

ILO Research Study on Best Practices and Implementation of the
Principles of ILO Convention No. 169

Case Studies of Emerging Consultation and Participation
Strategies and Processes in Ancestral Domain Delineation,
Sustainable Development and Protection Among Indigenous
Cultural Communities in the Philippines:
Defining Issues and Policy Recommendations

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FINAL REPORT

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and

Elders, Leaders/Officials, Women, Support Institutions of Concerned Indigenous Communities
NCIP National, Regional and Provincial Offices (CAR, Regions 4B, 5, 7, 12 and 13)

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List of Acronyms

ACWG	ADSDPP Community Working Group
ADMP	Ancestral Domain Management Plan
ADO	Ancestral Domain Office
ADSDPP	Ancestral Domain Sustainable Development and Protection Plan
AO	Administrative Order
CALC	Certificate of Ancestral Land Claim
CALT	Certificate of Ancestral Land Title
CADC	Certificate of Ancestral Domain Claim
CAR	Cordillera Administrative Region
CBFM	Community-Based Forest Management
CFSA	Community Forest Stewardship Agreement
CHARM	Cordillera Highland Agriculture Resource Management
DAO	Department Administrative Order
DAR	Department of Agrarian Reform
DENR	Department of Environment and Natural Resources
FGD	Focus Group Discussion
FPIC	Free Prior and Informed Consent
ICC	Indigenous Cultural Community
IEC	Information Education Campaign
IFAD	International Fund for Agricultural Development
IKSP	Indigenous Knowledge System and Practices
ILO	International Labor Organization
IP	Indigenous Peoples
IPPAMUCO	Indigenous People of Pakwan Multipurpose Cooperative
IPO	Indigenous Peoples Organization
IPRA	Indigenous Peoples' Rights Act
IRR	Implementing Rules and Regulations
KASAPI	Katutubong Samahan ng Pilipinas
KaTriCA	Karulano Tribal Community Association, Inc.
KKATRIBO	Kibungan Kankana-ey Tribal Organization
LDC	Local Development Council
LGU	Local Government Unit
MADADMA	Manobo-Apao Descendants Ancestral Domain of Mt. Apo
MAFI	Mt. Apo Foundation, Inc.
MTWG	Municipal Technical Working Group
NCIP	National Commission on Indigenous Peoples
NEDF	Negros Economic Development Foundation
NIPAS	National Integrated Protected Area System
NMCIREMP	Northern Mindanao Community Initiatives and Resource Management Project
NPA	New People's Army
ONCC	Office for Northern Cultural Communities

List of Acronyms

OSCC	Office for Southern Cultural Communities
PAFID	Philippine Association for Intercultural Dialogue
PAMB	Protected Area Management Board
PAP	Poverty Alleviation Program
PNOC	Philippine National Oil Company
PMICC	Pakwan Manobo Indigenous Cultural Community
PRA	Participatory Rural Appraisal
PSTFAD	Provincial Special Task Force on Ancestral Doman
RA	Republic Act
RADT	Regional Ancestral Domain Team
SONA	State of the National Address
SUDECOR	Surigao Development Corporation
TFCI	Tagbanwa Foundation of Coron Island
TLA	Timber License Agreement
TOP	Technologies of Participation
UNDP	United Nations Development Program
WB	World Bank
WFP	Work and Financial Plan

Summary

This study is part of the case studies initiated by ILO documenting best practices for the implementation of the principles of ILO Convention No. 169. It focuses on the principles of the Convention on consultation and participation. In general, it aims to determine the emerging frameworks, strategies, processes and sustainability indicators in applying said principles within the context of indigenous communities in the Philippines following IPRA and other laws and policies inspired by the spirit of said Convention.

Six indigenous communities were included in this study, as follows: 1) Pakwan Manobo (minority); 2) Ocampo Agta; 3) Coron Island Tagbanwa; 4) Carol-an Bukidnon-Karulanos; 5) Mt. Apo Obo Manobo; and Kibungan Kankanaey. These sites were purposively selected as they best exemplify how ICCs in the Philippines are trying to secure, manage and protect their ancestral domains using the evolving legal and policy environment in the country. All the sites have successfully secured their respective CADT. They are also at different stages in terms of ADSDPP formulation, and some of them have experienced administering the FPIC process.

The case studies pointed out that the struggle of ICCs/IPs, whether majority or minority, is intimately linked with their ancestral domain, which they consider as the basis of their survival as a people since time immemorial. The experiences of these ICCs/IPs illustrate the most-likely undesirable effects of development to ICCs/IPs if driven and dictated externally, without regard for local participation.

Amidst this situation, the struggle for AD rights paved the way for the emergence of new leaders, with rootedness on their struggles as IPs and readiness to deal with the outside world, who took the frontline for their community's collective action to participate in AD rights advocacy. Strong, risk-taking and dedicated leadership came out of individuals, young and old, who have experienced the misery of their people. These leaders mobilized their respective communities for political participation in the process of AD delineation, ADSDPP formulation and now, in facing the greater challenge of AD management and from time to time, facilitating cases for FPIC. Interestingly, these developments occurred with the emergence of a strong and consolidated national movement advocating ICC/IP rights following the new standards for ICC/IP recognition set by international decrees and treaties, such as the ILO Convention No. 169.

The AD delineation process followed the rules and procedures set by the government. It promoted different forms of participation among ICCs as well as a means of linking with support groups. The application for tenurial security over their AD had been difficult considering it was a ground-breaking effort in the Philippines. Some factors internal and external to the tribes tried to intervene in the process. Because of the limited literacy and technical skills of IPs, control of much of the process was by assisting agencies of the tribes. The community members participated in the processes by attending general assemblies and consultations in spite of their livelihood concerns. Some processes had to be carried out only by a few leaders. Almost all the communities experienced opposition from groups asserting interest in their ancestral domains. They tried to hold back the application but with the help from support groups they were able to prevail.

The most empowering part of the process, according to some leaders interviewed, was the mapping they carried out with the engineers from NCIP and other assisting agencies. Some of the leaders who know the traditional metes and bounds of their communities participated in this process. The process followed the principle of self-delineation under IPRA combining the indigenous knowledge of the IPs on their ADs and the technical know-how of assisting agencies to produce boundary maps that serve as symbols of their world as IPs. This experience strengthened their self-confidence and conviction to continue their resolute struggle towards protecting their ancestral domains.

The planning process has also been an empowering process that has sustained the gains of ICCs from their land rights advocacy and provided them direction in moving forward. The guidelines for the ADSDPP formulated by NCIP have reinforced the promotion of participation among ICCs/IPs. The 4-step process of ADSDPP has recognized multi-sectoral participation in the process of development planning, by using the technologies of participation (TOP) which have been proven very effective in promoting participation especially among adult participants with low literacy and development experience. On the whole, the ADSDPP compelled them to set policies and direction for the utilization of the resources that have been the object of external interest for many years now. It is hoped that the ADSDPP will now become their guide in undertaking the FPIC process.

Yet, the preliminary experiences of ICCs in participating in the FPIC process have indicated concerns and future challenges in AD management. From the experience of ICCs, the FPIC process is only applied to big projects which have potential huge effects to people and the community. In this case, communities hold consultations and consensus building at different levels following the FPIC guidelines. Obstacles experienced in the process include the low participation of IPs with low level of literacy. Translating information into the local dialects is one strategy to help people understand what is happening in their locality which can encourage them to contribute their insights and knowledge in the process. However, the consultation process for giving consent is not yet applied to projects by local governments, NGOs and other groups familiar or which have been working with the communities. Some leaders believe that local government projects may not undergo the consent process since they believe these projects are implemented for the good of everyone in the community, which include projects such as road system cutting across ADs, coliseums, among others. In some communities, there is double standard in terms of giving consent. The projects of those who are known to the communities are exempted from the consent process; but when dealing with projects proposed by other groups, no matter how small it is, the leaders insist on subjecting them to the process. Indeed there is still a need to clarify this consent process especially on the part of ICCs.

Notably, in spite of some problems, the continuing process of AD delineation, management and protection has opened up spaces for sectoral participation in the communities. The formation of new community institutions gave way to community level spaces of participation for the women and other sectors. But as the case studies have shown, the participation of any sectors, including women is directly correlated to the level of development of the community. It is safe to assume therefore that where there are limited development activities, there are also limited spaces and opportunities for these sectors to participate. Therefore, it is important that development projects are started in the ICCs in line with their ADSDPP to sustain sectoral participation.

On the whole, we can say that from the experiences of ICCs/IPs in the Philippines, there have been positive developments that can be attributed to the laws and policies the government crafted in line with the Convention and the global movement supporting ICC/IP rights recognition, promotion and protection. More importantly, these laws and policies have spurred the emergence of structures, norms, practices, strategies and processes for ICC participation. However, the challenge faced by the CADT holders in the Philippines now is how will they be able to sustain this participation and effectively carry-out the responsibility given to them by law to manage and protect their ancestral domains within the ambit of sustainable development.

At this stage of ICC development, it is important that new sets of literacies are developed among IPs to address the challenge of sustainable development they face as indigenous communities. Breaking the culture of silence among ICCs/IPs in terms of development should be addressed now through literacy and education. Literacies for political participation developed when they asserted their right to their ancestral domains can be strengthened with literacies for sustainable development.

In line with this, the government, through NCIP, should launch an R&D program in pilot ICCs. This program should be formulated based on the situation, issues/concerns and priorities the pilot ICCs identified under their ADSDPP. Each pilot ICC should strive under the program to alleviate their difficult condition through the interrelated programs of sustainable livelihood/enterprise development, advocacy for environmental protection, and community organizing/institution-building with education/literacy as an integral part. The process should be ICC-driven, yet deriving technical/logistical assistance from support institutions whenever and wherever needed. The process of program development, from partnership development, planning, organizing, implementation, monitoring and evaluation, will be designed to be *participatory and learning process for all* project stakeholders within the ADs. It is also expected that in the process, the IPs will be able to look into their situation within their ADs communities, reflect on their strengths, weaknesses, opportunities and threats, their value system and attitudes, and collectively decide to address their concerns within the principle of sustainable development.

If this support will not be made available for them, the ICCs will continue to be vulnerable to groups whose primary intention would be to exploit their resources. With the sense of economic empowerment, they will have the choice whether to be self-reliant as ICCs or forever depend on external support for survival.

Part 1: Introduction

ILO Convention No. 169 (1989) is considered a landmark declaration for it introduced standards which liberated the indigenous and tribal peoples of the world from the shackles of traditional assimilationist-orientated policies. For one, it instituted a major shift in the contemporary thinking about indigenous and tribal peoples who are defined in this Convention as follows:

1. *Tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws and regulations.*
2. *Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country or a geographical region to which the country belongs at the time of the conquest or colonisation or the establishment of their legal status or the establishment of present state and who, irrespective of their legal status, retain some or all of their own social, economic, cultural, and political institutions.*
3. *Self-identification as indigenous or tribal shall be regarded as fundamental criterion for determining the groups to which the provisions of this Convention apply.¹*

Likewise, it went beyond the discourse which initially centered on the right of minority peoples to their own culture and cultural identity within societies where dominant groups are at the same time defining a national culture in their own terms.² Instead, it presented the concept that indigenous and tribal peoples should enjoy their *fundamental human rights* within the framework of the States in which they live in, which include the following: self-identification, self-determination, self-management, consultation, participation, customs and traditions, customary laws, land rights, natural resources, mineral or other resources, health, employment, social security, and education and vocational training.³

Given these developments, this study was pursued in consideration of the fundamental principles of consultation and participation as stipulated in Articles 6 and 7 of ILO Convention No. 169, which have not been given adequate respect and recognition in the previous standards.

Article 6

1. *In applying the provisions of this Convention, Governments shall:*
 - a. *Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;*
 - b. *Establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;*
 - c. *Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.*

¹ 1989 ILO Convention No. 169, Article 1, Sections 1a, 1b and 2.

² Maria Luisa C. Doronila: "Manual for Adapting APPEAL Training Materials for Literacy Personnel (ATLP) for Indigenous Peoples," p. 1

³ These concepts are identified and defined in the Manual on ILO Convention on Indigenous and Tribal Peoples, 2003

2. *The consultations carried out in application of this Convention shall be undertaken in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.*

Article 7:

1. *The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the land they occupy or otherwise use, and to exercise control, to the extent possible over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.*
2. *The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the over-all economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such environment.*
3. *Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.*
4. *Governments shall take measures, in co-operation with the peoples concerned; to protect and preserve the environment of the territories they inhabit.*

Specifically, the study will determine how these fundamental principles have become a reality within the context of indigenous peoples in the Philippines, considering that over the years we have seen policies and laws being enacted in the Philippines in line with the Convention which provided the legal framework for fully recognizing the rights of indigenous peoples in the Philippines.

The meaning of the respective principles has been clarified by ILO through its Manual on the Convention No. 169 published in 2003.

The principle of consultation involves *the right of indigenous and tribal peoples to be consulted whenever any measure which may have a direct effect on indigenous and tribal peoples is being explored, planned or implemented. Such measures include, for example:*

1. *amendments to the national constitution,*
2. *new agrarian laws,*
3. *land rights decrees or procedures for obtaining land titles,*
4. *national education or health programmes and services, and*
5. *any public policies affecting indigenous and tribal peoples.*

This Manual further elucidates that *before adopting any laws or administrative provisions which might affect them directly, governments must have open, frank and meaningful discussions with the people concerned.* This right to be consulted seeks to ensure that indigenous and tribal peoples are not marginalized from major decisions of the government that will have impact or effect on their lives.

Significantly, the Manual stresses that *the Convention provides the framework for discussions and negotiations between governments and indigenous and tribal peoples. The objective of such consultation is to reach agreement (consensus) or full and informed consent.* Furthermore, it emphasizes that consultation must be entered into *in a spirit of good faith, with respect for each others' interests, values and needs, and with respect for the principle of representativity,* which means it is not acceptable under the Convention for any consultations to take place if they are not developed without the participation of the true representatives of indigenous and tribal institutions.

On the other hand, the principle of participation is promoted under ILO Convention 169 on the following pretext: *In order to control the pace and extent of their development, indigenous and tribal peoples should be fully involved in all relevant processes. Only by participating from the beginning to the end of any initiative – be it policy-making, or implementing a project or programme – can they be responsible for it and take an active part in creating their own socio-economic self-sufficiency.* The Manual provides the following elements of participation:

1. *indigenous and tribal peoples have the right to be involved in a project, policy or programme at every step along the way;*
2. *participation must be allowed during the design of a policy, programme or project all the way to its implementation and evaluation;*
3. *they participate at all levels of decision-making – local, national and regional. This means in politically elected bodies, as well as national and local administrations; and*
4. *participation is done through indigenous and tribal peoples' own traditional or representative bodies and not through structures imposed from outside the community, unless the people have accepted them.*

A World Bank document provides a fair explanation why participation is important among indigenous and tribal peoples, to quote:

Indigenous or tribal people, numbering at least 250 million throughout 70 different countries, have often been on the losing end of the development process. In many cases, their resources have been exploited for the benefit of other groups in society; in many countries they are the poorest of the poor. Often they experience political and economic discrimination and are perceived as backward or primitive. Even when development policies and programs have been designed specifically to improve the welfare of indigenous peoples, the approach has usually been paternalistic, seeking their cultural assimilation and ignoring the strengths of indigenous institutions and knowledge (including environmental knowledge). This, in turn, can contribute to worsening poverty, social marginalization, and ethnic resistance. The characteristics that distinguish indigenous peoples include their strong attachment to the land; dependence on renewable natural resources, subsistence practices, distinct languages, and cultures; historical identities as distinct peoples; and, often, mistrust of outsiders. For development institutions and planners, the challenge is how to incorporate such diversity of culture, language, ecological adaptation, and history into development planning. Cultural barriers make it especially difficult for the outsider to communicate with indigenous groups, understand their institutions, or discern their needs. In these circumstances, the participation of indigenous people in planning and managing their own development is a means of safeguarding their interests in the development process. The past decade has seen growing recognition of the rights of indigenous peoples, supported by international legal instruments, to decide their own priorities for the development or use of their lands and other resources and to exercise control over their own economic, social, and cultural development. At the same time, from a practical point of view, a participatory approach to indigenous

*development is a means of improving the quality of projects. In communities whose institutions, leadership patterns, and lifestyles are not well understood by outsiders, participation can ensure that projects and services are relevant to perceived needs and sustainable through indigenous institutions. To be effective, programs must be undertaken in partnership with indigenous peoples, rather than planned for them or carried out among them.*⁴

The difficult and complex situation of indigenous peoples in a continuously modernizing world compels this study to recognize the critical importance of the principles of consultation and participation as tools which they can use to defend their rights enshrined in ILO Convention No. 169.

As such, this study will attempt to discuss these principles within the situations and struggles of indigenous peoples in the Philippines in relation to the other rights they are allowed to enjoy under this Convention as enshrined in the major laws and policies that have been enacted in the Philippines through the years.

⁴ World Bank Participation Sourcebook, "Participation and Indigenous Peoples," The World Bank Group, URL: <http://www.worldbank.org/wbi/sourcebook/sba212.htm>

Part 2: Policy Framework for IP Participation in the Philippines

It can be said that indigenous Filipinos enjoyed the right to participate in the affairs of their communities according to their own customs and practices even before the colonial history of the Philippines and the birth of nation-states. However, the continued encroachment of development into their ancestral territories which started in the colonial period and continuing up to present has brought disharmony among them and profoundly eroded their age-old social, economic, cultural and political systems.

At current, about 110 ethno-linguistic groups spread in 50 of the country's 78 provinces are considered to have retained to a certain degree their own customs, traditions and life ways as indigenous Filipinos up to present time. NCIP estimates that they are about 12 million or about 15 percent of the 80 million population of the country, 61 percent of whom live in Mindanao, 33 percent in Luzon and the remaining 6 percent in the Visayas islands.⁵

The Indigenous Peoples Rights Act refer to this sector now as *"a group of people or homogeneous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos."*⁶

What is unique in this definition is the concept of land ownership since time immemorial⁷. For many years, the ancestral domains of indigenous peoples were not expressly recognized under the legal and policy framework of the Philippines. The Regalian Doctrine adopted during the colonial period established State ownership of land and natural resources in the public domain and hindered individual ownership of land unless expressly granted by the State through a title or similar land tenure instrument.⁸ Being literate in the colonial and native Romanized script was important for the land titling process and integration in the larger society. Those who embraced colonization and were coopted to become agents of colonizers started to accumulate large tracts of land (Ofreneo, 1980)⁹ while the majority who were not literated to colonial scripts such as in the case of indigenous peoples never had the chance to secure a title for their lands, thus making them public land under the ownership of the State.

The laws that should have protected sectors like indigenous peoples perpetuated colonial perspectives and put them on a much difficult situation. Victoria Tauli-Corpuz (2004) provided a good perspective on how it happened

Most of the post colonial nation-states were created in the image of the colonizers' political, cultural and socio-economic systems. The ruling elites who took over leadership

⁵ in Prof. Rodolfo Stavenhagen's "Report on the Situation of Human Rights and Fundamental Freedoms of Indigenous People in the Philippines submitted in accordance with Commission on Human Rights," 2002, URL: <http://daccess-ods.un.org/TMP/9728950.html>

⁶ 1997 Indigenous Peoples Rights Act, Chapter II (Definition of Terms), Section 3h.

