the rainy season is one indication of Philippine government neglect. The roads going to the two mountainous Upi towns, according to Schlegel, are poor excuses for roads. These are just bigger versions of mountain trails, complete with large potholes and craters; sometimes these are big enough to hold one small jeepney. It seems no improvement in the condition of these “roads” have been made since the time of Schlegel’s fieldwork among the Teduray, which was in the 1960s.

Perhaps the only indication of Teduray representation in the Philippine formal governance system is in the creation of an Office of Southern Cultural Communities (OSCC) in the ARMM. The office is headed by a Teduray woman who married a member of the local Maguindanawn elite. One of her daughters has been appointed the Deputy Governor for Indigenous Peoples in the ARMM. However, the representation of this mother and

daughter team is limited by the fact that there are no sufficient funds provided for them to contribute to the over-all welfare of the IPs, especially their fellow Teduray.

*Access to systems of justice and conflict mediation including informal justice and conflict resolution mechanisms*

As far as the traditional Teduray conflict resolution, mediation and justice systems are concerned, all Teduray have free access to these services from the village Kefedewan up to the Tribal Appellate Courts (Fagilidan). A village can have more than one kefedewan to make justice accessible for all constituents. There are provisions in the Kitab Keadatan, especially in the Ukit and Tegudon that guide all constituents who are wronged or victims of conflict of any form in the redress of their grievances, and in seeking justice.

Among the more traditional Teduray, it is practically the institution of the kefedewan that is considered highly operational or actively being practiced up to the present. According to one key informant, all other traditional systems have lost their hold on many Tedurays, especially those who have been integrated into the cash economy of the lowlanders. But the kefedewan is still being regarded highly in terms of settling disputes.

It is in the Philippine formal justice system that the ordinary Teduray have limited, if not, no access at all. Being poorly educated, economically and politically marginalized, the Teduray are rendered helpless if they get into trouble with Philippine law. Generally, the Teduray are also peace loving, so whenever they see conflict brewing, they would rather retreat to the mountains than be a protagonist in the conflict. They have good reasons for avoiding conflict, especially with lowlanders – they have no access to legal aid provided by good lawyers. Consequently, the Teduray always get short-changed in their transactions with scheming and wily lowland middlemen and women.

*Interactions between national and formal justice systems and customary law systems of IPs*

Harmonizing national formal justice systems and the Kitab Keadatan, Ukit and Tegudon is a formidable challenge. This is true despite the fact that the Philippine Constitution of 1987 recognizes the inherent rights of indigenous peoples, as specified in Section 22, Article II: “The State recognizes and promotes the rights of indigenous cultural communities/indigenous peoples within the framework of national unity and development.” Another section of the 1987 Constitution is more explicit: “The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.” (Section 17, Article XIV).

More succinctly, a landmark national legislation provides the framework for a possible harmonization of Teduray indigenous justice systems with the national justice and legal instrumentalities. The Indigenous Peoples Rights Act (IPRA) of 1997 otherwise known as Republic Act 8371 has two provisions on this:

- Section 13, Chapter IV: “The State recognizes the inherent rights of the indigenous cultural communities/Indigenous Peoples to self-governance and empowerment and respects the integrity of their values, practices and

institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.”

- o Section 15, Chapter IV: “the ICCs/IPs shall have the right to use their commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.”

It has been almost a decade since RA 8371 has been passed. Yet, recognition of Teduray indigenous justice and governance systems has not yet happened. Teduray leaders in the TJG deplore the fact that the IPRA does not apply to ARMM. The implementing arm of IPRA is the National Commission for Indigenous Peoples (NCIP). Unfortunately, the NCIP has not been devolved to the autonomous region. It is still the Office of Southern Cultural Communities (OSCC) that takes care of indigenous peoples' welfare in the ARMM. Being just an “office,” the OSCC has very limited functions, and an even more stringent or shoestring budget. Thus, the discussions on Teduray ancestral domain claims that could be settled under IPRA have remained discussions up to this writing.

Timuay informants like Supreme Chieftain Alim Bandara also lament that the Ukit, Tegudon, Kitab Keadatan of the Teduray still remain documents that have not attracted the attention of the Philippine national legislative bodies. So the provision of the Philippine Constitution that national plans and policies should be formulated considering indigenous peoples' rights to their legal and justice systems is largely just an expression of lip service on the part of the Philippine national government.

#### *Gender sensitivity in traditional justice processes and respect for human rights in the outcomes of the proceedings*

The Timuay principle of equality of all human beings suggests that Teduray traditional justice and governance systems respect the rights of both women and men in the outcomes of proceedings presided by the Kefedewan in the Tiyawan (adjudication).

Expectedly, this principle is still an ideal, as women are still subordinate to their husbands, especially in the issue of taking more than one wife, and the problem of early marriage. In both cases, women bear the brunt of the deleterious effects. The Timuay Justice and Governance programs recognize this problem that needs to be resolved collectively with the participation of the women themselves.

#### *Practices in addressing discrimination and stereotypes of IPs through the media, NGOs, etc.*

Like other minority groups, Teduray can recount innumerable experiences of being discriminated against by the lowland majority population. Indigenous conflict resolution systems apply only to cases involving Teduray protagonists.

To address these acts against them, Teduray have resorted to the issuance of statements to the public through forums. Moreover, some young Teduray have agreed to put up a development center, an NGO service center that will facilitate various activities and programs designed to educate the larger Philippine public about their marginalized situation.

The Center also acts as the temporary office of the Timuay Justice and Governance and acts as an intermediary between the group and national and international NGOs and funding agencies that are interested to promote the rights and over-all welfare of indigenous peoples.

Through the Lumad Development Center, Inc., the Teduray and other indigenous peoples in Central Mindanao are making their voices heard by other people. It has also facilitated the organization of a federation of indigenous women, the Mindanao Council of Lumad Women, and has become active in regional women's networks not only in Mindanao but also in the entire country.

#### *Access to and control of land and natural resources, and access to mediation in land and resource disputes*

As pointed out earlier, many Teduray at present, do not have ownership and control of the lands they till under the plow type of agriculture. Many Teduray men and women work as farm labor and paid measly wages on an hourly or daily basis. The control of natural resources, especially their forest, has largely been usurped by illegal loggers, denuding their forests and destroying their watershed. Even their swidden farms are already threatened because soil in the mountains has become soft and vulnerable to erosion.