⁷ Time immemorial refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed and utilized a territory devolved to them by operation of custom law/traditions or inherited from their ancestors (in Guide to RA 8371, 1999)

⁸ Atty. Basilio Wandag, "Native Titles: The Realization of a Dream," *A Journey of Hope*, Vol. 1, The Quest to Reclaim Ancestral Domains, ed. Yasmin D. Arquiza (Philippines: International Labor Organization, 2005), p. 5

⁹ in Evolution and Impact of Selected Adult Education Programs in the Philippines: Country Paper for the Four-Nation Study on Adult Education Programs, *Edukasyon*, Vol. 4, Number 1 & 2 (Jan-Jun 1998), p. 12

were trained in the colonizers' ways. Therefore, the colonizers' development and modernization framework which includes their standards and criteria, were the lens used to determine that indigenous peoples were incapable of self-government and lacked the needed requirements to qualify as peoples and even as nations. This justified the non-recognition and destruction of indigenous systems and programmes for forced assimilation or integration.¹⁰

The 1935 Philippine Constitution provided for all agricultural, timber and mineral lands of the public domain, waters and minerals, coal and petroleum, and other natural resources of the Philippines belong to the State, and indigenous communities were progressively dispossessed of their lands (Stavenhagen, 2002). These efforts to institutionalize within the State the power over ancestral domains continued up to the Martial Law period. A presidential decree issued in 1976 declared the ancestral lands of National Cultural Communities as alienable and disposable, to be identified and subdivided into family-sized private plots (Stavenhagen, 2002).

The advent of new democracy in the Philippines established in 1986 by people power ushered in a new perspective with regards people's participation. The 1987 Philippine Constitution mandated that: "The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall by law facilitate the establishment of adequate consultation mechanisms."¹¹

The same Constitution "recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." Land rights which occupied a central role in IP struggle for recognition also obtained the legal support of the government under the Constitution: "The State...shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being." The Constitution also recognizes, respects and protects "the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions."¹²

Consequently, the Office for Northern Cultural Communities (ONCC) and Office for Southern Cultural Communities (OSCC) created by the Aquino administration estimated five million hectares or about one-sixth of the total land area of the Philippines may be classified as ancestral domains that indigenous peoples have occupied or possessed for a long time. To address the urgency of saving these lands from continued encroachment of interested groups, Aquino made several legislative and executive actions issuances, which include Executive Order No. 192 in 1987 that empowered the Department of Environment and Natural Resources (DENR) to exercise exclusive jurisdiction over the management and disposition of all lands of the public domain, and Republic Act No. 7586 or the National Integrated Protected Area System enacted by the Congress in 1992 which authorized the DENR to provide for the recognition of ancestral domains and other customary rights in protected areas.¹³ NIPAS provided for the participation of indigenous communities in DENR's initiative to formulate "rules and regulations to govern ancestral lands within protected areas." It also provided that "the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without consent."¹⁴

¹⁰ Chandra K. Roy, Victoria Tauli-Corpuz and Amanda Romero-Medina, eds. *Beyond the Silencing of the Guns* (Philippines: Tebtebba Foundation, 2004), p. 262.

¹¹ 1987 Constitution of the Republic of the Philippines, Article XIII (Social Justice and Human Rights), Section 16.

¹² *ibid.*, Article II, Section 22; Article XII, Section 5; Article XIV, Section 17.

¹³ Atty. Basilio Waudag, *op. cit.*, p. 6.

¹⁴ 1992 National Integrated Protected Area System (NIPAS) Act, Section 13 (Ancestral Lands and Rights Over Them)

With this power, the DENR experimented on the recognition of ancestral land claims through Special Order No. 31 and No. 31-A series of 1990 which provided Certificate of Ancestral Land Claim (CALC) to indigenous communities in Baguio City, parts of Cordillera Administrative Region (CAR), as well as Palawan.¹⁵ Before her term ended, Aquino caused the enactment of Local Government Code of 1991 that revolutionized local participation in national development which would have critical implications to ICCs/IPs.

For one, the Code provided a framework for a bottom-up approach in development, recognizing grassroots participation in every step of any development process, may it be initiated by the government, private or nongovernment. It also enjoined the local government units (LGUs) to *"promote the establishment and operation of people's and nongovernmental organization to become active partners in the pursuit of local autonomy."*¹⁶ NGOs/POs are allowed to be represented in the local development councils and contribute in formulating and implementing long-term, medium-term, and annual socio-economic development plans and projects. LGUs are also given the authority *"to enter into joint ventures and such other cooperative arrangements with people's and nongovernmental organization to engage in the delivery of certain basic services, capability building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people."*¹⁷

The Code also affirmed the Constitution's commitment for recognizing IPs by providing that *"in barangays where majority of the inhabitants are members of indigenous cultural communities, local systems of settling disputes through their councils of datos or elders shall be recognized without prejudices to the applicable provisions of this Code."*¹⁸ It also sets the framework for creating tribal barangays and representing ICCs at the municipal, city and provincial legislative bodies.¹⁹

The Ramos administration installed in 1992 continued these initiatives for ICC/IP recognition through a program called "Social Reform Agenda"²⁰. Under his term, the DENR issued Department Administrative Order No. 2 or DAO 2 that prescribed rules and regulations for the identification, delineation and recognition of ancestral land and domain claims. DAO 2 provided security of tenure to IPs through CALC which is awarded to a specific claimant of a specific parcel of ancestral land may it be individual, family or clan, and Certificate of Ancestral Domain Claim (CADC) that is awarded to the recognized community claimant of a specific ancestral territory.²¹

DAO 2 prescribed processes that have to be undertaken before any claimants could be issued with CALC or CADC. Among these processes that promote IP participation include the: 1) conduct of community assemblies, meetings and dialogues, 2) information and education campaign, 3) conflict management and resolution, 4) indicative mapping, 5) collection of evidences attesting their long-term possession or occupation of the land and resources, 6) ocular inspection and verification of claims, and 7) perimeter survey and mapping of the ancestral domains and land claims. ILO Convention No. 169 is discussed with the claimants as part of the IEC of the CALT/CADT process.²²

¹⁵ Atty. Basilio Wandag, op. cit., p. 6.

¹⁶ 1991 Local Government Code of the Philippines, Chapter 4 (Relations with People's and Non-governmental Organizations), Section 34.

¹⁷ *ibid.*, Section 35

¹⁸ *ibid.*, Section 399f

¹⁹ *ibid.*, Sections 386, 446, 457, 467

²⁰ SRA is a master plan formulated by the Ramos administration to rationalize its social reform initiatives which strengthened convergence among agencies and communities for social services delivery. Indigenous peoples and the protection of their ancestral domains is one of the nine basic support packages identified under the Agenda.

²¹ Atty. Basilio Wandag, op. cit., p. 6-7.

²² *ibid.*, p. 8-9

After three years since DAO 2 was issued, DENR came up with DAO 34 in 1996 which provided the "*Guidelines on the Management of Certified Ancestral Domain Claims.*" The principle of participation is embodied in this issuance through its statement of policy:

*"The IPs have the right to formulate an ancestral domain management plan reflective of their needs and aspirations. It shall be prepared by the community itself according to its own indigenous knowledge systems and practices with the option to avail of external assistance under terms and conditions determine by the community. The primacy of customary laws shall be recognized and respected."*²³

The formulation of ADMP followed a set of processes that encouraged the active involvement of indigenous communities issued with CADC, such as follows: 1) community social preparation, 2) community assessment and resource mapping, 3) identification of indicative development plans, 4) formulation of draft ADMPs, 5) validation and adoption of ADMP, and 6) community implementation of the ADMP. The indigenous communities through its working group were also encouraged to conduct a participatory appraisal of existing natural resources and socio-economic conditions through community resource mapping and other participatory processes.²⁴

At the end of Ramos administration, the Indigenous Peoples Rights Act or Republic Act 8371 was enacted in 1997 which fulfilled what the ICCs/IPs have collectively desired for a long time which was a legislation recognizing and protecting their rights. IPRA was a product of long-standing collaboration among ICCs/IPs, civil society groups, government executives and legislators. It took a long process before IPRA was enacted into law because of opposition from some sectors of the Philippine society. "*The law, which took 10 years and three Congresses to pass, has been hailed by the indigenous peoples and advocates of indigenous peoples' rights as a landmark legislation that will give the indigenous peoples what has long been due them*" (Bennagen, 1999). It was in the 10th Congress when efforts of various collaborators for IPRA bore fruit (Rico, 2005).

According to former President Ramos: "*It took courage to have this law passed in the midst of opposition from many influential groups whose interests would be diminished by returning ancestral rights to the indigenous communities ... Although it took many years to have it passed, given its complexity, it is done. R.A. 8371 is a triumph of the executive's and the legislative's political will. For only a law of such breadth, depth, and scope as R.A. 8371 can provide the indigenous peoples with the seeds of their empowerment and social equity.*"²⁵

The right to participation of IPs is enshrined in IPRA through the very rights it vowed to recognize, promote and protect, namely: 1) *right to ancestral domain and land*; 2) *right to self-governance and empowerment*; 3) *social justice and human rights*; and 4) *right to cultural integrity*. Significantly, IPRA declares it the policy of the State to institute and establish the necessary mechanism to enforce and guarantee the realization of ICC/IP rights, with their full participation and taking into consideration their customs, traditions, values, beliefs, interests and institutions.²⁶

The recognition of rights to Ancestral Domains and Land is most controversial among other rights enjoyed by the IPs under IPRA. In fact, the constitutionality of these rights was challenged in the Supreme Court on the pretext that IPRA violates the Regalian Doctrine as embodied in Section 2, Article

²³ 1996 DENR Administrative Order 34, Section 3.1

²⁴ Atty. Basilio Wandag, op. cit., p. 13-15.

²⁵ Statement of H.E. President Fidel V. Ramos at the signing/enactment of the Indigenous People's Rights Act, 29 October 1997 (in Guide to RA 8371, 1999)

²⁶ 1997 Indigenous People's Rights Act, Section 2f

XII of the Constitution. However, the Supreme Court ruled in favor of IPRA explaining that ancestral lands and domains are beyond the scope of the Regalian Doctrine since they are not included in the enumerations made for lands of the public domains in the Constitution. This Court also held that *"Possession by private persons since time immemorial carries the presumption that land had never been part of the public domain, or that it had been private even before the Spanish Conquest. An allegation to this effect is sufficient averment of private ownership."*²⁷

These rights to ancestral domains include the 1) right of ownership, 2) right to develop and manage lands and natural resources, 3) right to stay in territories, 4) right in case of displacement, 5) right to regulate entry of migrants, 6) right to claim reservations, 7) right to safe and clean air and water, and 8) right to resolve conflicts through customary law. With respect to ancestral lands, the rights to transfer ancestral lands and to redeem ancestral lands lost through vitiated consent are bestowed upon ancestral land owners.²⁸

These rights seek to address the problem of IPs which persisted through the years with regards to the encroachment of outsiders into their ancestral domains. For instance, IPRA allows ICCs to apply for certificate of ancestral domain title (CADT) or certificate of ancestral domain claim (CALT), which are proofs of ownership of their lands since time immemorial. The principle of self-delineation is applied which means they will have a decisive role in determining the boundaries of the domains. Delineation shall be done with the participation of ICCs/IPs.

Their right to develop and manage lands and natural resources also establishes that at all times the ICCs/IPs have priority rights in the harvesting, extraction, development or exploitation of any natural resources within their domains. It further guarantees that the ICCs/IPs shall be allowed the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project. They can also rightfully stop or suspend any project affecting ancestral domains that have not satisfied the consultation process or which does not have the free prior informed consent (FPIC) of the IPs concerned.²⁹

Also embodying the right of IPs to participation is their right to Self-Governance and Empowerment under IPRA. Here a string of political rights are granted to IPs, such as:

1. To freely pursue their economic, social and cultural development;
2. To use commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws;
3. To participate in decision making that may affect their lives and destinies and to maintain and develop their own indigenous political structures;
4. To be given mandatory representation in policy making bodies and local legislative councils;
5. To determine their own priorities for development by guaranteeing their participation in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may affect them;
6. To organize their own peoples' organizations to enable them to pursue and protect their legitimate and collective aspirations; and

²⁷ in Guide to RA 8371, p. 8

²⁸ *ibid.*, p. 6

²⁹ in Guide to RA 8371, p. 7

7. To be granted means to fully develop their own institutions and initiatives and be provided funds therefor.³⁰

Under Social Justice and Human Rights, the principles of equal protection and non-discrimination as enshrined in the Philippine Constitution are promoted. The State accords to ICCs/IPs the rights, protections and privileges available to every member of the society. IPRA ensures that ICCs/IPs have the right to special protection and security in periods of armed conflicts and to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, education, training, housing, sanitation, health and social security. Indigenous women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition. Like women, the children and youth's participation in nation-building is recognized and their physical, moral, spiritual, intellectual social well-being are promoted and protected.³¹

The Right to Cultural Integrity guaranteed by the Constitution seeks to enforce a policy of respect for cultural diversity. It upholds the right of a particular ICC to adhere to their customs, religious beliefs, traditions, indigenous knowledge systems and practices, and to assert their character and identity as peoples.³² The right to establish and control their education systems and institutions is also part of this right.

To ensure that these rights of ICCs/IPs are fulfilled, the government created the National Commission on Indigenous Peoples (NCIP) under the Office of the President. NCIP was primarily charged to formulate and implement policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as their rights thereto. Its primary responsibility would be the issuance of certificate of ancestral land/domain title.

Likewise, it is responsible for the formulation, implementation and monitoring of policies, plans, programs, and projects for the economic, social and cultural development of the ICCs/IPs. NCIP issued the guidelines for the formulation of the Ancestral Domain Sustainable Development and Protection Plan or ADSDPP through Administrative Order No. 1, series of 2004. ADSDPP is hoped to facilitate the Free Prior Informed Consent (FPIC) process provided in IPRA as it provides a checklist of development programs/projects identified by the ICCs/IPs themselves. The ADSDPP formulation process which would be fully the responsibility of ICCs/IPs adheres to the following principles:

1. freedom of the ICCs/IPs to pursue economic, social and cultural development;
2. fulfillment of responsibility to future generation;
3. interdependence of ancestral domain and the socio-economic systems;
4. just and equitable sharing of benefits; and
5. comprehensive or all-inclusive development³³

The process for the land titling of ancestral domains only yielded results in 2002 after 5 years since IPRA's enactment in 1997. As of August 2007, the NCIP reports that 57 CADTs and 172 CALTs have been awarded covering 1,116,439.3620 hectares and 4,855.6990 hectares, respectively (see Table 1 below). These issuances have benefitted 245,147 IPs thus far.

³⁰ in Guide to RA 8371., p. 16-17

³¹ *ibid.*, p. 18

³² *ibid.*, p. 19

³³ NCIP Administrative Order No. 1, Series of 2004

Table 1. Approved CADTs/CALTs, as of August 2007

Year	No. of Ancestral Domains	Area (in hectares)	No. of Individual Beneficiaries	No. of Ancestral Lands	Area (in hectares)	No. of Individual Beneficiaries
2002	2	41,255.9696	18,283			
2003	9	326,091.3266	58,389	44	42,4832	178
2004	18	236,796.6551	73,421	4	918.8969	251
2005	9	237,004.4233	36,743	2	2,870.8836	678
2006	18	269,049.4201	50,847	109	1,011.6464	1,681
2007	1	6,241.5673	4,673	13	11.7889	4
Total	57	1,116,439.3620	242,356	172	4,855.6990	2,792

Source: NCIP-Ancestral Domain Office

The accomplishment of NCIP within a 6-year period can still not match the 2,546,035 hectares the government has been able to award under DAO 2 from 1993 to 1997. For some sectors, the land titling process has been so sluggish. They claim that it has not yet delivered what the incumbent administration of Gloria Macapagal-Arroyo has promised in 2001, which was to award “100 ancestral domain titles for indigenous peoples”³⁴ within her term of office. The clamor for NCIP to move faster in terms of securing ancestral domains is perhaps mounted amidst the continuing intrusion of externally-driven development projects into ancestral domains.

Stavenhagen (2002) reports that human rights violations within ICCs are committed as a result of economic activities such as logging, mining, multi-purpose dams, commercial plantations and other development projects. Of these economic activities, the effects of open-pit mining and expansion of mining areas have been catastrophic for the people concerned without regard to the wishes and rights of ICCs. He further reports that, although there are legal safeguards such as free, prior and informed consent, as well as environmental impact assessment studies before undertaking development projects, IP concerns are generally not given due attention, and that powerful economic and political interests prevail over their legitimate rights.

In 2006, a fact-finding mission on mining in the Philippines led by Clare Short of the UK House of Commons corroborated Stavenhagen’s earlier findings on the situation of indigenous peoples in the Philippines. Short reports that the effects of mining in the Philippines have been destructive not only on the environment but also on the livelihood of indigenous peoples. This report also describes the manner by which mining companies operates within indigenous communities, to quote:

“...the indigenous communities...described as a type of ‘foot in the door’ policy being operated by mining companies. They described how companies only provide them with details of their initial planned operations and do not give them information on the potential for future expansion. The experiences of indigenous communities has been that, once mining operations have been established the incremental processing costs are minimal, expansion is almost inevitable regardless of the wishes of the communities impacted.”³⁵

Indeed, this is a paradox in Philippine laws that is seemingly very confusing on the part of ICCs/IPs. While IPRA and other laws protect their rights and allow them to pursue a kind of development they so wish to achieve, some laws like the Mining Code of the Philippines (or Republic Act 7942, 1995) are infringing on these rights. Yet for some ICCs/IPs, this situation is not a reason to give up but to continue the struggle they have started and persistently manage their lives within their ancestral domains no matter how formidable their enemies are.

³⁴ State of the Nation Address of President Gloria Macapagal-Arroyo

³⁵ in Report of a Fact-Finding Trip to the Philippines on “Mining in the Philippines: Concerns and Conflicts” (UK: Columban Fathers, 2007), p. 13

Part 3: A Brief Note on the Methodology

This study is part of the case studies initiated by ILO documenting best practices for the implementation of the principles of ILO Convention No. 169.

This study focuses on the principles of the Convention on consultation and participation. In general, it aims to determine how these principles are applied within the context of ICCs/IPs in the Philippines, following IPRA and other laws and policies inspired by the spirit of said Convention.

Specifically, it aims to:

1. describe the frameworks and strategies applied to promote IP rights to consultation and participation in the process of securing their ancestral domain title, developing their ancestral domain plans, and applying their right to free, prior and informed consent (FPIC);
2. determine the levels and extent of participation among ICCs and their support groups as well as the dynamics that emerged between them and among the sectors and groups within ICCs; and
3. identify the critical sustainability indicators³⁶ of these consultative and participatory processes on the part of the ICCs, in order to determine whether these processes could be sustained as part of their way of life or culture to enable them to address in the long run concerns on the protection of their ancestral domain from externally-driven development activities, such as mining

Six indigenous communities were identified as the research sites of the study, namely: a) Kibungan, Benguet; b) Ocampo, Camarines Sur; c) Coron, Palawan; d) Carol-an, Kabankalan City, Negros Occidental; e) Pakwan, Lanuza, Surigao del Sur; and f) Ilomavis-Balabag, Kidapawan City. In our choice of communities, we took into consideration the heterogeneity of the indigenous population in the country and the various factors that may have implications to the principles of consultation and participation applied in these communities, such as their efforts toward securing their ancestral domain title, developing their ancestral domain plans, and applying their right to free, prior and informed consent (FPIC).

This study is expected to be used as guide of ongoing and future efforts in terms of promoting the principles of consultation and participation for IPs. It will propose potential policies that could promote the best mechanisms by which IPs could participate in developmental processes following the ideals of ILO Convention No. 169.

Phases of the Research. The research project was divided into four major phases:

Phase 1. Preliminaries. The proponent of the study reviewed and analyzed available materials related to the study and conducted initial consultations with key personnel of the National Commission on Indigenous Peoples (NCIP)-National Office on the intent of the study and potential sites they can recommend. The protocol for the study was drafted and submitted to ILO. Subsequently, the proponent revised and finalized the study protocol on the basis of the comments and suggestions made by ILO.

³⁶ The sustainability indicators to be determined by the study include 1) governance structure/policies, spaces, levels and processes of participation, 2) development, utilization and multiplication of local skills, traditions and indigenous knowledge and expertise that would sustain ancestral domains sustainable and protection, 3) extent of networking/linkage-building, and 4) levels and extent of FPIC administration.

Four researchers were invited by the proponent to join him in the study. Three of these researchers were from the University of the Philippines-Education Research Program and one from the Benguet State University, who is an indigenous person himself (Kankana-ey) who wrote the case study on a Kankana-ey community of Kibungan, Benguet. They were selected on the basis of their involvement and experience in the implementation of R&D projects related to indigenous peoples and sustainable development. Through consultations, the members of the Team were able to level off on the research design, definition of concepts and indicators, methodology to be adopted, methods of analysis and writing the case studies and research report.

Before the actual fieldwork, the proponent requested ILO-Philippines to write NCIP and get its endorsement for the study. As such, the Chairperson of NCIP issued on May 9, 2007 Memorandum No. 168³⁷ which instructed NCIP regional offices to provide support and help facilitate community consultations to the Team. The Memo also provided the Team access to information pertinent to the study.

Phase 2. Data Gathering. Initial available data were gathered from NCIP national, regional and provincial offices as well as other agencies, government and nongovernment, that have been working with the ICCs concerned. The researchers stayed in the research sites to familiarize themselves with the community and to closely observe the rhythm of life in the community.

Each researcher was assigned a research site. The proponent accompanied each researcher for the regional and provincial consultations, as well as in securing the consent for the study from the elders and leaders of concerned communities.

Primary data were gathered through structured and non-structured interviews and focused group discussions with key informants at different levels, such as: a) NCIP offices, b) support groups of concerned ICCs; c) indigenous peoples organizations, and d) elders, leaders, women and other key sectors of the communities. The Team also used participatory and gender-sensitive tools to understand the gender dynamics among sectors in the communities. The qualitative strategy of research done through storytelling or narrative method which is most effective given the oral tradition of indigenous communities in the Philippines was also applied.

Phase 3. Writing of Case Studies and Research Report. The researchers wrote their respective case studies following the outline prescribed in the research protocol. The findings of these individual case studies were consolidated by the proponent into a research report.

Phase 4. Study Validation, Finalization and Submission. Validation of the data presented in the report was conducted at the level of ILO, ICCs and concerned institutions. The research report was finalized on the basis of the results of this validation process.

Selection of the Research Sites. Six purposively selected sites were included in this study, as follows:

³⁷ Although there is this Memo, the Team established communication and conducted dialogues with concerned NCIP offices at the regional and provincial levels. They also consulted the ICCs before the conduct of research in their respective areas, not only to follow what is prescribed under the law, but also as a commitment to make them understand about the importance and value of this research to their lives, since most of them have expressed being tired of research studies conducted in their areas without any benefits going to them.

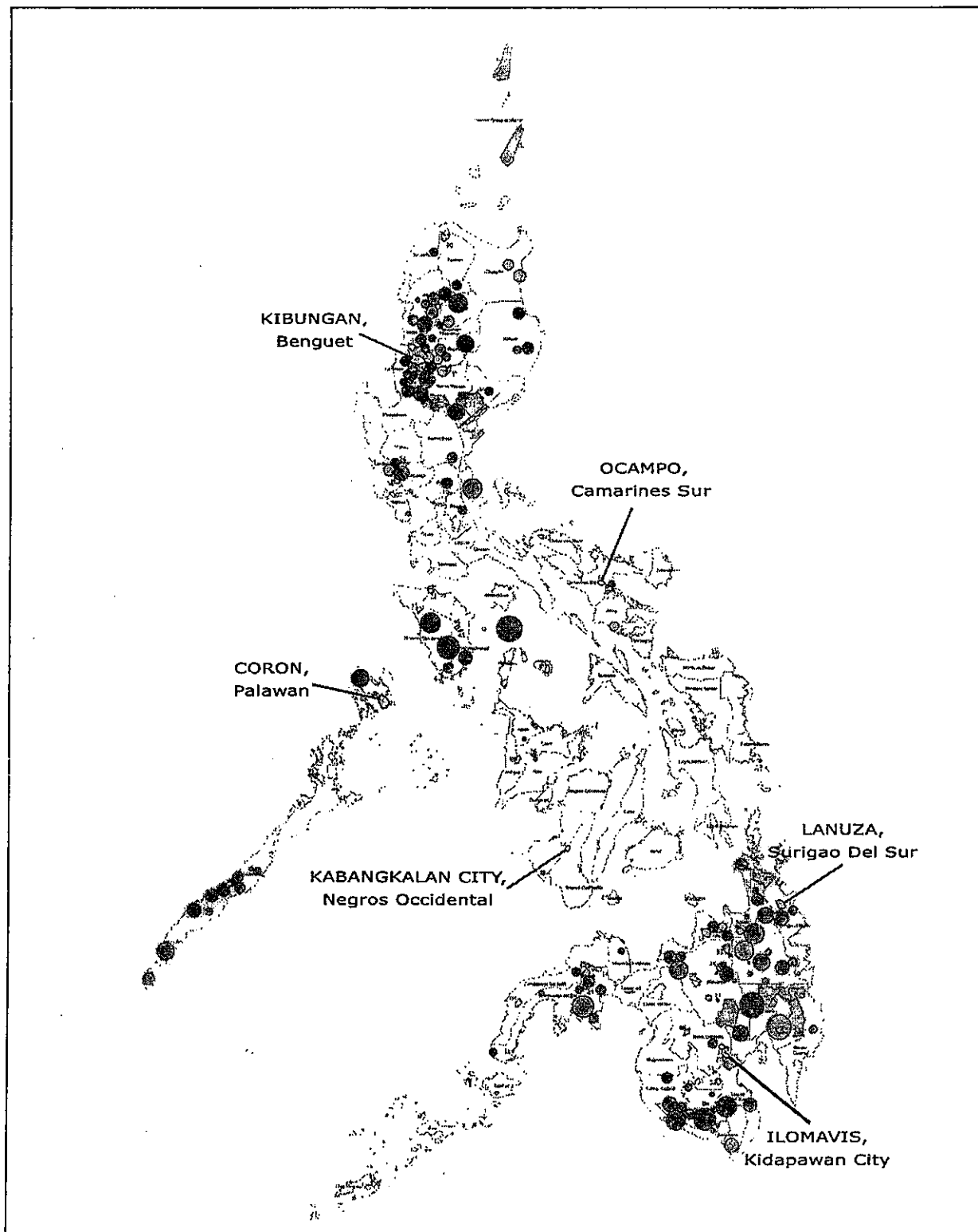
1. *Pakwan, Lanuza, Surigao del Sur* (indigenous minority, Region 13, Mindanao mainland), with CADT approved and awarded in CY 2002, covering 11,811.6247 hectares, benefiting 1,065 Manobo
2. *Ocampo, Camarines Sur* (indigenous minority, Bicol region, Luzon mainland), with CADT approved in CY 2003, covering 5,099.3430 hectares, benefiting 5,622 Agta-Cimaron and Agta Tabangnon
3. *Coron Island, Coron, Palawan* (indigenous minority, Tagalog Region IV-B, Luzon island group), with CADT approved and awarded in CY 2004, covering 24,520.76 hectares, benefiting 1,358 Calamianes Tagbanua
4. *Carol-an, Kabankalan City, Negros Occidental* (indigenous minority, Negros region, Visayas island group, with CADT approved and awarded in CY 2004, covering 3,981.2501 hectares, benefiting 4,140 Bukidnon-Karolano
5. *Ilomavis-Balabag, Kidapawan City* (indigenous minority, Region 12, Mindanao mainland), with CADT approved and awarded in CY 2004, covering 3,177 hectares, benefiting 679 Obo-Manobo
6. *Kibungan, Benguet* (indigenous majority, Cordillera Administrative Region, Luzon mainland), with CADT approved and awarded in CY 2004 covering 22,836.8838 hectares, benefitting 15,472 Kankana-ey

The sites are indicated in the map in *Figure 1*. These sites were selected as they best exemplify how ICCs in the Philippines are trying to secure, develop and protect their ancestral domains using the evolving legal and policy environment in the country in their favor, ultimately to achieve the goal of self-determination, amidst the manifold issues and challenges they are facing now.

Three of the cases are in Luzon island, 1 in the Visayas and 2 in Mindanao. Of the 6 cases, only the case of Kibungan, Benguet exemplifies the situation of majority indigenous populations; the rests show the struggle of minority indigenous populations within their respective regions.

All the sites have successfully secured their respective CADTs. Five of them have acquired their CADT through conversion, while Ilomavis-Balabag acquired its CADT through direct application. They are also at different stages in terms of ADSDPP formulation, and some of them have experienced administering the FPIC process.

Figure 1. The Six Research Sites
(Indicating the Areas with Approved and Ongoing CADT Applications, as of Aug 2007)



Source: NCIP-ADO

Part 4: Case Studies of Indigenous Community Participation

1. Striving for Community Self-Reliance: Case of Pakwan Manobo Indigenous Cultural Community

The Agusan Manobo is one of the eight Manobo groups who inhabit Mindanao. History books posit that the origins of these groups of peoples can be traced back to the early seafaring, tool-wielding Malays from the surrounding islands of Southeast Asia, who migrated to the Philippines during the Neolithic Age. The groups are all very similar, differing only in some aspects of culture. Overtime, divisions formed according to the demands of environment. The distinctions resulted from their separation.³⁸

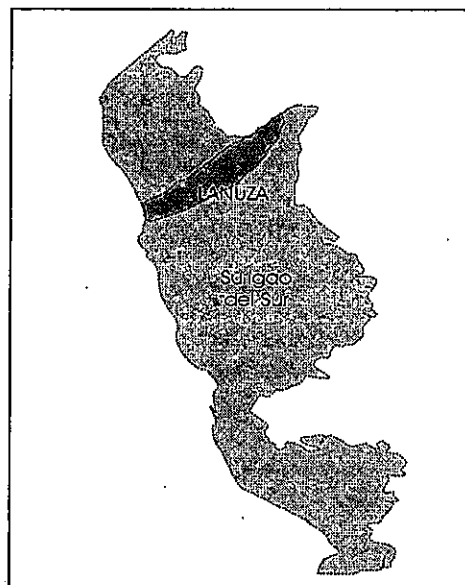
In the early years of the 18th century, conflicts among the Manobo and Banwaon tribes became a regular occurrence in the upper part of Agusan Valley. It created havoc among the lives of the communities in the Upper Agusan and forced them to flee to the neighboring mountains.

In order to preserve the lives of his people, Datu Apo Oja, popularly known as Ojakan Dawog, fled with his family from Upper Agusan, went to the east following the Mt. Diwata trail, and settled in a mountainous area unoccupied by other tribes. Edible ferns (paku) abound in the new area, hence, they call the place "kapakuhan." Their first settlement was established along a creek known today as Pakwan Creek, purposely to have easy access to their fishing and hunting activities.

In 1993, Anilao Dawog, a descendant of Datu Ojakan Dawog and more popularly known as Kumander Jack, led his community and claimed the area as their ancestral land. They secured two (2) Certificates of Ancestral Domain Claims (CADC) from the Department of Environment and Natural Resources (DENR) for their land. In 2002, these CADCs were converted to a Certificate of Ancestral Domain Title (CADT), and was awarded to them by the National Commission on Indigenous Peoples (NCIP), covering an area of 11,811.62 hectares of ancestral land in Bgy. Pakwan, Lanuza Surigao Del Sur.

Context of the Ancestral Domain³⁹

The assault to the land and their livelihood. The ancestral land of the Pakwan Manobo tribe is located in Barangay Pakwan, Municipality of Lanuza, in Surigao Del Sur, Mindanao. It is approximately 28 kms. from the town proper, or about 72 kms. from the municipality of Tandag (now a city), the capital town of the province. It covers a total area of around 11,862.12 has., which is 29.84% of the total municipal land area. NCIP census in 2002 stated in the ADS DPP declares some 1,053 individuals as beneficiaries of the land title.



location map of the town of Lanuza in Surigao del Sur where the Pakwan Manobo CADT is located

³⁸ Prayer Profile The Manobo of the Philippines, accessed through Google

³⁹ Draft ADS DPP of Pakwan Manobo AD

Most of the land covered by the CADT is mountainous and forested. The early settlers practiced slash and burn farming and plant rice and root crops to sustain themselves in their new settlement. There was no legal tenurial instrument or any written documentation to secure their rights to their farm areas. Among themselves, their individual farmlots extend to the creeks or trees which they planted in its boundaries. This has been their customs since then. In general, this practice is still being observed and respected among them. A major alteration to their system of land ownership dawned to them, from the outside of their tribe, in the early 1960's.

In 1962, the government declared some 312 has. within their ancestral land as alienable and disposable. At around this time, the Surigao Development Corporation (SUDECOR), a logging company, has also applied for a logging concession that covers the area. In 1966, SUDECOR started its logging operations inside the tribe's territory.

The once undisturbed freedom to cultivate lands for sustenance was disrupted by the intrusion of the logging company. Under a Timber Lease Agreement (TLA) with the government, SUDECOR concession area reaches to around 75,000 has. of forest land, encompassing the other barangays alongside Pakwan, and the other towns adjacent to Lanuza. When they started operations in 1966, the company ordered the settlers to vacate their settlement since it is included in the concession area of the logging firm. But the community, then led by Datu Hojognon, stayed unwavering to their land. SUDECOR embarked on many various ways to threaten the tribe and enforce their incursion to the rich forest covers of the land, but the tribe remained steadfast to their land. To date, the community has tired out the assaults and stayed in their settlement.

The efforts to seize opportunities. Anilao Dawog, an idealistic young Manobo and a descendant of Datu Ojakan Dawog, the leader of the first settlers in Pakwan had witnessed all these violations of their rights. His family suffered the injustice done by the firm. His parents were prevented from tilling their farmland. Their livelihood suffered a great setback.

In the late 1980s, after a series of unfortunate experiences in rattan business and the unfair labor practices he suffered as a company guard of a logging firm based in Agusan, he joined the New People's Army (NPA) operating in the Agusan-Surigao hinterlands. He became Kumander Jack. He did not stay long though, in the armed struggle. When in 1992, then Pres. Fidel Ramos offered an amnesty program to all rebels, he and his fellow Manobo NPAs surrendered to the authorities, and exchanged their firearms to some cash compensation.

Included in the amnesty program was the option to integrate the rebels into the police force or the government army. Kumander Jack and his group did not avail of that. Instead, they applied to DENR for a permit to cut some 5,000 cu.m. of timber inside the A&D land within their community. They thought to start a new livelihood from the sale of these timber products.

The DENR denied the application, fearing it could set bad precedent to the government's peace and environmental programs. During this time, the agency was in the process of recognizing tribal claims to their ancestral domain. They advised Kumander Jack to apply instead for a Certificate of Ancestral Domain Claim (CADC) of their ancestral land.

Initial triumphs, encouraging future. Along with the recognition of the land as the ancestral domain of the indigenous people, the CADC also gives the proponent/tribe the liberty to utilize the resources within their claim in a sustainable manner. For the Pakwan Manobo tribes, these two are their basic rights. These motivations drive the Pakwan Manobo tribes to pursue with their CADC.

In 1993, Kumander Jack organized the Pakwan Manobo Indigenous Cultural Community (PMICC), the proponent indigenous people's organization (IPO) for the CADC. Their application covered the whole 312 has. earlier classified as alienable and disposable area in the community. The following year, the first CADC in the Philippines was issued to the Pakwan Manobo Indigenous Cultural Community. Not long after that, a special permit to cut timber was granted to the IPO, about 100 hectares within their ancestral domain claim.

Realizing that they could actually petition for an expansive land area, as long as they could prove that it is within their traditional land territory, they again applied for an additional 12,000 has. for CADC. In 1995, DENR issued a second CADC for the group of Kumander Jack. Adjacent to the first CADC, the new certificate covers an area of around 11,500 hectares.

In 1997, the Congress enacted into law the Indigenous Peoples Rights Act. In 2002, NCIP began processing the conversion of the two CADCs into one Certificate of Ancestral Domain Title (CADT). In November of that year, NCIP awarded to the Pakwan Manobo Cultural Community their CADT, with a total land area of 11,811.6247 hectares of ancestral lands.

SUDECOR attempted a few times to hold back the CADC and CADT processes, but the community and the support agencies prevailed. The community could now contest before the court the TLA of SUDECOR with the DENR. But they opted to just wait for the expiration of the agreement in 2011. The tribe's ADSDPP is underway.

Historical-Cultural Worldviews and Practices of Community Participation

In terms of their traditional forms of governance, the Agusan Manobo, in general, are similar with other Manobo groups in Mindanao, as well as from other IP groups in other parts of the country. The village head is called a datu (chieftain). He runs the affairs of the community, maintains its peace and order, and establishes good relationships with other communities. He was chosen because of his bravery, wisdom, the respect that he enjoys in the community that he heads, and the recognition that other communities convey to him. The community chooses him, but his predecessor is the one who sanctions him. The successor may not necessarily come from the Datu's direct family.

The "Manigaon" are the village elders and advisers to the the datu. The "Baylan" is the village priest or priestess. He or she administers the religious rituals and ceremonies such as in marriage. The community believes he has the ability to mediate between humans and the spirits. The village warriors are the "Bagani". They are selected in terms of their bravery and skills in warfare. Their task is to defend the community against attacks by enemy tribes. The male youths are the "Baybata", the young warriors under training by the datu or the bagani. Trainings range from hunting to engaging the enemy in tribal wars. "Bae" is a female ruler, usually the chieftain's wife, chosen by the elders to administer the affairs of the women.

Social life among the Pakwan Manobo is patriarchal or male-dominated. The head of the family is the husband. Polygamy (having more than one wife at a time) is allowed, and is based on the capacity of the husband to financially support his families. The wife tends more to the house and children. She also helps her husband in the farm. This is perceived as an extension of her role as wife and mother. Any issues they believe to have an effect in community life are being discussed at the level of the community, oftentimes, in a general assembly.