By virtue of their being members of the village, cluster of villages or inged, the Teduray always have access to mediation through the Fagilidan or the Tribal Appellate Courts. The Kefedewan in their respective villages make themselves available for the settlement of disputes, even those related to land and resource use. However, Teduray have limited access to mediation mechanisms under the Philippine legal and justice system.

#### *Access to education systems and involvement of youth in local governance institutions*

There are no indigenous formal education institutions among the Teduray. Succeeding generations of Timuay, kefedewan or beliyán (shaman) are taught by their elders informally, through learning by doing. Children are socialized early in life to learn the basics of swidden or plow-based rain-fed agriculture. In this sense, all Teduray children and youth have access to these informal ways of learning.

However, Teduray have very limited access to quality basic education, despite the presence of public elementary schools in many barangays in Upi. This is because of the lack of facilities like chairs, blackboards, and lack of rooms for a growing number of children who enter elementary school every year. In many mountainous barangays in Upi, classrooms are multi-grade, i.e. one room is occupied by pupils from different grade levels, starting from grade 1 to grade IV. The reason for this is the lack of teachers assigned to mountainous, hard to reach barangays in Maguindanao province. One elementary teacher in Rifao, for example, teaches pupils from Grades I to IV in one dilapidated classroom.<sup>20</sup> Moreover, some schools are situated quite far from the residences of the pupils. This becomes a disincentive for the pupils since they have to trek several kilometers just to reach the school. Poverty aggravates their poor access to educational facilities. Poor Teduray parents cannot afford to buy school supplies, enough clothes and other school needs of

their children. Subsequently, young girls, as early as 14 years old stop schooling and eventually get married.

Under the Ukit, or the Teduray Constitution, the youth are given a special place in tribal governance, starting from the level of the fenuwo (villages) up to the Tribal Congress. A youth sector representative sits in the Council of Leaders in each level. The youth actively participate in various forums on IP concerns, especially those that deal with the role of the IPs in the current peace process between the Philippine government and the Moro Islamic Liberation Front (MILF). They are signatories in the position paper presented by the Tribal Congress led by the Supreme Chieftain, Timuay Alim Bandara.

#### *Participation of indigenous women in formal and informal (customary) governance institutions.*

Women are recognized to have a distinctive contribution to society among the Teduray. According to the TJG organizational plans and programs, women have a special role in production and reproduction because of their distinctive capacity to give birth to the next generation of Teduray. In line with this recognition, women are given opportunities to participate in various social and political activities of the community.

Because of this recognition, some women are involved in the fenuwo or village level leadership councils, and some are kefedewan in a community.

In newly organized structures among the Teduray, like NGOs, indigenous women leaders are quite active not only among their own communities but also outside of it as officers of the Mindanao Council of Lumad Women. The only constraint to maximum participation of women is their poverty and lack of education, as already mentioned earlier. These barriers hamper their participation since they have to prioritize the survival of their families over other social or communal concerns.

### **Assessment of Governance Capacities**

*Accountability* - Because the leadership of the Timuay emanate from the people they represent, they are accountable to them. The Teduray customary laws (Kitab Keadatan, through the Ukit and Tegudon), explicitly requires that all representatives in the Tribal Congress of Leaders or Timuay are accountable to the unit they represent. The unit or sector that elected them by consensus has the right to replace them if needed according to set laws.

*Participation* – It is the duty of each Teduray constituent to participate freely in community assemblies, at the different levels of the TJG structure, from the village to the Tribal Congress. However, it is contestable whether their participation is substantial enough to influence decisions in the deliberations of the village councils or the Tribal Congress.

*Predictability* – In an effort to be more predictable to their constituents, the Timuay Justice and Governance Council of Leaders or Minted sa Inged have written down all important and essential provisions of their customary laws (Kitab Keadatan, Ukit and Tegudon). Writing down the provisions of a set of laws and guidelines on appropriate conduct of justice and governance processes will lead to consistency and fairness in the application of customary

laws, village decisions, and policies. Before the TJG adopted their Constitution in 2002, they conducted surveys and field work among various groups of Teduray to make sure they are able to include all traditional concepts on justice and governance.

*Transparency* – Information from the village level councils flow through the various functionaries tasked to disseminate such. However, because of the low literacy levels of many Teduray, information needs to be disseminated not through the printed word but through word of mouth. Sometimes this medium creates some confusion and misinterpretations. But a system of disseminating information exists except that it is hampered by the lack of facilities for effective flow of communication.

## **Conclusion**

Despite the inroads of mainstream socio-political and economic systems, many Teduray have still preserved their cultural traditions and still go about their daily life in accordance to their customary laws. They also believe that their traditional leaders (Timuay) have the capability to lead them for the good of the tribe.<sup>21</sup> The Timuay efforts to codify their age-old Ukit, Tegudon and other traditional guidelines, especially that of their distinctive justice and conflict resolution system indicates that the Teduray still prefer to be guided by customary laws rather than those under the Philippine justice and legal system. This desire is further shown in many statements the Timuay have submitted to national bodies to recognize their distinctive identity as non-Christian and non-Muslim indigenous inhabitants of Upi and its nearby towns in Maguindanao.

The corpus of Philippine legal instruments and policies, from the Philippine Constitution of 1987 to the IPRA of 1997 and now with Republic Act 9054 or the Expanded Autonomy Law for the ARMM, is replete with provisions to recognize and respect indigenous systems of law, justice and governance. The Constitution explicitly provides that in formulating national policies and programs, such indigenous systems should be considered.

After more than a decade of following the 1987 Constitution, and almost a decade of the IPRA, the clamor of the Teduray for recognition of their legal, justice and governance system still remains unheard by appropriate national bodies, like the two houses of Congress. The Ancestral Domain Claim of the Teduray has remained in limbo since the national body to act on these claims has not yet been devolved to the ARMM. The ARMM's Regional Legislative Assembly (RLA) still needs to enact a regional version of the IPRA or implementing guidelines to devolve it to the region. Recognition of indigenous peoples' systems of justice and governance should go beyond empty pronouncements or just words in a sheet of paper. Appropriate implementing mechanisms for harmonizing indigenous systems with those of the national government should be put in place and adequate funding should be provided for these mechanisms to operate.

There is no question about the capacities for implementing sound governance and justice system among the existing council of Timuay in the Minted sa Inged. For quite some time, the Timuay council has volunteered their time and effort to come up with a written version of their customary laws without compensation for their services.

For as long as this system is not allowed to develop and flourish under the Philippine national system, the vision of Teduray communities led by Teduray themselves will remain a dream. The provisions in the Teduray Ukit and Tegudon will just remain a set of idealized

standards of behavior or worse, a possible genre of folk traditions that are just studied but remain unimplemented.