Community Realities and Experiences on AD Delineation/CADT Application, ADSDPP Formulation and AD Management and FPIC Conduct

AD delineation/CADT application. According to Kumander Jack, it was in 1998 when their CADC was turned over to NCIP for conversion to CADT. In 2002, when the NCIP guidelines for the conversion of CADCs into CADT were issued, the drive to convert the certificates into a land title started.

But there were other factors that stimulated the process. First, the CADCs are the first to be issued in the country. NCIP thought to make it the first CADT also. Second, President Gloria Macapagal-Arroyo was on her way to her SONA in 2002. NCIP hoped to include the CADT among the government's accomplishment for the period.

DENR's CADC requires the community to submit documents and proofs to support their claim to their ancestral domain. These requisites include, among others, genealogical surveys, historical accounts, write-ups of customs and traditions, survey plans or sketch map of the ancestral land.

When the community worked on these evidences, they were helped out by a Manobo Provincial Chieftain. Datu Cesar Bat-ao is the acknowledged provincial chieftain of the Manobo in Surigao Del Sur. Government agencies seek him in every instance that require IP consultations and participation.

Kumander Jack sought Mr. Bat-ao's assistance in this undertaking. Together, the two lead the community gather proofs and conduct the interviews and documentations. DENR officers from the national level accompanied them at some points. In one incident, SUDECOR officials tried to block the process by preventing the government officials from entering the community. The DENR officials present at that time negotiated with the security officials of the logging firm and threatened to cancel the TLA of the concession. They argued that the firm is preventing a conduct of a government activity. SUDECOR backed off.

To help them out in the geodetic survey and delineation of their territory, Kumander Jack negotiated with a mining firm, the Southeastern Exploration Mining Corp. This British company contributed funds in hiring out the private survey engineers that conducted and prepared the survey plan.

When the processing of the Pakwan CADC into CADT started in 2002, these documents were turned over to NCIP for evaluation. They revalidated the proofs at the community level through general assemblies they organized for the purpose. But the NCIP rejected the survey plan/map made by the private survey firm. The NCIP has their own survey team and they conducted the new survey plan. The actual survey of the metes and bounds of the ancestral domain lasted for 29 days. The NCIP provincial engineer headed the team. The work and financial plan was prepared, NCIP shouldered all the expenses and logistics that the activity incurred.

The actual survey party included members of the community who acted as guides to the area. They clear the line of sight of the survey transits, carry the equipments and run for errands throughout the duration of the activity. NCIP maintains that the guides got paid for it, as it was fees for their labor. Kumander Jack holds that he also helped in providing for the needs of the families who joined the field works while surveying is in progress.

A mild tension cropped up during the early part of the surveying. The NCIP personnel, anxious that the activity might be disrupted by the NPAs operating in the area, requested for military presence and escorts while they are staying in the area. The military personnel accompanied the group during

the first week. It tensed the community, as they perceived it would provoke more an encounter with the rebels than avoid it. The next week, NCIP withdrew back their military escorts.

The Pakwan Manobo tribe knew very well the borders of their ancestral domain. They knew exactly where their territory ends. Nonetheless, a representative of the adjacent tribe joined the survey team and accompanied them in delineating the boundaries of their ancestral domain.

The CADT of Pakwan Manobo was not completed in time for President Arroyo's SONA. Kumander Jack believes it was because of NCIP's rejection of the first survey plan that they paid for and done by a private firm. It delayed everything.

ADSDPP formulation. IP communities somehow have their sustainable systems of utilizing the natural resources within their ancestral domain. But those who have been issued their CADTs, they knew they have to document it as well. The Pakwan Manobo IPs have formulated their ADMP as required by DENR in their CADC. Now with their CADT, the leaders are aware of the need to formulate their ADSDPP as required by the NCIP. They also appreciate ADSDPP as a way by which they could document how they plan to go about their ancestral domain in terms of its development and protection.

IFAD (International Fund for Agricultural Development) is a UN funded development aid program with operations in Mindanao. In Surigao Del Sur, they support the Northern Mindanao Community Initiatives and Resource Management Project (NMCIREMP).

Most of the barangays in Lanuza are non-CADC areas. When the LGU-NMCIREMP conducted its IEC on its programs and projects, most of the coordination was made with the Barangay Councils. In Brgy. Pakwan (a CADT area), they coordinated the activity through the tribal council. However, because NMCIREMP is perceived by the community as a local government project, they consider it more appropriate that their Brgy. Chairman led them in all the coordinations with LGU. Kumander Jack and Brgy. Chairman Samuel Sumanda had agreed that the latter lead the community in all the coordination efforts with regards to LGU-NMCIREMP, including the community ADSDPP.

In the Municipality of Lanuza, NMCIREMP implements several component programs in Bgy. Pakwan. One of them is the *Support to IP Program (SIP)*. SIP mainly facilitates funds for the processing of CADTs and ADSDPPs of the IP areas within the municipality. In Bgy. Pakwan, they provided funds for the formulation of the community's ADSDPP.

The municipal level NMCIREMP is the lead facilitator of the whole process. In partnership with NCIP, they agreed on the procedure by which they would facilitate the ADSDPP of Bgy. Pakwan. In the following stages of the process, the community's participation was solicited:

1. *Formation of Community Based Working Group (CBWG) and Municipal Technical Working Group (MTWG).* The MTWG is made up of representatives of the municipal level NCIP, DENR, DepEd, and heads of offices of line agencies at the LGU level. In the community, each of the four puroks of the barangay was represented by at least five members. They were selected at the purok level, on the basis of their levels of literacy, and capacity to articulate in discussions and workshops.
2. *First workshop with CBWG and MTWG. Formulation of Work Plan and Budget.* This was held in the community. They plan out the schedules of activities and projected the expenses that it entails. At this stage, it was cleared out that the whole endeavor would be funded by IFAD.

3. *Community IEC (optional)*. At this point, the CBWG was given orientations on the salient provisions of IPRA. In case the need arise, they were expected to echo the same at the purok level.
4. *Capacitate CBWG-Workshop*. A survey form for the AD profile was prepared and discussed in this workshop held outside the community. The CBWGs were given orientation on the manner of data gathering for the AD profile.
5. *Data Collection*. The CBWG went about in their assigned puroks and conducted individual interviews per household.
6. *Data analysis. Workshop with CBWG and MTWG*. Consolidation of secondary data and data collected from the community, done in the community.
7. *Community assembly: Validation of data and analysis*. Done at the purok level, each in a general assembly.
8. *Formulation of Development Plans, Programs and Policies in accordance to customary laws and IKSP*. The CBWGs and the MTWGs met several times. One time in a 5-day, live-in seminar held at a neighboring town. They made SWOT analysis, and long listings of issues and concerns that they gathered in the interviews. They formulated their Vision, Mission at this point, and developed their long term plans and protection policies anchored on its vision, missions. Organizational structure was organized with defined duties and responsibilities of its officers and members.
9. *Community validation of formulated plans, programs and policies*. The output of the seminar/workshops was presented to the community through a general assembly.

The documentations on the indigenous knowledge, skills, and practices of the tribe were facilitated by the NCIP through interviews with key persons in the community. The final draft of the ADSDPP was submitted to the regional IFAD-NMCIREMP for review. After its evaluation, they will forward the document to NCIP and this will be the basis of the NCIP's 5-year Development Program. The LGU of Lanuza will also be furnished a copy for integration to its Local Development Plan.

AD management and FPIC conduct. *Falcata* is a forest tree species used as raw material in the manufacture of matches, papers, and others. In recent months, SUDECOR has allowed the families of Pakwan to cut these trees in their individual areas within the A&D land. The logging firm has allowed the entry of logging trucks of industry firms based in Butuan City, to transport these timber products outside the community.

Families engaged in this business now secure their logging and transport permits from local DENR. SUDECOR has a clear program on reforestation, and there are members of the community who are employed in this program. But the reforestation activities apply only to areas within the logging concession, not in the A&D areas.

PMICC, the IPO of the Pakwan Manobo community has no concrete program yet on reforestation, except to advocate for it. They encourage each member of the tribe to carry out their own individual reforestation in the areas where they cut their *falcata* trees.

There are other agricultural-forestry based sources of livelihood in the barangay (i.e. rattan, abaca, and bamboo made handicrafts). But many of them are into vegetable gardening. The LGU and DA have implemented an integrated farming system and organic farming projects in the community. Bgy. Pakwan now boasts of truckloads of vegetables from their community, being marketed in Cantilan town every week.

Almost all over Surigao Province, the European Union is funding the formulation of the Forest and Land Use Plan (FLUP). They did not include the Ancestral domain of Pakwan Manobo

community. The forest and land use plan of Bgy. Pakwan was formulated by the community and is incorporated in their ADSDPP.

Part of NMCIREMP's presence in the communities is its *Community Initiatives and Participatory Development (CIPD)* program. This component focused on community organizing and formation of self-help groups and other community institutions. Through this program, the LGU releases and facilitates its Poverty Alleviation Fund. They implement this by contracting NGOs to facilitate these in the communities. In Bgy. Pakwan, the Project contracted Orient Integrated Development Consultants (OIDC) based in Davao City, and the Hukbong Kinaiyahan Inc. (HKI) based in Bislig, Surigao Del Sur. The two NGOs operated separately and at different stages of implementation of CIPD. They were able to cover the social investigation, participatory rural appraisal parts, and the formation of the self-help group in the area--the Indigenous People of Pakwan Multipurpose Cooperative (IPPAMUCO).

These two NGOs immersed themselves in the community. The first to operate in the area was OIDC. During their time, LGU thought that Brgy. Pakwan was only partially a CADT area. Hence, they coordinated OIDC with the community through the Barangay Council. HKI, on the other hand, was contracted in the light of the CADT, hence, coordination was done through the tribal council. Both NGOs, however, passed through a community general assembly called upon to allow them to integrate and work in the community. They were considered part of LGU projects, and they are welcome to the community.

An FPIC process was once conducted in the community. It was the prospects of Southeastern Exploration Mining Corp. (SEMCORP.) exploring minerals in their area. PMICC lead the FPIC process in a general assembly and the community gave approval to the mining firm. The company, however, was not satisfied with the tests on the mineral samples they have taken in the area. The business did not push through.

Impacts of Emerging Realities and Experiences

On self-governance. It was only in 1980 when the community was founded as a full-pledge Barangay complete with its Barangay Officials. Prior to that, the government, SUDECOR, and others directly deal with the Datu on projects and issues affecting the community.

The establishment of a formal barangay gave rise to new leaders and new system of governance – at least on matters with the government. The new set of leaders was elected in a government-mandated process. The Datu, though, still holds as the community head.

When CADC was initiated, Kumander Jack organized the Pakwan Manobo Indigenous Cultural Community (PMICC), as the IPO proponent representing the community. He registered the IPO to strengthen its legal identity. He steered PMICC as the IPO that advocated the CADT with NCIP.

PMICC organizational structure was complete with its Board of Directors (BOD) and committees based on issues (i.e. credit committee, etc.). BOD composition was based on sectoral representation. The Barangay Captain was a member of BOD and he represents the LGU. Kumander Jack is the first and current chairman of PMICC. In 2002, Datu Kalinawan, before his death, selected Kumander Jack to succeed him as Datu of the tribe. The traditional leader and the IPO leader now came to be one and the same.

Speculations are underway on what to do with SUDECOR's concession when the latter's TLA expires in 2011. Kumander Jack and Brgy. Chair Sam Sumanda are closely exploring the possibilities.

Bgy. Pakwan is almost 100% Manobo. On matters of NCIP, coordination is mostly with the elders, datu, and the PMICC. On LGU concerns, coordination is with the Barangay Chairman and the Barangay Council.

On work and financial plans (WFPs) of CADT and ADSDPP. NMCIREMP is 20% funded by the LGU. The local government's share goes to the project's administrative operations, staffing expenses, etc. The Poverty Alleviation Program (PAP) of the municipality is being facilitated through this project. The ADSDPP process was perceived as an opportunity for the LGU to show its concern to the issues of the IPs. The LGU believed that now is the time for them to show to their IP constituents that their welfare is also in the development agenda of the municipal government.

The formulation of WFPs in CADT and ADSDPP processes is the opportunity for IPs to indicate their counterpart in the whole undertaking. In this stage, IPs can set what can they contribute. It can be the CBWGs' foods, the accommodations of the technical staff of NMCIREMP, etc. NCIP and the support group (IFAD) can hold the community accountable for their counterpart. In the end, the purpose is to make the community feel itself as partner in the activity.

On women participation in IPPAMUCO, Bgy. Council, and PMICC. Traditionally, the women of the Pakwan Manobo community attend only to family issues and limited only at the household level. Economic difficulty is perceived as just one of the many issues concerning the family and she helps resolve it as a way of supporting her husband. The "Bae" or the wife of the chieftain, if ever she has some community level concerns, most likely it is limited to women affairs.

The formation of new community institutions gave way to community level spaces of participation for the women. Mrs. Cerila Montenegro is presently the secretary of the barangay. She was also elected secretary of the PMICC. Though the role is perceived as minor and non-extraordinary because women in other communities traditionally hold it, it nonetheless, provides Manang Cerila and others like her, the first hand exposure and experiences to community level participations and processes.

The Poverty Alleviation Program of the LGU, through NMCIREMP's CIPD component, also gave way to a more community level participation of women. The Indigenous People of Pakwan Multipurpose Cooperative (IPPAMUCO) is a self-help community institution organized by the LGU for the collective economic activities of the community. Almost 70% of its members are women. As it is, the organization caters to improving the economic lives of the member/families—this is the women's primary motivation in joining it.

Conclusions, Lessons Learned and Recommendations

The tribal barangay. There are three community institutions that presently govern the Pakwan Manobo tribe in the many dimensions of their collective life. They have the 1) traditional Tribal Council headed by the Datu, 2) the PMICC, the accredited and accepted indigenous peoples organization (IPO), and 3) the Barangay Council headed by the Barangay Chairman, helped out by his Barangay Council. It helps that the current *datu*, Datu Anilao Dawog, is also the Kumander Jack, the Chairman of PMICC. It also helps that almost all the members of the community are also members of the IPO.

Brgy. Chair Samuel Sumanda leads the barangay in the affairs of the LGU and other government agencies. The Barangay Council works parallel with PMICC in terms of community development efforts. Brgy. Chairman Sumanda was once an official of PMICC as member of its Board of Directors (BOD), representing the LGU sector. The enhanced organizational structure of PMICC now prohibits barangay officials from being elected officer of the IPO.

Each of the community institutions runs the community life of the barangay, their issues sometimes distinct from each other, but most overlaps in their concerns. The overriding concern that unites the three is their concern for their ancestral domain. Almost always, they look upon their ancestral domain from the standpoint of their customary laws and practices. Bgy. Pakwan is almost 100% Manobo. The present set-up provides an opportunity for the community to reaffirm their customary laws and practices and prevail it among themselves and with others. The government may further enhance it by institutionalizing the community's traditional forms of governance and define ways to relate with them in all aspects of community issues (i.e. peace and order, AD management and protection etc.).

The LGU may have foreseen this scenario. After the ADSDPP formulation, proposals are underway to create an office under the local executive that will ensure the implementation of the ADSDPP, and safeguard and strengthen the gains of their CADT. On the other hand, Kumander Jack won as town councilor in the May 14, 2007 local election. Majority of the IP population in the whole town voted for him and placed him in the town's legislative body. The community has accessed that space as a venue where their hopes and aspirations can be raised and attended to.

The community ventures in resource extraction and management. The CADT has empowered the community and has given them enormous knowledge to their rights over their ancestral domain. They are now aware of the many possibilities they can utilize their timber products and possible mineral deposits to improve their economic welfare.

In their ADSDPP, the community stipulated the terms for the protection and management of the rich natural resources that they own. They have set policies and direction for its utilization. Though they knew the issues besetting environmental resource extractions, yet, they did not rule out extending logging operations in their ancestral domain once SUDECOR's TLA expires in 2011. They also tend to look for investors that will explore possible mineral deposits in their area.

With the logging concession, almost everybody have the same firm opinion that SUDECOR must go. They just don't agree yet on who's to replace SUDECOR when it does leave after their term expires. Would the community be equipped with the capacity to manage it? Or would the community tie up with other logging firms and enter into a joint business venture with them?

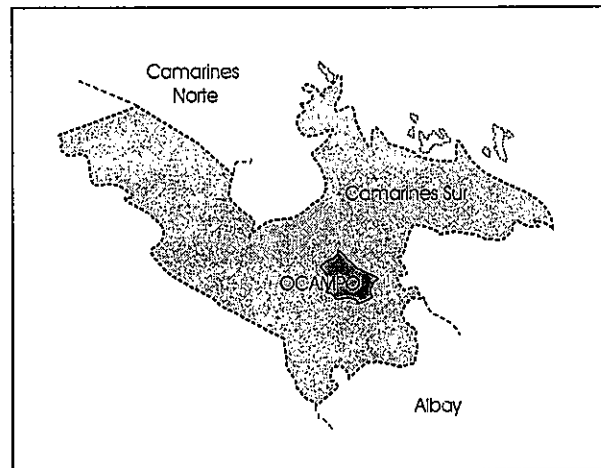
Whichever direction the community chooses, a follow up question is cropping up: how could the community be ascertained that the economic benefits that the logging venture promises will not just trickle down to them? How can they be assured that progress will benefit the majority of the community population?

The community is confident they are ready and capable to address those concerns.

This case study was prepared by Noel Gonzales with the people of Municipality of Lanuza and Barangay Pakwan (Municipal Councilor Anilao Dawog, Barangay Captain Samuel Sumanda, Kagawad Eduardo Dawog, Ernesto Ondad, Cerila Montenegro), John Largo of IFAD, and officials and staff of NCIP Provincial Office (Provincial Officer Charlene Binghoy, Engr. Ruel Binghoy, Rubelyn Meldazo, Cesar Bat-ao, Jr.) and NCIP Service Center (Robert Bat-ao, Ordono Rocero, Jr.).

2. Agta's Struggle to Reclaim and Manage their Shrinking Land: Case of Agta Tribes in the Municipality of Ocampo, Camarines Sur

The ancestral domain of the Agta Cimaron and Agta Tabangnon in the Municipality of Ocampo, Camarines Sur is on the valleys of Mt. Isarog. The struggle of these IPs for security over their ancestral domain bore fruit in 2003, when they were provided a CADT which covers 5,099.3430 hectares. This case illustrates how these IPs are able to triumph over their struggles for their collective aspiration to live decently and survive in the lands which their ancestors have occupied since time immemorial.



Context of the Indigenous Cultural Community

location map of the town of Ocampo in Camarines Sur where the Agta CADT is located

Brief history. The brief history of these people is well documented in the ADS DPP for the Agta-Tabangnon and Agta-Cimaron of Ocampo, Camarines Sur prepared by the community with NCIP's technical assistance.

"Based on available historical records, the earliest Filipinos were little black people whom the Spaniards called 'Negrillos' or 'Negritos'. They, however, call themselves dwellers, or Lords of the land, which is an indication of the antiquity of their community..."

"In the report of the Spaniards, there were some 10 to 20 thousand 'Cimaronnes' or 'Remontados' around Mt. Isarog. These people were baptized as Christians but became hill-dwellers because they disliked crude labor or free service for the government, and did not want to pay taxes; they were punished or treated badly as a result, (hence) they had grievances against town people and government officials."¹

It is believed that the Cimaronnes and the Remontados were the first inhabitants of Ocampo and the ancestors of the modern-day Agtas in the area. Their ancestors built several settlements along the many creeks and rivers running down from the mountains, moving from one to another in pursuit of better vegetation to forage and hunting grounds to hunt. Throughout their known history, the Agtas in these parts of the province have lived in this fashion. Their settlement was dictated by the season: in the valley by the rivers and creeks on dry months, and near the foot of the mountains and hills when heavy rains come.

At the turn of the 17th century, the Spanish colonizers came and moved in along with merchants and tradesmen from neighboring towns. They settled in the best areas of the valley, with the most fertile lands and a good vantage point for establishing permanent settlement. Unused to dealing with strangers, coupled with difficulty to understand and to adapt to the culture of the newcomers, most of the Agtas retreated to peripheral areas of the new settlement as an initial reaction. Over the years, the settlers grew in number along with the space occupied by their settlement. More and more, the majority of the Agtas are pushed towards the hills and foot of the mountains. It may be from the fact

¹ in ADS DPP for the Agta-Tabangnon and Agta-Cimaron of Ocampo, Camarines Sur, p. 53-54.

that they now live mostly in the slopes of the mountains that the succeeding Agta generations came to call the new settlers "lowlanders". Until some time later, this group has kept their communities away from the lowlanders and intermarried only with Agtas from other neighboring communities.

There were, however, a small number of Agtas who stayed in the valley and adapted to the ways of the new settlers. Over time, these Agtas intermarried with the local population and assimilated quite well with the new community. Children of Agtas whose parentage are an Agta and another Filipino lowlander are called "Agta-Tabangnon". They still exhibit the physical features of their Agta parents but were softened with the passing of years of intermarriage with other lowlanders. Those whose parents married with foreigners came to be called "Agta-Cimaron". The children of this group exhibited features of their foreign parentage and over few generations, retain less and less of the original physical likeness of their cousins in the hills.

Eventually, the Agtas were hard-pressed for lands to cultivate and grounds to hunt food from in the hills and mountains. They move more frequently and into more secluded areas, to preserve their ways. Before the turn of the 20th century just before the American occupation, most of Agtas were finally out of lands in the hills and mountains to turn to and were thus forced back into the valley. Uninitiated to the laws of the lowland, the Agtas came down but had no legally owned land to settle down to. Since most of the lands have now been declared government property or titled to individuals, they "settled informally" in unused lands. Most adapted to farming and worked on the lands they were temporarily granted to occupy, until such time that the titled owners would find use for the lands. When such time came, they again moved to other lands and settle informally.

In the 1900s, the commonwealth government saw the existence of the Agta people and that some number are still living off the foot of the hills and mountains. In 1913, the government set aside a portion of the land of the modern-day Municipality of Ocampo as a reservation for the Agtas with a total land area of 1,553 hectares. At the time, the Agtas who to an extent still practiced their nomadic ways did not settle in it. Over the years, mainly probably due to mass confusion of legal status of the land by various government agencies tasked to managed land registrations, the "Negrito Reservation" was cleared for disposal and was privately-owned by individual applicants.

The years after the Second World War saw the in-migration of other Agtas from other towns and provinces. Through marriage to locals (both Agta and non-Agta), economic opportunities, and other reasons, the Agtas of Ocampo slowly came back and grew in number through the years. Towards the late 1980s, with the hope brought by the information on the "lost" proclamation on the Negrito Reservation, the Agtas of Ocampo started to plan steps to claim their lands. However, since the lands within the Negrito reservation are "lawfully disposed" to about 150 individual title holders, the Agtas are relegated to settle informally in the periphery of these lands, and sometimes within, working as farm hands.

At present, the Agtas are mostly informal settlers in the land that was reserved for them and within the lands they traditionally occupy before the Spaniards time. A few families were able to gain small parcel of lands for residence through marriages and to very small extent due to economic improvement. With traditional kinship practices of living close to their relatives, the Agtas are slowly rebuilding communities but are sporadically situated over the Municipality's 12 of 25 barangays.

As of 2003, the Agtas of Ocampo within the 12 barangays number to 6,293 individuals, accounting for less than 20% of the municipality's total population. The average household size is 6, with males only slightly outnumbering female (52 male for every 48 female).

Historical-Cultural Worldviews and Practices of Community Participation

Social practices and norms. In the old times, Agtas are mainly hunters and foragers. They hold festivities related to the land. During particularly good hunting expeditions, the community holds a communal feast and everyone partakes of the food prepared. The elder or elders will sound off a call (usually beating of a hollow trunk or bamboo) to the community to a sit-down somewhere in the community's center or in any one of the elders' front yard to celebrate the good hunt. This practice strengthens the sense of community of the Agtas and instills faith in their community and the leadership of the elders.

The same may have been practiced during a good harvest by the community's foragers. Most of these foragers would be women, children and sometimes even men – those who are less agile to hunt. Along with other women-centered or women-initiated activities, it probably had been less highlighted among the community's history which is traditionally passed on orally by elder men and women.

For the most part, when the Agta people assimilated with the lowlanders, they also adapted to the economic trends of the mainstream society. They engaged in farming of local crops as they did traditionally – although before only it was at a subsistence level. As they lack the land, they work as farm hands and get only shares of the product of their toil. This practice had persisted over the years and will be the most viable life-long economic opportunity for most Agtas even in the present-day setting.

Among the practice related to family life of the Agtas is the parent's exclusive power to choose their children's mate for life. An Agta youth will be separated from the family at the onset of puberty since they perceived this age to be "a period of great sexual curiosity" and thus the measure to prevent incestuous relationships. When ready, the parents of a male youth will choose his mate and their family will pay the dowry to the girl's family. The wedding ceremony is short and mostly given to elders of the community and the families giving out admonitions and advice on married life. Even after marriage, children are still subservient to their parents. The newly-weds will give time to both their parents, serving them for a period of time to show affection and respect. This strengthens ties between families and joins clans both for social and economic advantages.

At the family, the father exerts the greatest authority over family matters, especially with regards to the children. He is also the breadwinner for the family. The women of the family are usually confined to household chores.

This last information on the family hierarchy may have been adapted from the Agtas' acculturation to the lowlanders' way of life. Most, if not all, of the social practices and norms of the Agtas have been lost when they moved from the valleys to the hills, and especially when they moved back in and assimilated with the lowlanders.

As it is, modern-day Agtas have been very successful in assimilating with the mainstream culture, almost to the level of eradication of their traditional beliefs and practices. The present generation of the Agta-Tabangnons and Agta-Cimarons have assimilated so well in population and culture that only a very few exhibits the true physical features of their ancestors and almost none are left practicing the ways of the original inhabitants.

Economy. For the most part, when the Agta people assimilated with the lowlanders, they also adapted to the economic trends of the mainstream society. They engaged in farming of local crops as they did traditionally – although before only it was at a subsistence level. As they lack the land, they work as farm hands and get only shares of the product of their toil. This practice had persisted over

the years and will be the most viable life-long economic opportunity for most Agtas even in the present-day setting.

The women for most part are held to household chores. Traditionally, they were able partners in economic undertakings. Mainly due to the influence of lowlander culture, they fade more in the background of economic opportunities. With the harsh economic realities felt at the community level and family tables, practicality of the mainstream society once again seeped into the Agta family and women are now equally engaged in economic activities.

However, with the low educational attainment of the majority Agta, employment opportunities are quite restricted. As with the other citizens of Ocampo who have less than desired educational level, modern-day Agtas are relegated to laborious jobs. This includes farm help, construction laborer, and irregular artisanship such as carpentry, storehouse and market workers for men. For the women, they work as house help in both local and other areas, store workers, a few are engaged in handicraft-making, and a few others are also engaged in farm management with the rest of their family.

Governance structure. Leadership of the community traditionally falls to elder men. By informal consensus among the families, leaders are developed and revealed by simple everyday activities. The elder who gives out the better advice, is effective in managing daily community affairs and is generally perceived by everyone to be capable of leading the community through harsh times, becomes the accepted leader. As a leader, he carries an aura of bravery and courage especially when enforcing crucial decisions and at times of conflict. He does not necessarily belong to a wealthy clan. At some point in their history, bloodline is also considered in choosing their leader, as well as popularity among the community families.

In the old times, the leader imposed punishments congruent to the degree of the offense made by the offender. This is a main part of his task to administer justice to the whole community. In these, he is assisted by the community elders particularly in the decision-making processes, setting rules and guidelines, and supervision of the community and its activities.

In the Spanish years, the leadership role was institutionalized in the person of the "Barangay Teniente". The basic principles of leadership are retained, with a group of elders helping the tribal leader perform leadership duties for the whole community.

In 1987, through the Office of Southern Cultural Communities, the practice of choosing leaders gained more formal expression and avenue. The OSCC was mandated to assist in the creation of tribal councils within tribal communities. The process is done through "election" by the community's adults. The election consists mainly of voting by "raising of the hand" for the preferred leader from a set of nominated community members.

Then, an informal tribal council was the political institution which administered the affairs of the tribal community. At present, a tribal chieftain with the tribal council of elders heads the tribal council. The council of elders is composed of members of the community whose age are at least 50 years old, an age set as criteria by the community members themselves. The tribal council through the tribal chieftain and other officers implement plans, programs, projects, and other activities within the community, while the NCIP oversees its operation.

Among the 12 barangays of Ocampo where Agtas thrive in clusters of families, the OSCC organized the tribal councils. Aside from the tribal chieftain, a council of elders (or sometimes referred to as tribal elders or tribal kagawads), is elected with up to 18 members in one barangay and at least four members in another. The vice-chieftain, the treasurer and the secretary are rounding up

the officers in these 12 tribal councils. These councils were formally entered into record of the OSCC as organized between 1989 and 1991, and later reorganized under NCIP from 1996 to 2002. At the municipal level, these 12 chieftains elect from themselves a municipal tribal chieftain who can represent the Agtas in the affairs of the municipal government.

Realities and policies in community participation. Traditionally, the Agtas defer to the community elders for most of matters especially those that concern the community in general. Even family matters such as conflict are brought to the elders for advice and resolution. The Agtas have a set ways of doing things and these are enforced by the community elders. The number of elders in a single community vary according to the number of families. Sometimes when affairs of great concern surface, the elders call the whole community for a sit-down in one of the elders' house or front yard. Even youth can come but only the heads of families participate in the discussions and are entitled to give opinions.

Present-day Agtas lived together with non-Agta citizens in communities called barangays – the smallest political unit in the Philippines. The barangay is headed by the Barangay Chairperson duly elected during the barangay election. In some barangays where most Agtas presently reside, some Agtas hold key political positions in the barangay, such as *Barangay Kagawad* (or the equivalent of a Councilor, at the level of the barangay).

With the organization of the tribal councils within the barangays, traditional Agta leaders exert popular and organization authority over members of the tribal community. Like in the olden times, the leader is assisted by a council of elders. And to keep up with the duties and functions that comes along with managing an organization, the tribal communities instituted the positions of the vice-chieftain, treasurer and secretary. Serving like a counterpart of the Barangay's Sangguniang Kabataan (SK) and Barangay Women's Desk, the tribal council also organized its youth and women through the institution of their own organization – the Tribal Youth and Women Organization. In the same manner, the leader and other officers of the organization represents the interests of the youth and women in the tribal community affairs.

A simple and arbitrary policy on participation is set by the community organizers, officers and members of the tribal communities. The communities will elect from among their qualified members (usually an elder) to be the tribal chieftain, members of the council of elders, and other officers. The tribal chieftain will rule the tribal community based on traditional leadership style still valid with the present-day situation. He or she, along with the tribal council and other officers will manage the daily affairs of the community and represent the interest of the group in any proceedings they might be concerned or affected with.

The organizers of the first tribal councils set that an election of leaders be conducted every two years as a means or validation (or not) or the leaders' acceptability to the community. This was initially implemented in the first couple of years in most communities. However, the traditional practice of the leader serving until he or she is capable is still very much within the minds of the community that the two-year term is not at all enforced.

The tribal chieftain is the first person in the community that the members go to when faced with problems or has had conflict with another member of the community or even with a non-Agta. The tribal chieftain will try to resolve the conflict and mete out sanctions to erring community members. If the conflict is not resolved, the case is forwarded to the barangay chairperson and the barangay council.

During an assembly in the tribal community, all adults regardless of gender, social status and economic status, are called by the chieftain to discuss matters affecting the community especially those that need the consensus of the group. Young adults and discerning children are also welcome but only the adults are allowed to participate in the discussion and, when called for, to put in votes. In other less grave matters, only the heads of families are consulted. In some instances, only the officers and the council of elders decide on things. These are usually drafting on tribal community resolutions and communication and coordination with other groups in the community.

At the family level, the burden of decision-making still falls largely on the head of the family which is the father for most of the families. Between the husband and the wife, the man will propose his decision to the wife for validation, but only in confidence. They agree on the decision and the man announces this to the family. This was how it was traditionally done. With the influence of the mainstream culture and the changes in the dynamics within the family brought by the economic pressures for the last couple of generations, both husband and wife shares responsibility on deciding for the family, especially with regards to economic activities of family members.

Community Realities and Experiences on AD Delineation/CADT Application, ADSDPP Formulation, AD Management and FPIC Conduct

AD delineation. Midway through the 1990s, the Agtas of the Municipality of Ocampo assisted by the OSCC filed a Certificate of Ancestral Domain Claim to the office of the Department of Environment and Natural Resources (DENR). The claim was granted in 1996 after the appropriate processes have been fulfilled. At the time, no provision for any indigenous group to own lands was at hand. Only the CADC stood as the Agtas' claim to their traditionally-owned lands.

Through the Indigenous Peoples' Rights Act (IPRA) of 1997, the National Commission on Indigenous Peoples was created with a mandate to realize the provisions of the Constitution for the welfare of the country's indigenous cultural communities (ICCs). One such provision is the reacquisition by the ICCs of their traditionally-owned land, known to be ancestral domain. After the reorganization of the tribal councils in 2001 and 2002, the Agtas started the process of converting their CADC to Certificate of Ancestral Domain Title. The Title was awarded in 2003.

The Ancestral Domain covers a total land area of 5,099 hectares in 14 barangays of the municipality's 25 barangays. This is about 45% of Ocampo's total land area. The Negrito Reservation which measures 1,553 hectares comprise 30.45% of the ancestral domain land area, and 13.71% of the total municipal lands. The following table presents the land area of the 14 barangays covered by the ancestral domain and the percentage covered. Of the 7,443.46 hectare total land area of the 14 barangays, 68.50% is part of the ancestral domain.

Table 2. Coverage of CADT Per Barangay

Barangay	Total Area (in hectare)	Area covered by CADT (in hectare)	Percentage of Coverage
1. Guinab-an	480.00	435.00	90.63
2. Gatbo	495.00	495.00	100.00
3. Hibago	440.00	164.73	37.44
4. Hanawan	327.86	178.37	54.40
5. Sto. Niño	465.00	387.73	83.38
6. Sta. Cruz	350.00	350.00	100.00
7. San Jose Oras	330.00	330.00	100.00
8. San Francisco	283.76	243.76	85.90

Barangay	Total Area (in hectare)	Area covered by CADT (in hectare)	Percentage of Coverage
9. Del Rosario	440.00	440.00	100.00
10. Salvacion	457.00	6.25	1.37
11. Old Moriones	336.12	268.80	79.97
12. New Moriones	270.00	189.00	70.00
13. Pinit	569.34	222.98	39.16
14. Villaflorida	2,199.38	1,387.38	63.08
Total	7,443.46	5,099.00	68.50%

Source: ADSDPP

The years between Proclamation no. 1 (1913) and the advent of the OSCC community organizing (1987) and the IPRA and NCIP (1997), other activities have happened that caused further distraught to the Agtas and their plight of landlessness. Through means and reasons neither recorded nor can be recalled, lands within the proclaimed "Negrito Reservation" has been cleared for application for private ownership. Many individuals applied for use and ownership of said lands. To add to the confusion, some of these same lands were reacquired by the government toward the end of 1980s under the Comprehensive Agrarian Reform Program. These were redistributed to tenants of the lands. Both Agta and non-Agta tenants were recipient of this program. As it stand, although means and avenues have been created to facilitate the legal ways for the Agtas to once again live in the lands of their ancestors, intervening events have prevented this from happening.

In February 2007, about 90 family heads from the community in Barangay Pinit entered and cleared for farming a parcel of land within the Negrito Reservation without leave from the titled owner. The move was a collectively-arrived at decision by next-in-line elders of the community. The group sought counsel from the tribal chieftain and the council of elders and was advised to await the result of the legal proceedings. However, they proceeded with the plan to forcibly enter and claim lands within the Negrito Reservation for farming purposes. The owner of the occupied land sought the help of authorities to intervene and an on-going investigation still runs. The Agta farmers still occupy the lands they cleared for farming and are now preparing them for the planting season.

Extent of participation in AD delineation and ADSDPP formulation. Although in most cases there is no significant difference in the experiences of most communities from one another, the level of participation of the Agtas at the community assembly indicates the level of awareness and empowerment of the community as an indigenous minority.

In Pinit, where the first assembled community of Agtas is located and where the president of the municipal federation of tribal chieftain resides, participation in the activities leading to the CADC and the CADT as well as in the formulation of the ADSDPP were well attended. Elders and community leaders were always at hand during the technical surveys and validation of AD boundaries. Community members were in full attendance at information and education seminars aimed at raising the awareness of the community members.

The same may be said of other communities whether with majority or minority Agta population in terms of participation in the activities towards CADT and ADSDPP. The difference lies in that in a barangay where majority of the population is Agta, the Agta are more secure in expressing their views on the plans for the ancestral domain. In a barangay where the Agta are the minority, they are less expressive of their visions and seem to want to just blend in with the wishes of their community.

At the municipal level, the municipal government showed support in the activities conducted, providing venues in the municipal grounds for seminars, trainings and other such activities. This

support however did not necessarily translate to participation towards awareness of the issues surrounding the CADT and the ADSDPP. With regards to the ancestral domain, the officials of LGU Ocampo do not fully and formally acknowledge its CADT, citing that the ancestral domain covers too big an area and that the boundaries identified must have been in fault. As to the ADSDPP, although the LGU was among the support agencies present in the presentation, officials interviewed state that it cannot incorporate the plans the IPs have under their ADSDPP since the municipality has its own five-year development plan.

For both the NCIP and the Agta communities, the activities that led to the attainment of the CADT and the completion of the ADSDPP might not have been possible without the support extended by another NGO – CARE Philippines. At the time of the organization of the communities for CADT and ADSDPP, CARE Philippines has an existing project in the area that focuses on the development and conservation of Mt. Isarog and its remaining forestlands. In the perspective that helping the Agtas in the development of their ancestral domain might and will, in the long run help in the sustainable management of the forestland, CARE Philippines willingly provided its technical and financial support to the Agtas and NCIP. They taught the conduct of Participatory Rural Appraisal (PRA) tools to NCIP personnel and the communities.