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## Endnotes

<sup>1</sup> The first listing made by the Commission on National Integration (CNI) consists of only 17 ICC groups in Mindanao which are non-Muslims (see Rodil, 2004, p. 12). However, in subsequent pages, (pp 39 onwards), Rodil cites that there are 18 of such groups, and the Tiruray (Teduray) is one of them.

<sup>2</sup> “Lumad” is a collective term to refer to all the 18 indigenous groups in Mindanao that have not been Islamized or become Muslim. It is a Cebuano-Visayan term adopted by representatives of 15 of the 18 groups in a Congress in Mindanao in June 1986. In that congress, the representatives of the 15 groups, the Teduray included, decided to use the term Lumad even if it is a Cebuano term to refer to them collectively. (Rodil, 2004: 41) Since then, the term has been contested in various forums since it is not found in the languages of any of the 18 IP groups.

<sup>3</sup> Culled from the Position Paper of the Teduray and Lambangian and Dulangan Manobo on the Ancestral Domain Aspect of the GRP-MILF Peace Negotiations. See section on Background, p. 1

<sup>4</sup> Position Paper, *ibid.*, p. 2

<sup>5</sup> From Inception Report, p. 3

<sup>6</sup> Accion Contra el Hambre – University Research Center, *The Case of the Teduray People in Eight Barangays of Upi, Maguindanao*, p. 20. Schlegel, however, claims in his 2000 book that the establishment of the first schools in Teduray homeland is credited to American Captain Edwards who married a Teduray woman. The establishment of the first schools in the area, according to Schlegel, started as early as 1920s.

<sup>7</sup> Accion, *ibid.*

<sup>8</sup> Ra, Allado as cited in a documentary movie on the Teduray, “People beyond the Trails,” produced by the Notre Dame University’s Research Center and Educational Media Center for Accion Contra el Hambre, 2004.

<sup>9</sup> Schlegel, as cited in ACH, 2005.

<sup>10</sup> ACH and URC-NDU, pp.58-59

<sup>11</sup> ACH and URC-NDU, *ibid.*, pp. 8-18

<sup>12</sup> *Ibid.*, p. 59

<sup>13</sup> Lumad Women Research Program, LDCI, “A Closer Look...” in *MCLW Newsletter*, Vol. 1, No. 1, October-December, 2005. Cotabato City: LDCI, p. 13.

<sup>14</sup> Key informant interview conducted March 6, 2006, LDCI Office, Cotabato City.

<sup>15</sup> From key informant interview with Timuay Alim Bandara and from the Orientation Paper on Timuay Justice and Governance, p. 2.

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<sup>16</sup> Stuart Schlegel, *Wisdom from a Rainforest. The spiritual journey of an anthropologist*. Quezon City: Ateneo de Manila University Press, 1999. p. 37

<sup>17</sup> Schlegel, as cited in ACH and URC-NDU, pp. 6-7

<sup>18</sup> See Muslim, Macapado and Rufa Cagoco-Guiam, "Mindanao Land of Promise," in *Accord: an International Review of Peace Initiatives. Issue on Compromising on Autonomy, Mindanao in Transition*. London: Conciliation Resources.

<sup>19</sup> Article V, Land and Livelihood, Teduray Constitution or Ukit.

<sup>20</sup> See "People Beyond the Trails," documentary movie on the Teduray, produced by the Notre Dame University Research Center and Educational Media Center for the Accion Contra el Hambre, 2004.

<sup>21</sup> ACH and URC, *The Case of the Teduray of eight Communities in Upi, Cotabato City*: URC and ACH, 2005, p. 56.

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## Part II

### Proposal

#### **Establishing an Indicative Framework for Indigenous People's Governance: Towards a Broader and Inclusive Process of Governance in the Philippines**

### Introduction

The Philippines indigenous peoples' population constitutes roughly between 12 and 15 million or approximately 15 to 19% of the country's total inhabitants of 80 million as of 2004. Totalling approximately 109 or 110 ethnolinguistic communities, they can be found mostly in the northern and eastern part of Luzon (33%) and all over Mindanao (61%). The others (6%) are scattered in the islands of the Visayas<sup>1</sup>. The plurality of societies and diversity of people in the Philippines offer vast opportunities for economic growth and challenges to democratic rule and governance. The diversity of the country's patterns of economic and political development has been conditioned by historical circumstances as well as national and international events that laid impact on the manner and mode of governance among the IPs.

This part of the study is an attempt to propose a framework of governance given the country's political, economic, social, and cultural pluralism. The strategic framework is laid down to enhance a rights-based approach in IP governance and promote a multi-cultural development among the people who remain to live in their diverse ways-of-life and systems.

### Governance Framework

Indigenous governance is defined here as the scope of governance by indigenous peoples that, within the structure of the applicable legal norms and of the nation-states of which these peoples are part of the sovereign territory, and in keeping with indigenous peoples' own political structures and institutions, decides control of their own economic, political, social, and cultural development, internal management of their own lands and territories<sup>2</sup> in recognition of the special relationship that exists between the land and ethnic and cultural identity, and effective participation in local or sub-national government.

This study proposes a multi-level and multi-cultural governance framework that acknowledges, respects, and advances the rights of indigenous peoples to their system of governance, ancestral domains, resources, cultures, and identities.

As shown in the study (see first part of the Report), IP systems and practices of governance have co-existed and stayed robust (despite some threats) in conjunction with the current unitary structure and "modern" system of government. This signifies the durability and viability of IP political structures, institutions, mechanisms, and processes

in the long term as well as the strength, resilience, and potency of customary laws to endure the challenges and pressures of change. IP governance survived beyond the state; it is governance without government, so to speak.

“Governance beyond the state” and “governance without government” involve important questions concerning the location of power, the sharing of responsibility, the legitimacy of decisions and decision takers, and the accountability to citizens and organizations in different sub-national, national, and international settings.

Understanding diversity in IP political systems requires an appreciation of multi-level governance. “Multi-level” refers to a variety of forms of decision making, authority, policymaking, regulation, organization, ruling, steering and others, that are characterized by a complex interweaving of actors operating at different levels of formal and informal jurisdictional or administrative authority, ranging from local, regional, to national. Multi-level governance is a concept that attempts to capture the dynamics of vertical and horizontal shifts from government to governance. Governance, it is argued, occurs in networks of both state and societal actors, particularly interest groups, which form complex policy networks and arrive at decisions through multi-level negotiations rather than via hierarchical command from the state.

On the other hand, multicultural governance is a political instrument in managing cultural diversity. Multiculturalism is also a public policy approach to administer idiosyncrasies and peculiarities of people. It promotes unity, racial harmony, cross-cultural understanding and respect. It fosters full and free participation of all citizens in all aspects of economic, social, cultural and political life. In this context, it advances universal ideals of human rights based on mutual respect, co-operation and a fair go for all.

An important premise of multiculturalism is the commitment of government and community to foster a cohesive and harmonious society into the future. It is an important policy to harness the full potential of the country’s cultural diversity and its latent influence on one’s social and economic future. And more importantly, multiculturalism offers protection to minorities and ensures them that they are part of the nation-state; a perception of exclusion is one of the fundamental reasons why highly politicized minorities secede.

National policies of states that promote multiculturalism are far more significant in solving conflict and managing diversity. Strictly understood, multiculturalism can be workable as a basis for social and political cohesion. However, it may not be the only way in which cohesion associated with ethnic diversity is produced. Any effort to formulate policies of managing ethnically and culturally diverse societies needs to consider not only the specific programs and practices but also the socio-economic and political context and the objectives of the state and its citizens.

The principle of multiculturalism has to go hand in hand with democracy and a broad regional autonomy. In fact, only democracy can really accept multiculturalism as a concept of state and nation building. It is through a more democratic structure, institution, and process that empowerment of the people, including and especially minorities, be strengthened, enhanced, and promoted. Multiculturalism can make the people or groups of people feel that they are part of the whole nation-state. As such it will create national identities and national consciousness. Multiculturalism is not simply

tolerance to ethnic and cultural differences but profound understanding of peoples' differences and resolve to live in harmony with people having differing cultures, religions, languages, beliefs, and ways of life.

Besides democratic rule and polity, successful management of multiculturalism and multiethnic societies requires the struggle against social and economic inequalities and exclusion. An important innovation in the specification of the dimensions of multiculturalism is the inclusion of "economic efficiency." Economic productivity which follows from this dimension involves utilizing the cultural skills and talents of people from diverse cultural backgrounds to extend state's economic initiatives both locally and internationally. The use of economic advantage as a basis for achieving legitimation and national acceptance of multiculturalism is not fortuitous but created.

The effort to move forward towards the institutionalization of a multicultural or plural democracy as the basis for a kind of State and society promotes the recognition of ethnic and cultural pluralism and the exercise of IPs collective rights to defend and re-claim their domains, resources, identities, and cultures. Multi-level governance on the other hand aims to increase IPs self-representation and fortify their advocacy capacity at the local, national, and even international levels, where the decisions affecting their rights are being made.

### **Instruments and Approaches**

The National Commission on Indigenous Peoples (NCIP) continues to be the overarching government's instrumentality that "formulates and implements policies, plans and programs for the recognition, promotion and protection of the rights and well-being of Indigenous Cultural Communities (ICC)/IPs with due regard to their ancestral domain and lands, self-governance and empowerment, social justice and human rights, and cultural integrity."<sup>3</sup> Its major programs include:

1. Land tenure security - involving the survey and delineation of ancestral domains, the issuance of Certificate of Ancestral Domain/Land Title (CADT/CALT) and registration of CADTs/CALTs.
2. Establishment of Model IP Communities through Development and Peace – involving development of Ancestral Domains (AD) through the Ancestral Domain Sustainable Development Protection Plan (ADSDPP), development of people/communities through coordination of delivery of basic services, education assistance, bridging international agencies' support services, protection of cultural heritage, and cultural mapping of IP communities.
3. Enforcement of human rights and empowerment of IPs – involving assistance in the resolution of conflicts through custom laws and traditional practices, NCIP adjudicatory processes (A.C. 1, s. 2003), facilitation of "free and prior informed consent" where needed (AO 3, s. 2002); legal assistance to communities; constitution of national consultative body (AO 1, s. 2003), and quick response mechanism for emergency cases.

Apart from the NCIP, the "free and prior informed consent" (FPIC) embodied in sections 7 (b and c), 44 (m), 46 (a), 57, 58 and 59 of the Indigenous Peoples' Rights Act

(IPRA), adopted subsequently as an NCIP Administrative Order in 2002, can be an effective legal instrument to safeguard customary laws and indigenous practices of IPs against external manipulation, interference and coercion coming from either the state and non-state actors which may threaten indigenous governance from flourishing.

The FPIC is required by law for the following activities: exploration, development and use of natural resources; research and bioprospecting; displacement and relocation; archaeological explorations; policies affecting indigenous peoples like Executive Order 263 (Community-based Forest Management) and entry of military. Moreover, FPIC provides that:

1. All members of the IP community affected consent to the decision;
2. Consent is determined in accordance with customary laws and practices;
3. Freedom from external manipulation, interference or coercion;
4. Full disclosure of the intent and scope of the activity;
5. Decision is made in language understandable to the community; and
6. Decision is made in process understandable to the community.

Operationalizing the proposed framework of governance under the general legal instrumentalities necessitate that the following approaches be applied:

- *Participation*

Participation is both a means and an end to ownership, channeling resources, and prospective interventions that will result in improved governance. Participatory strategies are to be used to secure the active involvement and commitment on the part of the indigenous peoples toward the fulfillment of their rights. Likewise, it sharpens their sense of ownership as well as ensured the sustainability of IP-related programs, laws, rules, and regulations that may be crafted in the future relative to more effective governance.

Stakeholders' participation as one of the approaches in governance yields information on possible opportunities and challenges that may be opened for involvement where people will be able to realistically re-examine their capabilities and power to address their problems, maximize social benefits, and lessen their vulnerability to possible negative outcomes.

- *Cultural Sensitivity*

Cultural sensitivity is one of the critical elements in making governance more relevant and responsive to the needs and demands of the IPs. Apart from bringing the program closer to them, it derives new knowledge and skills from traditional and indigenous beliefs and practices for the development of appropriate and acceptable strategies for a sustainable IP governance system.

- *Communication*

Effective communication systems, strategies, and methods built understanding and synergy as well as promote action among the various actors throughout the process of empowering the IPs to exercise their legitimate rights. Feedback loops need to be established at all levels of government (formal or informal; modern or traditional) institutions and agencies to ensure that learning and coordination processes remain clear, open, and continuous. Through the employment of a variety of media and culturally appropriate and relevant communication styles, goals, objectives, roles, and responsibilities remained sharply focused.