One similarity in the conduct of the activities towards CADT application and ADSDPP formulation is that the guidelines from the NCIP were not yet released as both events were done before 2004. NCIP felt that although some steps may have not been properly addressed, the general processes that all the stakeholders went through with the CADT application and ADSDPP were accomplished in congruence or following the customary ways of the Agta, especially where the community was concerned.

AD management and FPIC process. Before the OSCC came to the Agta Community in Pinit Ocampo, there is little or very little organized community activity, much less an assembly of community members to collectively decide on matters affecting them. The experience of the Agta families moving from town to another, in search of lands to settle in and utilized for livelihood left them with a weak sense of community.

After the organization of tribal communities in the early 1990s, networking and linkaging with external organizations were facilitated by the OSCC and later through the NCIP for the realization of the CADT and the ADSDPP. Basic development projects such as development of road system, installation of irrigation and water facilities, setting up of community market area, construction or development of community infrastructures among others were implemented through the municipal government. These projects did not go through the prescribed consultation process to be undertaken with the tribal community concerned.

According to a municipal councilor interviewed, as a rule the tribal communities exist within the barangays. Therefore, the municipal government consults with the barangay and its constituents – which include members of the tribal communities. This is in view of the municipal official's perspective that although the Agtas exist as a tribal group, they are also citizens of the municipality first and foremost and are to be treated in the same way as everyone. There is a municipal committee on the welfare of the IPs, and any concerns pertaining particularly to the Agtas are settled here.

From the perspective of the tribal community members, projects have been implemented in their communities for the benefit of everyone – Agta or non-Agta. The process of consultation with the tribal community has not been done as they found no reasons for objection to the projects being implemented.

As to the conduct of FPIC, both the communities and the NCIP are committed to adhere as much as possible to the faithful implementation of the processes. For them, it is one way to check what activities are going on in the community. Academic researches by individuals and institutions often ignore FPIC since most of the time they just often go directly to the communities. Using their charm, they get the approval of community leaders, whether from the tribal chieftain or from the barangay officials. There were researchers before that did not share with the community the findings of their studies. These things should be avoided now. But still, much is left to the decision of the elders of the communities especially the tribal chieftain.

On the part of NCIP, any activity directed or referred to them with regards to the Agta and their communities is directed to the tribal chieftains through their federation. NCIP believes that the FPIC process should be followed as a matter of principle which could be a learning process for the communities and leaders within the AD in anticipation with what could happen in the future.

As the actual acquisition of the lands covered under the CADT and the Negrito Reservation is yet to be realized, the issue of AD management is yet to be imbibed by the Agta communities. At present, non-IP owners of lands within the AD and the Negrito Reservation go about their business of cultivating and developing the land to their ends.

Impacts of the Emerging Realities and Experiences

Following are considered some critical impacts of these realities and experiences on the part of Agtas in Ocampo:

1. The NCIP and the leaders of the Agta communities have been successful in ensuring that consultation with the communities and the appropriate agencies were done throughout the CADC/CADT application and ADSDPP formulation process. In this process, the initial steps to jumpstart the development of the Agtas started with the organization of the tribal communities and institutionalizing within each community a tribal leadership system.
2. The federation of the tribal chieftains also indicated a clear opportunity for participation at the municipal level. However, the federation has not yet succeeded in conveying the needs and plans of the communities to the LGU and other concerned agencies. The ADSDPP, which has already been existing for quite some time now, has not yet been able to be incorporated in the long-term development plan of the LGU. It seems there is still an enormous effort on the part of the federation and the leaders of Agta communities to assert its representation in local legislative and executive bodies and local special bodies, such as the municipal development council, the next level of struggle which they themselves should take on.
3. The ADSDPP served an indicator of the communities' capacity to decide their own development priorities based on their needs, situations and capabilities. It is in realizing or linking with the appropriate authorities to bring on their plans that they and their institutions are still weak. The communities' and the leaders' dependence, primarily, to the NCIP and to other institutions in this regard is the glaring obstacle to further development that needs to be addressed.

Conclusion and Recommendations:

It seems crucial at this juncture of political consolidation among Agtas is the effort to strengthen their unity and capacities as self-reliant communities. Perhaps this objective can be accomplished if there are activities that will aim to:

1. develop literacy and leadership skills of elders, leaders and other key sectors of the community in line with the challenge they face now in terms of advocating and negotiating for security over their lands, managing their AD, and linking with agencies, government and nongovernment, who are willing to provide them counterpart for the advocacy and development plans they prioritize under their ADSDPP;
2. establish and strengthen community avenues for open and collective discussions on their plight as IPs and strategies to win over the issues they have;
3. build strategic alliance with the LGUs through the IP leaders elected as local officials and by showing them their strength in terms of numbers and unity; and
4. provide for wide-ranging literacy education as an integral part of advocacy and development projects

"The problem is the solution," is one of the ecological principles of sustainable development. Perhaps the process of empowering the Agtas can start now with the recurring problems they have with their AD – tenurial security over the Negrito Reservation and the other lands within the AD – and non-supportive LGU officials of Ocampo. ancestral domain – through advocacy efforts.

Addressing these problems can address the landlessness of many Agta families and their lack of resources to pursue their socio-economic development needs. Active and protracted advocacy is what they need now, all geared toward the realization of the essence of having a CADT.

Their apparent dependency on outsiders to address their concerns as IPs will not provide them the security over the land they want to occupy which eluded them for quite some time now. It is unity as independent peoples, ownership of the problem they have and self-confidence to face other people that will give them more chance to survive the harsh reality of their world now. There is simply no other place to go but to fight for their shrinking ancestral domain.

This case study was written by Roel Ugaban, with the Agta Leaders/Elders of Ocampo (Isidro Infante, Martin Vera, Benjamin Sotto, Roberto Pacis, Romeo De Alday, Asuncion Ponce, Arsenio Bribon, Nelly Villano, Zenaida Alfelor, Salavacion Argones, Alfredo Cledoro, Adelita Blanco), Tribal Council Secretary Celerina Pamorca, Tribal Youth and Women President Lito Bagayawa, Farmer – Leader Gaudencio Buena Pinit, Ocampo Mayor Fidel Carrido, Emmanuel Dela Cruz of Mt Isarog Integrated Area Development Program, and NCIP (Regional Director Lee Arroyo, Asiclo Bagaindoc, Engr. Andrea Villegas, Engr. Santiago Belmonte, Vivian Tanamor).

3. Saving the Tagbanwa Land: Case of Tagbanwa in Coron Island, Palawan

The Tagbanwa community in Coron Island in Northern Palawan has set a precedent for other indigenous peoples in the Philippines in claiming ancestral land and water (which in Tagbanua language means *tanek may teeb ang surublien*). This experience of Coron Island has become the basis of other IP communities in the Philippines in claiming ancestral waters.

Context of the Indigenous Cultural Community

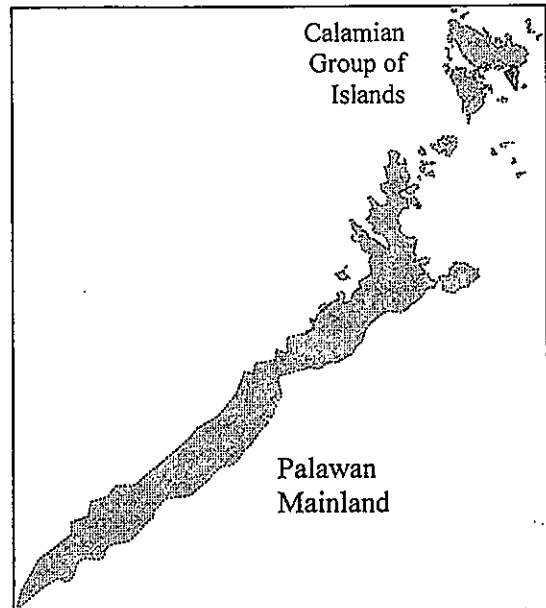
Coron Island is a separate island from the Busuanga island where the present town of Coron is located. The two barangays in the island, Banwang Daan and Cabugao, are accessible only by boat from the Coron town.

According to community elders, many Tagbanwa clans now spread around Calamianes originated from Banwang Lague (Banwang Daan) in Coron Island, which means old town in Hiligaynon. Hiligaynon settlers from Panay Island and a few migrants from Zamboanga and Cagayancillo have been said to have founded the town of Coron. They had taken over the valley of Banwang Daan and dispossed the Tagbanwa

of their land. During the Spanish time, Coron was established as a *visita* under Culion, the capital of the Province of Calamianes. When the *visita* was transferred to Busuanga because of the repeated attacks launched by Muslim groups who considered it as a threat to their claim over parts of the Calamianes, the Tagbanwa had regained control of Banwang Daan. The Tagbanwa ancestors evaded successive raids of Muslim groups by scaling the sheer limestone uplifts and hiding in the caves and forests surrounding the ancient lakes or *awuyuks* of the island.⁴⁰

The Tagbanwa of Coron Island are known among the Tagbanwa communities in Northern Palawan as Batuanen, or dwellers of the rock. The ancestors of the present generations of Tagbanwa may have used the caves and crevasses within limestone uplifts ringing the island as dwelling places. According to the elders (or *mepet*), two caves are still found in Banwang Daan where their warriors Ti Makarere and Ti Matambak who defended them from foreign intruders, stayed. Presently, Banwang Daan is one of the barangays that can be found in Coron Island. The other one is Cabugao situated on the southern part of the island.

A few families cultivate *kuma* or swidden plots where they plant upland rice or corn. The *kuma* yields a rice harvest once a year which typically takes place in October. They also collect rootcrops like *kapari* or *kurut*, which served as their staple food before rice was introduced to them, and are still depended on at present when rice is scarce. Most families also maintain cashew trees in their backyard lot and usually the nuts are sold in exchange for rice. Cashew nuts are also sold to wholesale buyers coming as far as from Manila.⁴¹



location of map of Coron Island (in orange)
in the Province of Palawan

⁴⁰ Saragpunta and PAFID (unpublished), p. 14

⁴¹ *ibid.*, p. 15

The cash income of the Tagbanwa in Coron Island comes from two sources, namely: 1) fish and other aquatic resources, such as *tekbeken* (octopus), *balat*, *samung*, *latuk* (edible seaweed); and 2) edible birds' nests or *luray* for those who own clan caves. *Luray* is derived from the nests of *balinsasayaw* or swiftlets and harvested by the Tagbanwa in the deep caves and crevasses in the limestone uplifts surrounding the island.⁴² The Tagbanwa families have traded *luray* with the Chinese and then to Cuyonon and Filipino middlemen for over 300 years.⁴³ There are also Tagbanua craftspersons, most of them are women, making mats and other handicrafts which are sold or bartered with rice and other goods within and/or outside the island.

The elders interviewed said that before the advent of modern fishing techniques in Northern Palawan, their traditional fishing areas were teeming with fish and other marine life. They only used bamboo rafts and traditional fishing gadgets such as *talapang* (spear) to catch fish. Now because of unhampered commercial and illegal fishing, the traditional fishing areas of the Tagbanwa have gradually been depleted with resources. To survive, they have to use motorized boats (*bancas*) to go farther offshore to look for fish.

The Tagbanwa also believe that spirits are guarding areas which they consider *panyaan* or sacred. The lakes or *awiyuk* that are found in the island are sacred areas, along with their traditional burial grounds, caves, and some areas in the sea where they believe giant octopuses or *manlalabyut* have been seen to prey on Tagbanwa fishers who have not shown respect to these areas. Any Tagbanwa who crosses these areas should remain silent or speak in a special language accepted by the spirits.⁴⁴

Historical-Cultural Worldviews and Practices of Community Participation

The Tagbanwa elders or *mepet* are respected in the community and traditionally consulted on issues affecting the clans and the community for their knowledge of customary laws. They help settle disputes between clans and impose penalties on violations of customary laws or *panglaw*. They help the community set rules on resources extraction.⁴⁵ *Mepet* are usually the eldest among the clans, and are the wisest and most respected members of the community.

In the traditional structure of governance in Tagbanwa communities, the women and youth had limited role to play in decision making. "*Kung ang mepet ang nagsasalita lahat nakikinig; kung kababaihan at kabataan marami ang hindi nakikinig*" (if the mepet are the ones speaking everybody is listening; if it is women or youth many would not listen), an elder said. The mepet occupies a central role in decision making for their experience and knowledge of customary laws. Women and youth complement in terms of performing specific roles in the family, in farming, in collecting root crops, in taking care of household chores, among others. In farming, for instance, women participate in *tugda* or collective clearing and planting of swidden farms.

The advent of the barangay system of community governance has gradually diminished the role of elders in the community. A set of officials elected at large has taken over the decision-making process following a set of rules and guidelines. The new governance system allows other sectors to participate in the decision-making processes in the community. A barangay council was formed to serve as an avenue where sectors can articulate their issues and wishes to the barangay in terms of development. The committee system in the barangay allows wide dissemination of information and

⁴² Saragpunta and PAFID (unpublished), p. 15

⁴³ *ibid.*, p. 16

⁴⁴ *ibid.*, p. 15

⁴⁵ *ibid.*, p. 16

the conduct of public hearings on specific issues that are to be given due attention by the community. The youth have been organized into Sangguniang Kabataan, with a set of officers who are entitled to manage the funds given to them by the government. Women's groups have also proliferated and are allowed to advocate their issues and rights in the barangay. They are also permitted to run in the elections and hold political positions within indigenous communities as well as organize and represent themselves in local special bodies, such as the local development councils.

Community Realities and Experiences on AD Delineation/CADT Application, ADSDPP Formulation, AD Management and FPIC Conduct

Impetus for the struggle for AD delineation. It was a collusion of events that forced the Tagbanwa to initiate actions to protect their ancestral domains from external threats. In the 1970s, the municipal government took control of the Tagbanwa clan caves asserting that they are owned by the State and could not be privately owned. The municipal government taxed the sale of the nests to regulate excessive harvesting and trading of poor quality nests. According to Rodolfo Aguilar, or Codol as he is fondly called, the incumbent chairperson of the Tagbanwa Foundation of Coron Island, the clan caves were also bidden by the municipal government to outsiders and the winning bidders had the right to sell the nests. From owners and sellers of nests, the Tagbanwa became gatherers of nests for the winning bidders from their own clan caves. This scheme deprived the Tagbanwa not only of ownership of their own clan caves but also of income to buy simple necessities like rice. Many of them went hungry. Some of them protested but because of hunger they could not do anything but to follow the scheme. This scheme went on up to the 1980s.

The effort of the municipal government to improve its revenue income from real property taxation also made Tagbanwa families suffer from severe indebtedness. The little income they get from *luray* was used to pay their tax obligation to the municipal treasury. The municipal government auctioned off tax declarations which lapsed with their payments to tourist resort developers, real state agents, and the like. The buyers who think they have gained rights over the land attempted to evict Tagbanwa families from their holdings which they have occupied since time immemorial, most of these are white sand beaches.⁴⁶ Tourism activities funded and organized by outsiders also began proliferating within Tagbanwa land that profoundly affected their environment, customs and value systems.

Likewise in the 1980s, migrants from other provinces started to populate Delian Island, an island within the boundary of Coron Island. The Tagbanwa families in Delian Island were soon overtaken by migrant population since they invited their kins to settle in the island as well. Some Tagbanwa families traditionally living in Delian transferred to the mainland of Coron island and those who opted to stay became the minority in their own island.⁴⁷

"Matindi ang naging panggigiit ng mga dayuhan sa amin" (we suffered too much from the oppression of migrants), Codol lamented. *"Hindi namin naramdaman ang tulong ng gobyerno sa aming mga katutubo. Wala pang OSCC, wala pang gobyerno"* (We did not feel the support of the government as indigenous peoples. There was no OSCC, there was no government at all), he continued.

⁴⁶ Philippine Association for Intercultural Dialogues, "Mapping the Ancestral Land and Waters of the Calamian Tagbanwa of Coron, Northern Palawan," in *Mapping the Earth, Mapping Life*, ed. Ponciano L. Bennagen and Antoinette G. Royo (Philippines: Legal Rights and Natural Resources Center, 2000), p. 51

⁴⁷ Saragpunta and PAFID (unpublished), p. 16

Earlier efforts to protect the ancestral domain. Leaders like Codol was introduced to the Philippine Association for Intercultural Dialogue or PAFID who happened to know about community forest stewardship agreement (CFSA). With the help of PAFID, several consultations were held in the island which discussed the merits of CFSA and the process for obtaining it. These consultations attended by residents and leaders from Banwang Daan and Cabugao were held even at night. In 1985, they began to apply for a CFSA with the DENR covering the islands of Coron and Delian. To support this application, they decided to organize the Tagbanwa Foundation of Coron Island (TFCI).

The officials of TFCI were selected by consensus. Twelve (12) community elders (9 from Cabugao and 3 from Banwang Daan) were appointed to act as members of the advisory board for the TFCI. Codol was appointed Chairperson of the TFCI. This application of TFCI for a CFSA was approved by DENR in 1990 which returned the clan caves to TFCI and cancelled the tax declarations issued on both islands. Long term migrants in Delian island were advised that they could stay with the community so long as they respect the laws of the Tagbanwa.⁴⁸

News of success of Coron Island eventually spread to other Tagbanwa communities in the outlying islands who have the same plight as them. Consequently, a series of dialogues ensued between the elders and leaders of Coron Island and other Tagbanwa communities (i.e., Bulalacao, Turda, Buenavista, Malawig and Tara) where they shared insights and information on securing tenure over their ancestral domain. These barangays started the process of building their respective community organizations similar to the TFCI whose main intention would be to fight for security of tenure over their ancestral domain.

Eventually, however, they realized that the CFSA could only guarantee tenure over their forest resources. It does not provide security over their ancestral seas, where their traditional fishing grounds, fish sanctuaries and diving areas for *balat* and *samung*, are found and whose condition has debilitated because of unhampered operation of commercial fishing boats near the island as well as persistence of some migrants to use illegal means to catch fish such as sodium cyanide and explosives. Another problem confronted by TFCI was the increasing tourist activities in Kayangan Lake, lagoons and other beach areas around the Coron Island which they could not regulate with the CFSA they have. These tourists would leave their garbage behind, soap themselves in the lake, create a lot of noise and sun themselves near burial grounds. There are fly-by-tours which hover very low over the lakes and create a lot of noise that disturb the swiftlets. Apart from planes, large tourist vessels also arrive almost daily around the island even during the nesting season. The noise created by these tourist activities is a cause for the Tagbanwa to worry since the swiftlets are known to abandon even clan caves at signs of environmental stress.⁴⁹

The Strategic Environmental Plan for Palawan or SEP Law (Republic Act 7611) which expanded the definition of ancestral domains in Palawan to include coastal zones and other submerged areas⁵⁰ was seen as a solution for this. But this was not pursued.