- *Partnership*

Continuing partnership between and among stakeholders (duty- and claim-holders) deepens cooperation, collaboration, and joint ownership of IP-oriented programs, laws, and rules. Partnership has to be promoted, established and maintained across local government units, central government agencies concerned (e.g. NCIP, National Statistics Office, Local Government Academy, etc.), civil society organizations (CSOs), voluntary associations, and IP communities among others. Acceptable modes of partnership need to be pursued in order to establish effective and sustainable types of collaboration.

- *Capacity building*

Support for indigenous peoples governance is enhanced through: strengthening of capacity of institutions and processes for management; decision-making, and territorial and land administration at the local, national, and regional levels; improving management of the public budget in order to promote the effective, efficient, equitable, and transparent use of public investment in the territories of indigenous peoples; and institutionalizing mechanisms for consultation and good-faith negotiation between governments and indigenous peoples, especially in the design and implementation of strategies and public policies that affect these peoples. Strategies have to emphasize culture-based and appropriate methodologies, evidence-based planning and instruction, and performance monitoring as an integrated aspect of governance. Both positive and negative aspects of the belief systems are to be taken into account in crafting information strategies and services. The operationalization of the adjusted interventions that reflect the concerns of the IPs will require human resource development or training not only of the IPs themselves for IEC (information, education, and communication), monitoring and evaluation, but also of planners and service providers.

- *Rights-based*

The right to self-determination is the most important demand of the indigenous peoples' own organizations in both the national and international context. The right to self-determination as distinct peoples is regarded as the fundamental right, which is the basis for a broader recognition of culture, language, religion and other issues. The right to self-determination – as first defined in UN Security Council Resolution 1514 (XV), 1960 – is the right to determine one's own political status. In more practical and pragmatic terms this means the right to control one's own future and to freely form the terms of one's own economic, social and cultural development.

## Strategic Policy Framework and Directions for IP Governance

Multi-level and multi-cultural governance requires the full participation of the minorities and indigenous peoples in the entire political process, cutting across different levels and institutions of national and sub-national governments and interweaving in several or major cultural domains. It aims to strengthen and advance indigenous governance while attempts are made to gradually incorporate and build it in as an integral part of the country's politico-administrative system.

Henceforth, IPs' ownership to their system of governance and participation in state's affairs are fundamental principles for the co-operation and the implementation of IP governance program. They are envisioned foremost to empower the indigenous peoples. Through participatory principles and methods, democratization processes are supported along with other IP governance concerns, like safeguard of their ancestral domains/lands, control in the utilization of their resources, decision-making, and practice of customary laws, religions, and cultures.

Participation in development governance has four key elements: obligations, rights, representation, and alternatives.

- Obligations refer to state's responsibility to ensure that minorities and indigenous peoples benefit equally and justly from development. International covenants are replete with provisions that enjoin states to safeguard, protect, and promote minority rights. The Millennium Declaration,<sup>4</sup> among its many aims, seeks to strengthen the capacity of countries to implement 'the principles and practices of democracy and respect for human rights, including minority rights. (UN Doc A/54/2000).
- The right for many minorities and indigenous peoples to participate is one of the few ways to influence governance and development process. The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) says:

*'States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country' (Article 4.5).*

The International Labour Organization (ILO) Convention 169 states that indigenous peoples have:

*'the right to decide their own priorities for the process of development... and they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly' (Article 7.1).*

Article 30 of the UN's Draft Declaration on the Rights of Indigenous Peoples acknowledges that:

*Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require the State to obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources particularly in connection with the development, utilization or exploitation of mineral, water or other resources....*

- The representation of IPs in civil society consultations is often overlooked because of their marginalization, their different language or their remote habitats. Special effort is needed to ensure that these groups can be represented equally. A major barrier to IP representation is states' refusal to acknowledge that certain groups constitute minorities or indigenous peoples.

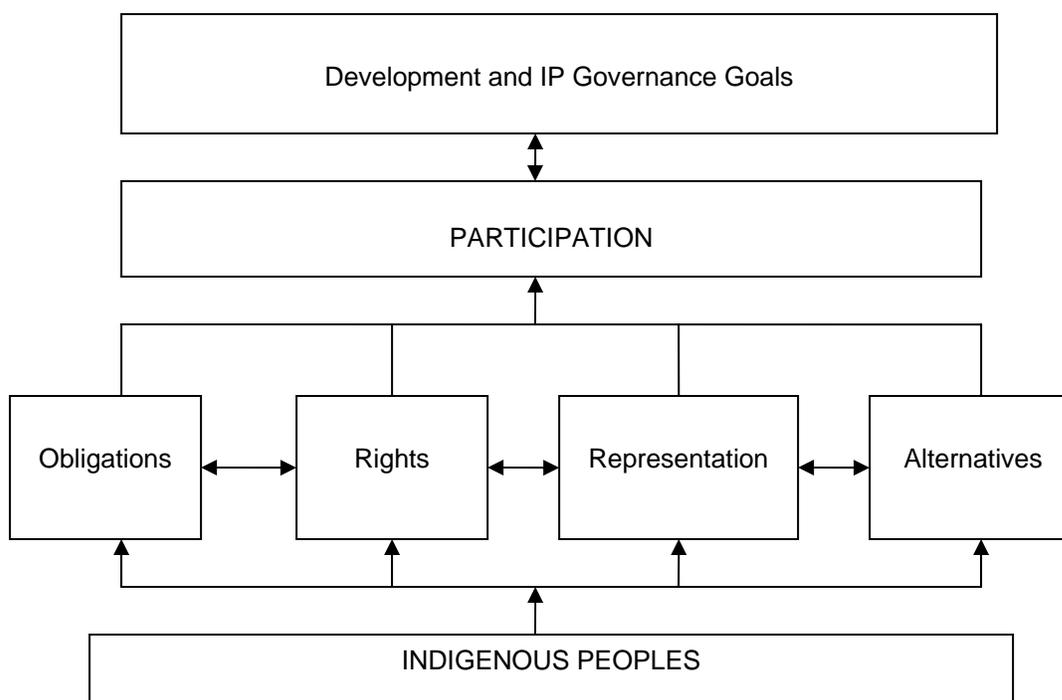
The process of representation must be equitable, informed and transparent. These groups must be invited to participate and be represented in policy and program design, implementation and evaluation. Information and meetings should be available in minority languages, and attention should be paid to ensuring that marginalized groups within minority and indigenous communities, such as women, older people, and people with disabilities, also have their voices heard.

- Minorities and indigenous peoples should be given the opportunity to articulate their alternative views on policies to reduce inequalities and to support their human development. Such participation will aid policy-makers to respond to the expressed needs and the rights of these groups, and to the key barrier of discrimination. Impact assessments should be a fixture of the consultation process, to measure the way in which proposed development plans will impact on these groups' economic, social, cultural and political lives. The results of these assessments should be expressed clearly to IPs to enable an informed participation, and the demonstration of alternative proposals.

Yet the rights of minorities and indigenous peoples have often been violated in the name of 'development'. Development and IP governance goals cannot succeed unless minority and indigenous communities' aspirations are respected. Achieving the development for IPs means mainstreaming their rights into all of the national, as well as international goals, and devising some specially-adapted programs to overcome the particular barriers IPs face.

Figure 1 shows the relationship between development and IP governance goals, and key elements of participation.

**Figure 1. Relationship between the Elements of Participation and Development Goal**



*Framework for IP Participation*

“Participation” has emerged as a mantra in development, as a central pillar of the shift toward increased IP empowerment and control over development. This concept is now internal to all types of projects and is widely promoted by numerous sectors, including government, academia, lending institutions and industry, though many question the authenticity of its adoption (see, for example, Rahman 1995). It has been recognized that projects aimed at helping the disadvantaged but which are imposed by outsiders with no local control have generally not been successful, and that real empowerment comes from local control over the development process. Increasing the participation of beneficiaries in development projects has been shown to result in better outcomes (Isham *et al* 1995).

One relatively common definition of participation in the development context is: “the organized efforts to *increase control over resources and regulative institutions* in given social situations, on the part of groups and movements of those hitherto excluded from such control” (Stiefel and Wolfe 1994: 5). The World Bank (1996a) and the Organization for Economic Co-operation and Development’s (OECD) Development Aid Committee (DAC) Expert Group on Aid Evaluation (1996) describe participation as “a process through which stakeholders *influence and share control* over development initiatives and the decisions and resources which affect them” (World Bank 1996a: 3).

Broadly speaking, participation may be considered an instrument of empowerment. According to Pandey (1998), participation in natural resources management means sharing ownership, management and benefits. But participation also includes the basic right to prior informed consent. More specifically, the terms public participation, citizen participation, local participation and stakeholder participation are used to specify the group involved. The term “stakeholder” refers more specifically to those groups which may be directly affected by state’s or private company’s activities, as opposed to simply involving people in a given geographic area.

Levels of participation

Numerous attempts have been made to tease out the various shades of participation (e.g., Arnstein 1969; Choguill 1996; White 1996). These efforts look to classify different levels, or degrees, of stakeholder involvement in projects. Arnstein’s 1969 ladder of citizen participation is perhaps the most commonly cited work in this area (see Figure 2), and clearly distinguishes between three key levels of participation: participation; token participation; and non-participation. Under this framework, consultation on its own is not true participation but can be viewed as a form of tokenistic participation, though at a higher level than manipulation or one-way information transfer, which is actually a form of non-participation.

**Figure 2. Ladder of Participation**

<p>1. CITIZEN CONTROL 2. DELEGATED POWER 3. PARTNERSHIP</p>	<p>PARTICIPATION</p>
<p>4. Placation 5. Consultation 6. Informing</p>	<p>tokenism</p>
<p>7. Therapy 8. Manipulation</p>	<p>non-participation</p>

Source: Arnstein, S.R. 1969. A ladder of citizen participation. *Journal of the American Institute of Planners* 35: 216-224.

In this classic framework, participation moves beyond simple consultation and allows indigenous peoples to meaningful contribute to and share decision-making responsibility for natural resources management issues.

Building upon Arnstein’s work, Stewart Carter (1999; 2000) has elucidated levels of community control for participation in mining projects (Figure 3). In general, the levels of participation can be grouped into four main categories: information-transfer, consultative (advisory), collaborative (joint decision-making) and local control.

**Figure 3. Stewart Carter's levels of Community Participation (1999)**



Mechanisms for participation

Just as there are different levels of participation, there are also different mechanisms for participation, which also can influence the quality of participation. An analysis of some common public participation mechanisms is provided in Table 2.

**Table 2. Participation Mechanisms**

MECHANISM	REPRESENTATIVENESS	INFORMATION IN [INPUT INTO DECISIONMAKING]	INFORMATION OUT [INFORMATION DISSEMINATION]	CONTINUOUS EXCHANGE	ABILITY TO MAKE DECISIONS
Public meetings	Poor	Poor	Good	Poor	Poor-Fair
Task force	Poor	Good	Good	Good	Fair-Good
Advisory groups	Poor-Good	Poor-Good	Poor-Good	Good	Fair
Social surveys	Good	Poor	Fair	Poor	Poor
Individual/group Submissions	Poor	Good	Poor	Poor	Poor
Litigation	Poor-Fair	Good	Good	Poor	Good
Arbitration	Poor-Fair	Good	Good	Poor	Good
Environmental mediation	Poor-Fair	Good	Good	Fair	Good
Lobbying	Poor-Fair	Good	Fair	Good	Fair

Source: Mitchell, Bruce. 1997. *Resource and Environmental Management*. City Addison Wesley Longman Limited. p. 164.

### Barriers to participation

The UNDP's 1993 *Human Development Report* recognizes that some groups are particularly prone to marginalization in the participation process, including poor people, women, minorities and indigenous peoples, rural people and the disabled. Special mechanisms may be required to ensure the participation of disadvantaged groups. Additionally, while efforts to involve these groups may create *space* for their participation, they may not *guarantee* it. For example, cultural norms may insist that women not express their views while men are present. Other factors which may limit participation include widespread illiteracy, social inhibitions, poverty and dependency, past experience, centralized governments which control decisionmaking, resources, and lack of information transfer to the rural poor, as well as project-related factors (Pandey 1998).

According to Choguill (1996), local peoples in the South face greater political, financial, technical and motivational constraints to participation in development projects. Additional selective barriers to effective participation include poverty, rural settings/distance, illiteracy, language barriers, local values and culture, legal systems, views of interest groups and the state of knowledge/access to information (Status of Women 1997; Saunders 1999).

### Ensuring Participation of IPs through Co-Management

Co-management is a general concept used to describe shared decision-making in the planning and administration of the local community's affairs especially among the depressed and marginalized communities. It has been defined as "a situation in which two or more social actors negotiate, define and guarantee amongst themselves a fair sharing of management functions, entitlements and responsibilities for a given territory, area or set of nature resources" (Borrini-Feyerabend *et al* 2000: 1). It has also been called participatory management, collaborative management, joint management, and other similar terms.