AD delineation. In the mid-1990s the Tagbanwa of Coron Island joined by their fellow Tagbanwa from other communities applied for CADC or the Certificate of Ancestral Domain Claim under DENR Administrative Order No. 2, series of 1993. CADC provided the Tagbanwa a ray of hope to restrict their traditional fishing grounds to subsistence fishers using traditional or non-destructive methods. However, applying for CADC was an uphill battle for the Tagbanwa. The

⁴⁸ Philippine Association for Intercultural Dialogues, op. cit., p. 52-53

⁴⁹ Saragpunta and PAFID (unpublished), p. 18

⁵⁰ Philippine Association for Intercultural Dialogues, op. cit., p. 53

DENR personnel lack the basic knowledge on indigenous seas and how to assess historical claims over customary marine resources. Local government officials also lodged their protest against the claim, filing at least 18 resolutions before the municipal council.

During this time, PAFID provided a full time community organizer who assisted the Tagbanwa of Coron Island and other communities in every step of the way for their CADC application. DAO 2 prescribed a process that is more tedious than that of their application for CFSA. This process included the following activities facilitated and attended by the community with the help of DENR and PAFID:

1. information dissemination on DAO 2
2. community meetings and exchange of information on traditional home ranges and their history
3. community identification of boundaries and preparation of sketch maps, including ancestral waters
4. gathering and submission of proofs of ancestral domain/waters claim
5. survey and mapping of ancestral domain and waters using GPS equipment by PSTFAD with NGO assistance
6. community validation of maps
7. conflict resolution with LGUs, DENR-CENRO and the PCSD on the protest against the CADC application filed by the Coron Municipal Council⁵¹

During the information dissemination on the conversion of CADCs to CADT, the ILO Convention No. 169 was discussed as one of the legal basis for the enactment of IPRA particularly in terms of the tenurial security of ICCs over their ancestral domains, Roldan Parangue recalled. Mr. Parangue, who is now the Provincial Officer of NCIP-Palawan, was then the Chief of Technical Management Division of NCIP R-IV. "*Grabeng hirap ang pinagdaanan ng Tagbanwa sa kanilang aplikasyon ng CADC dahil sa oposisyon ng malalaking tao*" (Tagbanwa went through a difficult process when they applied for CADC because of opposition lodged by big people), he said.

The Tagbanwa leaders even received death threats for their insistence to get their respective CADCs. According to Codol, his community relied on him to deal with the outsiders for he was the only one who graduated from high school. Most of the elders and his contemporaries were not schooled (i.e., elementary level) which hindered them to deal with the rigors and complexity of understanding polices and laws. *Kailangan lang na klaro ang pagpapaunawa sa kanila ng mga batas at prosesong pagdadaan para makuha ang kanilang suporta* (it is necessary that one should make them clearly understand the laws and the processes to undertake to get their support), said Codol.

In spite of these limitations, the Tagbanwa successfully carried out mapping of their world, unceasingly with the valuable help of PAFID. The Tagbanwa of Coron Island participated throughout the mapping process, from preparing community sketch maps, field validation to preparing accurate GPS-generated boundary maps. These mapping activities combined the indigenous knowledge of the Tagbanwa on the boundaries of their ancestral domains and the technical know-how of PAFID to produce boundary maps which symbolize their world, following the principle of self-delineation which for them, is an empowering process strengthening their confidence to continue their resolute struggle toward claiming their ancestral domains.

⁵¹ Atty. Basilio Wandag, "Native Titles: The Realization of a Dream," *A Journey of Hope*, Vol. 1, The Quest to Reclaim Ancestral Domains, ed. Yasmin D. Arquiza (Philippines: International Labor Organization, 2005), p. 10

In 1997, after years of working together, the seven Tagbanwa community foundations federated into Saragpunta, a name that was hewn from the word *saragpun*, which means "let us gather." Saragpunta's vision followed that of the community foundations, which was to defend their rights to their ancestral domains.

Despite the opposition filed by the Coron Municipal Council, the Provincial Special Task Force on Ancestral Domain or PSTFAD of the DENR passed a resolution endorsing the issuance of CADC to the Tagbanwas of Coron Island provided that the issue on the protest of the Municipal Council of Coron be addressed by the Legal Office of DENR Central Office. Later on Undersecretary Antonio La Vina promulgated a decision addressed to the Secretary of the DENR Victor Ramos dismissing the protest of the Municipal Council and paved the way for the issuance of CADC on June 12, 1998. The CADC which covers 22,400 hectares of land and waters symbolizes Tagbanwa's triumph in their struggle to reclaim their ancestral domains. The awarding of CADC was held in Cabugao and was witnessed by many Tagbanwa from various islands in Northern Palawan

Codol also recalled that in 1998, the DENR attempted to convince them to enforce the NIPAS (National Integrated Protected Areas System) Act of 1992 intended to guide them conserve the biodiversity and natural resources of the island. It took them 1 year to negotiate this concern with DENR and eventually they collectively decided to reject this proposition. According to Codol, they simply did not like their place to become a protected area because it will transfer the management of natural resources to a Protected Area Management Board (PAMB) where, as experienced in other indigenous communities, we will be underrepresented. PAMB will replace the traditional structures governing the management of natural resources within ancestral domains was also not acceptable to TFCI members.

ADMP Formulation. To address natural resources conservation concern of Coron Island, TFCI formulated in 1998 an Ancestral Domain Management Plan (ADMP) following DAO 34 which was issued in 1996. Through participatory mapping, TFCI came up with a 3-dimensional model which documents the historical use of their marine and terrestrial environment, using land cover data for formulating management zones. NIPAP eventually accepted the ADMP as the General Management Plan for Coron Island, strengthening indigenous management of natural resources.⁵²

Part of this ADMP was the launching of a community-based tourism project to protect Kayangan Lake, beaches and other tourist sites from potential negative impacts of mass tourism. The TFCI Visitor Management Program spells out the principles of its tourism project, as follows: 1) manage the ancestral domain according to indigenous systems of governance; 2) protect the cultural and natural attributes of Coron island, as well as the livelihood and economic benefits of the Tagbanwa until the next generations; 3) raise funds for environmental, educational, health and livelihood projects; and 4) control the number of visitors entering Kayangan Lake, a major source of livelihood as well as a sacred site of the Tagbanwa. As of now, only Kayangan and Barracuda Lakes as well as sandy beaches without burial sites are open to visitors. The TFCI has also been collecting entrance fee from visitors to raise funds for their environmental, educational, health and livelihood projects.⁵³

Following this, Coron Island allowed NGOs to help them address some concerns of their community, which include Conservation International (CI) and the Foundation for Philippine Environment (FPE). CI immersed in Coron Island and explored the potential of cashew processing and trading as a livelihood option for the Tagbanwa. According to Codol, most of those who were

⁵² PAFID, "Mapping the Tagbanua's Ancestral Waters," *A Journey of Hope*, Vol. 2, Cultural Revival in a Changing World, ed. Yasmin D. Arquiza (Philippines: International Labor Organization, 2005), p. 36.

⁵³ *ibid.*, p. 37.

involved in the processing aspect of this livelihood venture were women whose center of operations was Banwang Daan. On the other hand, FPE handed down communications equipment, boats, solar panel and other materials to strengthen the law enforcement capacity of the Tagbanwa communities applying for their CADC especially when it comes to their ancestral waters.

Conversion of the CADC to CADT. Tagbanwa leaders like Codol actively took part in the dialogues and consultations held at different levels with the aim to support the effort of legislating a law which would protect their rights as indigenous peoples. The Tagbanwa leaders have fond memories about their participation in these processes. Because of these activities, some of them were able to set foot in Manila for the first time. Up to now, they can recall with pride that they were the ones who lobbied to include in the law a provision to claim ancestral water, which they learned from their experience having undergone the difficult process of applying for CADC.

IPRA allows the conversion of CADCs to CADTs following certain guidelines. Codol recalls that most of the documents they produced during the CADC application process such as proofs of ancestral domain/waters claim were revalidated by the community and included in the documents they submitted to NCIP for their CADT application. A resurvey of boundaries of their ancestral waters was undertaken this time with geodetic engineers from NCIP. They also established buoys on strategic spots in the water to recognize these boundaries.

In 2004, the CADT of Coron Island was approved by NCIP covering 24,520.76 hectares, benefiting 1,358 Tagbanwa. This is around 1,000 plus hectares more than what was awarded to them under their CADC. Yet the awarding of CADT did not become a community affair for the Tagbanwa; the traditional *suring* (Tagbanwa courtship dance) and *tablay* (Tagbanwa song) performed during the community festivities for the CADC awarding in 1998 were missed. Only a few leaders went to Puerto Princesa City to receive the title from President Gloria Macapagal-Arroyo herself.

ADSDPP formulation. It was only recently that Coron Island attempted to formulate its ancestral domain sustainable development and protection plan (ADSDPP) with the help of NCIP and Saragpunta. With the title, it is imperative that ADSDPP is formulated to serve as the blueprint for the sustainable development and protection of their ancestral domain.

With NCIP and Saragpunta, the community, through the TFCL, held consultations with the residents of Banwang Daan and Cabugao to discuss the importance of ADSDPP and the process it involves. Following the guidelines of NCIP, the ADSDPP Working Group (AWG) was organized with members coming from various formations and sectors of the community. Unfortunately, the AWG has not been convened again and the second phase of the ADSDPP process which is the situational analysis of the community has not taken place until now.

Yet Codol, along with some elders, recognize the urgency to have the ADSDPP process done just so they can facilitate the process of free, prior and informed consent (FPIC) more effectively. Roy Abella, a member of the programme's management committee from Coron Island, stated during his interview that "*kailangan talaga namin yan, marami kaming isyung maaaring tugunan niyan* (we need to have an ADSDPP, it can help resolve many issues we have now).

*AD management: advent of a Federation-led development programme*⁵⁴. Just when the Tagbanwa of Coron Island was waiting for the awarding of the CADT, a development programme was introduced to Saragpunta in 2003 through the help of PAFID. Saragpunta was then chaired by Codol. Following a participatory process, the objectives and specific projects to pursue under this

⁵⁴ From the reports of the author who have been involved as a technical person for the programme since 2003

programme were developed through a series of consultations with the leaders of the foundations composing the Saragpunta federation from the following Tagbanwa communities in Northern Palawan, namely: Coron Island (Banwang Daan and Cabugao), Bulalacao, Tara, Malawig, Buenavista, Turda, Borac, Marcilla in the town of Coron; Biong/Tampel in Culion; and Panlaitan/San Isidro and Calautit in the town of Busuanga. Its implementation now covers other Tagbanwa communities which applied for membership in Saragpunta, such as de Carabao, a tribal barangay in Culion, and Depelenged, a reservation for IPs in Busuanga declared by the LGU.

The articulation of these objectives and projects had to require the technical facilitation of development-oriented NGOs since, according to Bert Peeters, the representative of the Province of Antwerp in the Philippines, *"It seems that most leaders had a difficulty in projecting their vision and the projects to pursue to achieve the goal of sustainable development; perhaps they have not been exposed to development activities before since they were very much preoccupied with the political aspect of their claims."* Only after several months of consultation that a log frame of development projects required by the funding agency was formulated. It is now the basis of programme implementation.

When the programme⁵⁵ was finally articulated and accepted by the Tagbanwa leaders and elders, a cooperation was forged between Saragpunta Federation, PAFID and Province of Antwerp, the source of funding support for the program with an NGO conduit in the Philippines called Volens-Itinerans. The programme anchored its effort on the philosophy of empowering the Tagbanwa and their organizations through education and training to enable them to pursue programs and projects toward the sustainable development of their communities in the long term. The issues confronted by the Tagbanwa from the beginning served as the basis for the following specific objectives of the programme:

1. Active participation of people in the project development process from project conceptualization, planning and administration of sustainable initiatives for community development;
2. Enhanced articulation and promotion of community issues and concerns;
3. Strong recognition and respect for the Tagbanwa culture;
4. Enhanced security and effective administration of the Tagbanwa's ancestral domain;
5. Active community with strong mechanism to resolve problems; and
6. Strong and effective Saragpunta and local Tagbanwa foundations with the capacity to initiate sustainable development initiatives in their communities.

To fulfill these objectives, four interrelated components were identified: 1) sustainable livelihood, 2) education and basic social services, 3) organizational strengthening and development, and 4) advocacy for ancestral rights, all building on the realities, aspirations and indigenous knowledge systems and practices of the Tagbanwa.

After almost five years since the programme was implemented, the Tagbanwa from various islands developed a more wholistic perspective in addressing their concerns as IPs. The participation and organizing previously anchored on a political agenda to claim their ancestral domain, which earned the ire of politicians and other groups and somehow deepened Tagbanwa's marginalization from the mainstream society, were integrated with the socio-economic agenda of the programme. Through the programme, the Tagbanwa communities have started to communicate again with their local governments by way of dialogues and consultations. Consequently, a collaborative partnership

⁵⁵ The programme was titled "Comprehensive Education Program for the Sustainable and Integrated Development of Calamian Tagbanua Communities in Northern Palawan"

between Saragpunta and the LGUs for projects in line with sustainable development has been developed. This partnership has paved the way for the establishment of indigenous peoples (IP) desks in various municipalities (Coron, Culion and Busuanga) which serve as Saragpunta's take off point for their advocacies at the level of the municipalities. Saragpunta has already been coordinating with the various offices of the local governments for its various initiatives on the ground, such as livelihood development, natural resources conservation, water development projects, education, among others.

Following the sustainable development principle of the programme, livelihood projects were introduced linked with the objective of conserving the natural resources within the Tagbanwa communities. In Coron Island, the programme supported seaweeds growers who believe in the project's potential to ward off illegal fishers from their ancestral seas. Seaweeds growing involved women, thus opening avenues for them for economic participation. These cooperators are also continuously trained and organized for participation in decision-making for socio-economic concerns of their community at the level of the TFCI. Community teachers, community organizers, and other volunteers have also been mobilized and trained in line with the various activities being implemented by the programme.

Ma. Eluisa Maglicante, a resident of Banwang Daan who is currently the programme's community teacher in this area said she volunteered to help her relatives and neighbors acquire literacy-numeracy skills so they can deal with the requirements of modern living. She currently teaches lit-num to 24 students whose age ranges from 17 to 40 years old. Ms. Maglicante is one of the few Tagbanwa youth who got into college. But for lack of income, she was not able to finish her course. Her only recourse was to go back to Coron Island.

The programme also recruited Tagbanwa youth to be part of its core of implementing staff; two of them are women from Coron Island who have remained in the programme to date. One of them has availed of the education assistance from the programme to finish her course on entrepreneurship at a local university. The other one obtained her education degree from a university in Manila, by working and somehow through TFCI's fund assistance mobilized from the income of its tourism project. Hopefully these young people will be able to return to Coron Island and help in the various concerns of their families and community, just like what Ms. Maglicante is doing. There are youth, however, that never returned to their community after college and worked somewhere else. This is why some Tagbanwa elders saw education as simply the process of gradually abandoning the Tagbanwa culture and practices. "*Hindi naman tugma ang itinuturo ng eskwelahan sa aming buhay at kultura*" (the formal school teaches values that are not appropriate to our lives and culture), an elder lamented.

To address this concern, the programme also launched *Balay ta Kinatakwanan* or school of life which has been offering courses relevant to sustainable development. Thus far, it was able to graduate students from the following short-term courses (lasting for one month): ecological architecture and building construction, ecological tourism, boat building and furniture/handicrafts making. We learned from Bert Peeters that hopefully these courses will result in better land and water conservation initiatives among the communities.

The funding assistance for the Federation will soon end and it is imperative now to articulate the sustainability development plan for the Tagbanwa. During consultations with the Tagbanwa leaders from different communities, which include Coron Island, it appears that most are convinced they have to engage in a community-based entrepreneurship program using the properties, materials and skills they acquired from the programme as capital, taking into consideration the need to a) continue protecting the natural resources remaining in their areas, b) develop unity and cooperation among

their members, c) maintain and expand linkages with support groups based on the terms of the Tagbanwa, and d) continue to be critical of the development projects coming into their areas.

Impacts of the Emerging Realities and Experiences

The Coron Island experience has developed positive impacts in terms of participation among Tagbanwa people in Coron Island and other communities.

On resource management. The Tagbanwa have been sustaining the operations of some tourist spots in Coron Island which they themselves decided to open to the public. Through this, Tagbanwa youth and leaders are being trained to be more adept in managing these spots as a critical and sacred resource of their people as well as a means to generate income to address their recurring needs for education, health, livelihood and environmental protection.

On community governance. Because of this claim, the role of the elders in the communities' formal system of political governance has returned. Barangay officials have once again recognized the role of the council of elders in settling disputes between clans and members of the community, albeit using the modern way through *Lupon* or barangay justice system. The elders are also consulted on projects and other activities that have implications to Tagbanwa culture.

On the process of deciding on community projects. The Tagbanwa have learned to follow the rules in accepting development projects being proposed in their community. We experienced this first hand when we visited the island for the study during a barangay consultation on the development projects (i.e., fish cages) being proposed by some individuals from Delian Island. During the meeting, the leaders of the Tagbanwa themselves headed by Codol explained to the applicants the processes that should be undertaken before the project will be given consent. They advised the proponents to present the project in the next joint meeting of the elders and leaders of TFCI from Cabugao and Banwang Daan who are the ones given by the community the authority to deliberate on the merits of the project. They also invoked the FPIC guidelines followed by NCIP.

On networking and linkage-building. The TFCI has maintained linkage with the federation it helped to establish with other Tagbanwa communities seeking for security over their ancestral lands. With Saragpunta, concerns on ancestral domain within Coron Island and other Tagbanwa communities are regularly communicated with concerned institutions based in Palawan and Manila, such as the Katutubong Samahan ng Pilipinas, PAFID, Conservation International, NCIP, among others. Saragpunta has also established strategic relationship with the LGUs for the purpose of accessing their resources for the various development concerns of the Tagbanwa around the Calamianes. Its effort to coordinate with the LGUs and national government agencies at different levels has given the Tagbanwa much leeway to negotiate and advocate concerns on ancestral domain. The indigenous peoples (IP) desks lodged in the LGU are also means for the Tagbanwa to advocate their rights.

On the role of women. The programme advocated by Saragpunta in Coron island has opened the avenues for women to participate in sustainable livelihood projects. Women have been involved in seaweeds growing and are organizing themselves to take over the livelihood committee which is not yet functional under TFCI. Later on we expect that women's participation will be strengthened as they obtain literacy skills through livelihood projects and as more women youth from Coron Island are getting exposed to "outside world" through formal education.

Conclusions, Lessons Learned and Recommendations

As of now it is imperative the ADSDPP of Coron Island is formulated. The ADSDPP can serve as a tool to interface the development projects in Coron Island initiated by the TFCI itself, barangay, Saragpunta and other NGOs and groups. It can also lay down the rules for transparency and accountability among leaders of the community especially with regards to the management of Coron Island's vast tourism potential.

Perhaps with ADSDPP, it would be easier for the community to deal with business interests and investors coming into the community even now, which their fellow Tagbanwa facilitate some times. The plan shall contain their long time vision of sustainable development and natural resources protection, and the nature and kinds of projects and activities they can allow within their ancestral domain. It could spell out the systems and parameters for their collective participation in the processes of denying or granting FPIC.