Co-management approaches are anchored in a commitment to the sustainable use of natural resources, equity and social justice, as well as the recognition of the value of community-based management activities (Borrini-Feyerabend *et al* 2000). While practitioners and theorists acknowledge that co-management arrangements may be lengthy and complex, they argue that the co-management process is an "expression of a mature society, which understands that there is no 'unique and objective' solution to manage natural resources but, rather, a multiplicity of different options compatible with both indigenous knowledge and scientific evidence, and capable of meeting the needs of conservation and development" (Borrini-Feyerabend *et al* 2000: 1).

Co-management is an appealing approach to participation since it implicitly recognizes indigenous peoples right to self-determination and informed consent on any "development-oriented" projects that may be introduced in their settlement. At the same time, it recognizes the reality of other goals and objectives from both the project and the State.

Apart from the principle of co-management, the Project Management Office (PMO) in cooperation with LGU concerned can consider indigenous factors that need to be taken into account in the entire operational system to ensure IP participation. These factors as well as social performance evidence are summarized in the table below. Note that the key questions suggested in column one and social performance evidence in column two of the table may increase the level of participation among IPs and at the same time offer the means of sustaining it through some documentary support to the entire process.

**Table 3. Key Questions on Indigenous Factors and Social Performance Evidence in Ensuring IP Participation**

<b>INDIGENOUS FACTORS</b>	<b>SOCIAL PERFORMANCE EVIDENCE</b>
To what extent does PMO research the cultures prior to engagement with IP communities/ settlements?	Cultural report Maps Significant sites marked
What mechanisms are in place for indigenous peoples to express their concerns about proposed and ongoing operational practices?	Minutes from meetings Interviews Translated documents Documentary evidence of replies
To what extent is indigenous knowledge of governance system incorporated into the planning stages?	Notes Indigenous knowledge Planning reports Physical evidence
Does the PMO have a policy to integrate indigenous people in the operations?	Community relations policy Evidence of participation Personnel files
What training programs are in place to allow full participation in the new socio-economic and political activity?	Training manuals/modules Training evaluation and feedback
What intercultural training is provided for the non-IPs and other IPs outside of the community concerned?	Dates and times of courses Course attendees Training reports
To what extent does the PMO assist and plan for avoiding areas of conflictual situations (territorial, development projects, etc.)?	Ancestral domain/land maps Demarcation of sites Infrastructure and mining plans
Are visual aids and other materials used to communicate with transparency the potential adverse effects to the IP communities?	Visual aids Tapes Interviews
Frequency of meetings: are there regular PMO representatives with language skills, sensitive to cultures and differing worldview perspectives?	Attending meetings Interview staff Interview committee

## Strategic Outline for Resource Mobilization

### *Objective and main elements of the strategy*

The main objective of the strategy is to generate support for indigenous peoples' right to self-governance, control their own development paths, and to determine matters regarding their own economic, social, political and cultural situation and future. Specifically, it intends to:

1. Mobilize support towards developing and strengthening of IPs' capacities for governance without jeopardizing and endangering their fundamental rights to their identities, cultures, and resources; and
2. Safeguard IPs and their rights against adverse impacts and exclusion in national governments'<sup>5</sup> development projects.

The strategy has three (3) key elements:

1. Inclusion of indigenous peoples' concerns in governance and development cooperation program. This will involve deepened and broadened dialogue, where relevant, on indigenous peoples' issues and interests. This requires continuous and regular exchange of information, knowledge, skills, resources, and technologies with relevant institutions on policy development as well as sharing of experiences and exploration of areas of cooperation and common interest.
2. Cooperation with IP-based and -oriented organizations and NGOs. This includes continued support for activities aimed specifically at promoting the conditions and rights of indigenous peoples; and
3. Consideration of indigenous peoples in economic and trade related issues. This includes innovative approaches to overcoming the economic, commercial, and trade related problems of indigenous peoples, including issues pertinent to the protection of indigenous peoples' knowledge, skills, and technologies.

Under this strategy three (3) thematic programs are suggested to be formulated:

1. Multicultural governmental systems program.

The multicultural governmental systems program shall be oriented towards sustaining the endeavors to practice the exercise of indigenous peoples' rights through a harmonization, whenever appropriate, of state's legal and selected major IPs' customary systems on the one hand, and operationalizing the processes through which the IPs strengthen their role as political actors in promoting their own system of governance on the other hand.

Through this program, the political organization of the IPs will be fortified that will enable it to provoke and sustain the progress, promotion, and defense of IP rights and welfare. Moreover, organizational development is expected to ensure the

institutionalization of local knowledge and capacity, leading eventually to the identification of strategic options and definition of interaction that coherently conforms to the dynamic and changing reality.

The program will also support the indigenous movements' efforts to recover or build up the self-government systems, to democratically access spaces of local power and to defend the right to control and manage the indigenous territories, particularly concerning the access to natural resources.

## 2. Territorial and resource management program.

This aims at consolidating the territorial rights and self-government of IPs. The program will focus in securing and protecting multicultural and multiethnic territories. The situation of the IPs is context specific and so is their relationship to the land and natural resources. Often, their survival, identity and culture depend on a particular environment. The biggest threat to IPs is often related to risks against the environment on which they depend. Development projects, economic interests and immigration imperil not only IPs rights to their land and resources but also to self-governance. Even well intended conservation programs have devastating impacts on the livelihood and the resource access rights of IPs. This is especially the case for those peoples who either do not have strong organizations to speak for them or a governance system that is unrecognized by the state apart from not being adequately represented in the national government's political system.

Environmental issues therefore should be integrated in all aspects of development cooperation and ensure that the use and administration of natural resources by the present generation do not take place at the expense of future generations. This calls for specific consideration for indigenous peoples and their children in order to guarantee that current developments are not in conflict with their survival as peoples in the future.

The strategy supports an examination of the situation of indigenous peoples in the Philippines and IPs full participation in programs and projects that affect their livelihood and environment. The strategy also proposes that program components and projects address territorial and environmental issues of indigenous peoples. This may include support to national policies concerning their legal rights to their territory and its biodiversity to increase awareness of indigenous peoples and their relationship to and dependence on their territories and natural resources at national, regional and local levels of the situation.

## 3. Coalition building program

The coalition building program is conceived to be a decentralized mechanism that would seek to minimize its layers and levels of operation, administration and management. It would be built around the commitment by all IP-oriented government and non-government agencies, the business and commercial sectors, and CSOs to share in the functions, duties, responsibilities, and contribute to the overall pool of required resources essential to achieve better a pre-determined the objective and undertake collectively agreed activities.

In this strategic thrust, the Coalition will encourage a “culture of collaboration” that respects the diverse and complementary roles, spheres of influence and resources of stakeholders. This approach takes time and requires ongoing attention. As such, the Coalition will continue to develop appropriate operational mechanisms that will involve effective, efficient and participatory systems for (a) governance; (b) communication, including participation in policy dialogues; (c) resource mobilization; (d) coordination of Coalition efforts, including strengthening the PMO’s/Secretariat’s capacity; (e) identification of geographical priorities; and (f) monitoring and evaluation.

### *Resource Mobilization Plan*

In the effort to mainstream indigenous governance, it is important that the resources be marshaled. Resource mobilization in its widest sense can refer to human, technical and financial resources. For the purposes of this paper, it is focused largely on the financial aspect while acknowledging that technical support provided through partners can be viewed as an in-kind financial contribution.

The resource mobilization plan has four primary objectives:

1. To ensure predictable, adequate and stable growth of resources;
2. To expand the donor base; and
3. To increase the amount of resources currently provided by donors and other government and non-government agencies.

Taken together, these objectives will reinforce and strengthen the program’s ability to respond to the increasing demands of IP governance and development.

Using a sound program framework as the foundation for its fundraising strategy, the following activities, as interventions, are proposed to be undertaken to achieve the aforesaid objectives:

1. Consult regularly with national and local governments and relevant agencies, specifically the NCIP, Commission on Human Rights (CHR), and their respective field offices to motivate officials to increase support for IP activities, both politically and financially;
2. Launch well-targeted advocacy campaigns intended to inform a broad national constituency about UNDP-Philippines policies and programs on IPs;
3. Work within the national and local government system influence policy towards IPs’ interests and ensure coordination of priority programs to minimize duplication of effort on IP governance;
4. Collaborate with other donors and assistance organizations, including bilateral agencies, the World Bank, other multilateral United Nations agencies and non-governmental organizations (NGOs), so that inputs into IP programs can be maximized;

5. Promote the creation of alliances and support around the defense of the indigenous rights, facing the threats of the globalization process, the effects of free market on indigenous peoples and their rights, and the negative impacts of extractive activities inside indigenous peoples' territories.
6. Explore alternative funding approaches, including debt-for-IP swaps and private sector funding. In general, these are designed to link funding to special advocacy campaigns that stress the Program's performance and highlight its accomplishments in helping to implement the IP Governance Program of Action. Such activities include:
  - a. Working with parliamentarians and advocacy groups in major donor countries or regions, such as Australia, Canada, Europe, Japan and the United States, to ensure that IP governance issues are clearly on the political agenda. Parliamentarians are encouraged to establish standing committees or coalitions, working in concert with IP-oriented/focused NGOs, to maintain strong parliamentary and high-level government support for IP governance activities;
  - b. Establishing networks of effective NGOs in the major donor countries or regions so that they can carry out coordinated public awareness campaigns to help raise the profile of IP governance concerns;
  - c. Producing and distributing multimedia presentations advocating support for IP Governance Programs;
  - d. Taking advantage of special events like the World IP Day, International Decade for IPs, and other similar national and international occasions, to heighten public awareness on IP issues.
  - e. Utilizing special ambassadors as effective advocates for the IP Governance Program of Action and influential opinion leaders as well to reach a wider audience in developing broad support for IP programs; and
  - f. Continuing advocacy efforts to increase domestic resource flows for IP related activities.

Over the next few years, emphasis has to be placed on the need to establish a financially secure base for the program's operations. The progress of its activities and the widening interest by development actors and stakeholders is evidence of the value-added and relevance of the role of the Program. However, the opportunities are beyond the current resources, both human and financial. It is therefore necessary to develop and implement a systematic approach to capture the donor interest that has been established, but not yet realized.

## **Monitoring and Evaluation**

In order to increase the impact of the strategies, it is necessary to establish an impartial system of feedback and evaluation. A systematic and more formal system of monitoring and evaluation will help to generate lessons that can be useful not only to strengthen the program's work, but to assist partners and members in the design and implementation of their own activities, both individually or in their alliances with others.

Where possible, the Program will develop concrete indicators for measuring impact, so as to demonstrate whether IP governance systems are being mainstreamed and less endangered as a result of this work.

### *Participatory Monitoring and Evaluation*

Participatory Monitoring and Evaluation (PME) can enhance local ownership over the entire process of mainstreaming IP governance systems. PME is a broad set of practical approaches, methodologies, and techniques for monitoring and evaluating programs. Like other participatory methodologies, PME is focused on increasing local and ownership of IP governance and development activities.

PME produces important benefits including valid, timely and relevant information for management decision-making and development activity improvement, especially when PME systems feature in the planning and early implementation phases. During implementation, PME system provides a framework for collaborative learning and for involving different partners in the M&E process.

PME is most effective when it reinforces participatory processes that are already operating, but it can also help to make up for lost ground where participation has not been integral to earlier phases, although this poses a greater challenge. Groups that are seriously considering PME approaches must be willing to commit to participatory management approaches, a positive attitude towards partnership, and must commit the time and resources needed to support PME systems.

Thoughtful, focused participation of stakeholders – especially IPs involved in decision making is at the heart of successful development activity. Developing a participation plan with stakeholders and staying with it throughout the activity cycle will help to keep them involved and committed. A more detailed PME is not part of this paper but will be developed later by a Working Group which may be constituted later.

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## Endnotes

<sup>1</sup> National Commission on Indigenous Peoples (NCIP), 1998. The mandated government body for IPs created under R.A. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997.

<sup>2</sup> The terms “peoples,” “territorial integrity,” and “territory” are used in this paper in their generic sense and is not intended to be interpreted as having any implication regarding rights that might pertain to those terms under international law. The scope of these terms as used in the policy is subject to the same limitations attributed to in International Labor (ILO) Convention 169.

<sup>3</sup> This and the following information on NCIP programs and achievements as of July 2004 are taken from the NCIP Briefing Kit as of 31 August 2004. Annex A also contains the NCIP Strategic Directions and 12 Milestone Agenda.

<sup>4</sup> Adopted by the UN General Assembly in 2000.

<sup>5</sup> The references to “national governments” are understood to encompass all governmental entities within the national realm, including decentralized, as well as regional and local entities.

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