Following the ideals of NCIP for ADSDPP, all sectors of the Tagbanwa population, not just the leaders and elders, should take an active part in the whole development process, from situational analysis, planning, monitoring to rectifying errors committed in the process. The ADSDPP will guide the Tagbanwa to shift the focus from political organizing to the holistic development of their community; which will give the leaders more opportunity to lead and serve. Without it, they may opt to remain comfortable with their present political positions and stagnate with time, forgetting that what they have as certificates and titles for their ancestral domain which are giving them security now were products of the sacrifices they made in the past, just so to ensure the protection of their ancestral domains for the future generations of Tagbanwa. And these will become useless if they continue to care less.

The tradition of dialogue and consensus building started when they fought for tenurial security over their ancestral domain should remain as a vehicle for the Tagbanwa to resolve their common issues. It is also imperative now that the membership of TFCI is consolidated, and oriented on the exigencies of the present time, such as helping one another ensure the sustainable development and protection of their ancestral domain, which is a new level of struggle for the Tagbanwa of Coron Island having obtained the title for their ancestral domain.

If the Tagbanwa of Coron Island have been able to set a precedent for other IPs in claiming ancestral waters, how can they be not capable of doing it again this time in terms of the sustainable development and protection of their ancestral domains.

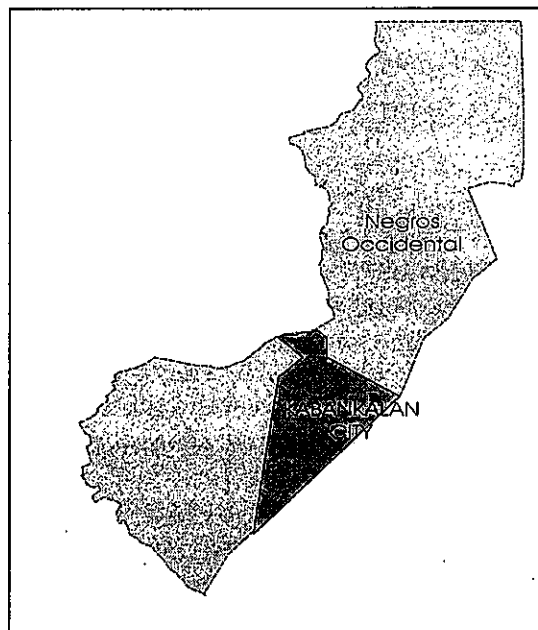
This case study was prepared by Erwin Vargas, with the elders, leaders, women and youth of Coron Island (Rodolfo Aguilar, Barangay Captain Norlito Languyod, Roy Abella, Fausto Abella, Ben Aguilar, Regina Aguilar, Rosalina Abella, Darmo Manuel, Rommel Dondi, Edgar Manuel, Conrado Bering, Sharon Dacullios, Loida Avellera, Ma. Eluisa Maglicante), officials and staff of Saragpunta (Alfredo Carpiano, Aldrin Caballero, Conrado Balbutan, Roy Dabuit, Anthony Blanco), officials and staff of NCIP-Palawan Office (Engr. Roldan Parangue, Mariama Gorres) and Bert Peeters of Volens-Itinerans/Province of Antwerp.

4. The Karulanos' Fight to Protect Their Land and Their People: Case of Bukidnon-Karulanos in Barangay Carol-an, Negros Occidental

Context of the Indigenous Cultural Community

The Bukidnon-Karulanos are found in an upland Barangay of Carol-an, Kabankalan City, Negros Occidental. Their name "Bukidnon" which means "the people living in the mountains" encapsulates their history of protecting their people, their land, and their culture. The earliest recorded struggle of the Bukidnon-Karulanos is told in the story of Mang Yabog, their heroic ancestor.

⁵⁶The colonization of the island of Negros began in 1571 and with the coming of the soldiers, came the missionaries with the mandate to Christianize the native population...Some natives, however, refused to be colonized and they moved into the hinterlands to become what the Spaniards called remontados or what the natives called mga bukidnon. They tilled the land in common as their fathers did because to them land cannot be owned exclusively and absolutely except what one can till by himself or by his family. Despite this natural limitation, they prospered because they had little need for luxuries and most of their needs were provided for by nature. What they produced in their farms, they sold elsewhere for basic requirements of home and farm at low prices because they knew little or nothing of the business of trading.



location map of the City of Kabankalan in Negros Occidental where the CADT of Bukidnon-Karulanos is situated

The villages in Negros were then ruled or led by elders based on their wisdom, strength and courage and the titles were not hereditary but earned. In some instances, the elders in Negros performed religious roles, because at that time, there were no structured religion and priestly group or class. People worshiped nature and their ulangan was any place that they considered the habitat of the gods, as a river bank, large trees, and nooks and crannies or caves that exuded a mysterious aura.

Tobacco was produced in abundance by the village of Mang Yabog...There is no mention of other crops that the Karul-anons cultivated but we can presume other food crops, like rice, corn, vegetables and tubers that formed the basic staple of the people at that time. Honey, fowl and fruits were abundant in the forest and fish in the Ilog and Kabankalan tributaries. In many ways, the Karul-anons were self-sufficient with tobacco and other forest products like beeswax as surplus crops.

Not among the reasons for forcing the natives to leave their lands was the greed of new settlers who were enticed since 1840 to come to Negros because lands were plentiful and

⁵⁶ From a Terminal Report on the Documentation of the Manyabog of Carol-an Valley by the City Planning and Development Office of Kabankalan, Negros Occidental. The Tragedy of Mang Yabog by Modesto P. Sa-Onoy

without owners. These new settlers either bought the lands from the original settlers, coerced them in conspiracy with the Spanish authorities or used legal trickery on natives who were either ignorant for lack of education or knowledge of the law. Land-grabbing was massive and the relocation or reduccion de pueblos worked to the advantage of the Spaniards or their associates.

Some individuals who did business and trafficked with mountaineers, obtaining from the latter articles and products at low prices, felt that the submission and Christianization of the Carolans would be a stumbling block to their avarice and exploitation of the mountaineers. What did these individuals do then? They sowed the seed of discontent, fomented suspicions and doubts between the mountaineers and the Governor...They told the governor lies about the character of the Karul-anons.

The prospect of fighting another battle excited the governor "Being of highly excitable military temperament", Fr. Simonena wrote, "and heedless of the agreement made with the mountaineers, hastened to bring about their submission by violent force and use of arms" ...The attacking force opened artillery fires against the village and as they closed in, they fired their weapons...The defenders could not respond as they were armed only with "knives, bolos and daggers."...Mang Yabog was hit on the head and he died from the wound...The defenders outside the fort retreated inside and then "took shelter in some dwellings within the fort, set fire to the huts and all perished in the conflagration." The rest jumped to their deaths from the many cliffs in their mountain.

The Tragedy of Mang Yabog is a real story, a historical fact, told by the priest who was there to a fellow priest and to a judge, some forty years after the incident. Fr. Marcelino Simonena wrote about this incident, the tragedy was Fr. Fernando Cuenca's "sorrow was great."...This tragedy reveals to us the simple lives of people who believed firmly in the virtues of honor, trust and compassion, but most of all their fear and abhorrence of being enslaved. Their fathers had moved to the hinterlands because they wanted to be free to live life as they wished and to worship as they pleased. So when threatened, they decided to resolve the issue with the only honorable means they knew – death.

In 1962, Carol-an became a barangay through the petition of the natives headed by Felomino Pereguin who was then known as the Teniente del Barrio. Years passed but still the Karulanos continue to face problems in protecting their people and ancestral land. When a road was constructed in 1977 from Camingawan to Carol-an to facilitate transportation of products such as timber, this newly opened road, also opened the community to different groups, including migrants such as the families of Ramirez and Fabol. The story of Ramires and Fabol has become part of history of Carol-an because it was the fight between these families over the ownership of lands which led to the big fire in the area on January 23, 1988. This fire burned down almost all the houses of the natives. When that incident happened, the natives retreated to live back in the caves at night and would only come out during day time to work on their fields.

After the big fire in 1988, the natives asked for the army's help to protect them. Unfortunately, the people experienced a different fear with the army's detachment in the area. During their stint in Carol-an, the extraction of the natural resources which the Carol-an people have traditionally protected such as timber, had become intensive. Some became part of the charcoal-making business and other extractive activities that made the people doubt them. They also tortured people suspected to be members of the New People's Army (NPA). When problems with the army continued, then Barangay Captain Jeorge Largado decided to report to the brigade commander. He requested the immediate pull out of the army from his barangay. The military men in his barangay did not

understand this action by the barangay captain. He was threatened and was invited to talk to them. Tension reigned over the barangay. When the army realized they were surrounded by residents during the talk, they backed off. In the end, the army pulled out their men from Carol-an.

Barangay Captain Jeorge Largado is fondly called by others as “Munoy” which means “the strong one.” He is the 7th Barangay Captain of Barangay Carol-an. Munoy is very active in their community affairs even as a youth leader or Sangguniang Kabataan. He would find means to support himself in order to attend local and national trainings or seminars. Exposed to opportunities and changes that are happening outside his barangay, he pursued to change the situation of his people in the community by entering the political arena. As Barangay Captain he was able to establish connections with local, national, government and non-government organizations to get projects for their community to improve the quality of life of the Karulanos.

Practices of Economic Participation in the Community⁵⁷

Carol-an typifies a typical rural barangay in the Philippines. It is basically agricultural with swidden type of crop production on mountain slopes and farming using carabao and plow on the flat lands. From the road, one can see the extent of slash-and-burn farming on the slopes of the mountain where they grow varied types of crops, such as upland rice, corn, fruit trees, rootcrops, among others. In the plain areas and backyard lots are different kinds of vegetables which can thrive with the cool climate in the area, such as cabbage, carrots, beans, lettuce, bell pepper, which are exported to Kabankalan City. In fact, Carol-an is considered as Kabankalan’s “food basket.”

The typical arrangement between men and women in farming communities is also found in the barangay. The women are expected to perform the lighter part of planting since they also attend to children and household chores; the men, on the other hand, are the ones doing the more strenuous part of it, like clearing the farm, preparing the land, among others. The disciplining of the children would usually be delegated to the fathers because the children are more careful not to displease their fathers. They fear the fathers more than their mothers. But there are no quarrels between men and women about this arrangement since they usually are complementary with one another.

Animals also thrive in the place such as cattle, carabao, goat, swine, chicken, horse, among others. These animals are traded in the auction market established in the area with the help of the city government. According to Munoy, their auction market is one of the few auction markets in the Philippines with a digital weighing machine especially used for big livestock.

There are also spots for ecotourists in the area, such as lakes, caves, rock formations, among others, which are found in the forest reserve they identified within their ancestral domain. Recently the potential of Carol-an as an economic and tourism zone in Negros Island has been strengthened with the opening of a bridge and a road system that connect Negros Occidental to Negros Oriental through Carol-an.

When the people were hard up they resorted to charcoal-making to bring food to the table. With educational information and trainings they received, the locals became more vigilant in protecting their land and resources in the area. In 2000, they passed a resolution that prohibits charcoal-making and illegal logging. Some problems they encountered in relation to this was when illegal loggers lied to them and said that they were getting logs from Camingawan but in reality they took it from Carol-an. There was also an incident wherein the Barangay Captain was accused by the Department of Environment and Natural Resources (DENR) to be doing illegal logging in the area.

⁵⁷ From the documentation of the Core Working Group of Barangay Carol-an

Carol-an's economic development is also attributed to the institutions who come to the area to help. Among the institutions active in the area are the NEDF (Negros Economic Development Foundation) and the city government of Kabankalan.

NEDF entered the community of Carol-an in mid 90s with a health project. This was followed by the potable water system project in 2004 using the hydraulic ramp pump. Before, the people would have to walk a long distance to be able to get drinking water. On the day that they were able to taste the water from the pipes an old man from the community cried. The water system was conducted in partnership with the local communities, barangay communities, KaTriCA, POs, and LGUs in the five sitios. Another project between NEDF and the Karulanos is on biodiversity conservation together with the Foundation for Philippine Environment and Haribon.

According to Ms. Rose Depra of NEDF, the Tribal Chieftain of Carol-an who is also the Barangay Captain at that time is easy to talk to and to convince about the project. But you have to be careful of the promises you make to them she said. Commitments are very important to the community. On the side of the NGOs, there are many plans but resources are limited. They experienced problems with the budget. She said it is important to state one's capacity or where help will end. "*Ito lang ang aming kaya*" (we can help up to this point only). Informing the people about the project is also deemed to be important.

In 1999, Barangay Carol-an had a power generator. Houses now had electricity and consequently, electrical appliances. In 2002, the Negros Occidental Electric Cooperative (NOCECO) put up an electric line that led to the "betahan" (movie house) and "videokehan" (music bar) in the area. It was also during this year that the people discovered that there are important landmarks that were not included in the CADC. In the process of working for the CADT some problems were resolved. Their ancestral domain was put back in Barangay Carol-an's map instead of its previous location, which is that of Oringao.

During the interview with Mayor Zayco he said that the city government supports Carol-an with electrification, water and infrastructure such as roads, complete elementary and High School, basketball court, and a new barangay hall site. The city was also the one which provided the auction market for their livestock with hi-tech weighing scale. The big project to connect Negros Occidental to Negros Oriental through Carol-an was also their initiative. When asked why they give this support to the Karulanos, the Mayor replied that Carol-an is the first settlement and historical site of Manyabog. There are burial grounds, antiques and old coins in the area that deserve cultural heritage preservation. He also observed that the present administration of Carol-an did a lot to lift up the standard of living of the people in the area.

When asked about the participation of the people, the Mayor replied that the Karulanos have commitment and now they have a voice in the city council in the person of George Largado who is a newly elected city councilor. The Mayor said, "They no longer feel neglected. The IPs are happy that they are provided by the local government with services – education, infrastructure, health and livelihood programs. The situation of the IPs will improve with the leadership of their Chief who is now a councilor. This is my last term as Mayor. After my term I want the people to remember me doing good things for the good of the people...That is not my legacy but a responsibility." The Mayor also takes pride of 13 women's associations that was organized under his administration that received non-formal literacy and livelihood such as food preservative, dressmaking, and making sayote into pickles. These products are then marketed in Kabankalan.

During interviews, the women stated that it was too late when they realized the importance of preserving the artifacts and culture they have as Bukidnon-Karulanos. They narrated how rituals and practices were lost with the coming of religions into the area. Before, they would offer and perform rituals in the spring. They would also offer pigs as sacrifice when someone gets sick or possessed or when people get married as a sign of thanksgiving. These rituals are now discouraged with their present religion. Although things changed with time, they still want to preserve their culture, their language, their stories and the way they speak. They want to keep their identity and for their children not to be ashamed of their roots and who they are. They want their culture to be incorporated in the school curriculum like their songs, language, manner of speaking, dance, practices, rituals and skills in using the agong. "*Kung dili namo protectionan, may-unsang man gyud, isumod sa kabataan?*" If we do not protect (what we have), what will we leave to our children?

Community Realities and Experiences on AD Delineation/CADT Application, ADS DPP Formulation and AD Management

AD delineation. The Office of Southern Cultural Communities entered the community in 1991. With their help, the Karulanos conducted a survey for their Certificate of Ancestral Domain Claim (CADC) together with the Land Management Services of DENR-CENRO of Kabankalan City. They were able to gather proofs for their CADC even with the limitations they encountered and through the active participation of the Karulanos. Mrs. Josela Gregorio of NCIP Iloilo said, "Active, participative, pag pinatawag ng community assembly may darating na representatives especially if you talk about land. If you go back to the basic needs of IPs, land talaga" (they are active and participative; when you try to call them in a community assembly they will come especially if you talk about land; if you go back to basic needs of IPs, it is really land).

Memorandum Order 98-15 came out that stopped the process of issuance of ongoing CADC. Barangay Captain Largado pursued for their CADC to be given to them. He wrote to the Director if it is legal to have their CADC issued to them or not. He tried talking to different people and did not give up in looking for their CADC. He went to different offices and wait there just to talk to the people concerned. Ultimately his efforts paid off. Their CADC was awarded to the Bukidnon-Karulanos in 2001 through the help of the Community-Based Forest Management Unit and with the Technical Director for Lands and Forestry.

On July 21, 2003 an actual survey was conducted as well as social preparation activities for the conversion of CADC to CADT. The IEC for CADT was coordinated with LGU. Jeorge was very eager and was able to convince LGU to support him. The Karulanos then applied for CADT. "*Naiisip nila na mas maraming proyekto kung may titulo sila.*" (They believed that there will be more projects if they have a title to their land.) There was an actual survey of the area being claimed which revealed that 33 sitios out of 42 sitios have IPs; there are about 745 IP families and 437 non-IPs. There are also about 25 IP families living outside the domain.

The delineation started around July which was a rainy season, time for tilling the land. But with the assertive leadership of Jeorge, the laborers, elders, tribal council members were constantly involved in the delineation as volunteers. Persival "Persing" Navales, a tribal council member, was there throughout the whole survey assisting the survey team composed of NCIP engineers. One engineer recounted how after the whole day of survey on the field, the Karulanos would bring them food in the Barangay Health Center where they were staying. They were not deterred by the bad weather nor native bulls that they call "Karulano Beef" that were very aggressive and possessing bad temper that they met along the way and forced them to climb a small guava tree.

According to Darrel of NCIP, during the initial visit to Carol-an they saw that the community is prepared. The self-delineation of their boundaries was an empowering tool for them compared to the table research done by DENR during the CADC process. They decided on the boundaries for the delineation, they presented proofs, they used the prism to get the bearing, they experienced being a rodman and the whole process helped them gain confidence. They learned the value of maps and mapping. There was a simple ritual performed, a prayer asking permission and protection that nothing bad will happen during the delineation.

For the community validation, the people were gathered at the plaza where the map was presented to them. This was then signed by the council of elders and returned to them.

In 2004, the land of 3,981.025 was awarded to the Bukidnon-Karulanos in their CADT. With the planned visit of the president of the Philippines to the area, their road was developed. Unfortunately, her planned visit did not transpire due to the situation that arose in Isabela, Negros Occidental before her planned visit. With the improved road condition, the people started buying single-motorcycle or "habal-habal".

ADSDPP formulation. The planning team for ADSDPP was composed of the Core Working Group who are IP members such as the tribal leaders, IP elders, barangay officials, IP women representatives, IP youth representatives and IP farmers representatives. Also part of the planning team were partner agencies such as the acting City Planning and Development Coordinator, acting Project Development Officer, Community Development Officer II of DENR-CENRO Kabankalan, City Agriculturist of Kabankalan, City Social Welfare and Officer of Kabankalan, Project Officer of NEDF, Community Development Officer of NCIP-NOCS, Public Health Nurse I of NCIP-NOCS and Administrative Aide I of NCIP-NOCS.

The relationship between the Bukidnon-Karulanos and the people in the DENR office became strained except with some people who the Bukidnon-Karulanos are genuinely concerned about them and who continue to help them. One such person that their Tribal Chieftain Largado cited is Mrs. Susanna M. Casalem, CBFMU Head/Information Officer of DENR Kabankalan. Mrs. Casalem helped in the stakeholders' analysis part of ADSDPP. During the interview with Mrs. Casalem, she said that on her part she would focus on the organization.

When they worked on their vision-mission Mrs. Casalem observed how their experiences have found their way into the vision of their organization. Their vision is to be able to exist peacefully with others in the area. From the time of Manyabog to an incident that took place a few years back where their barangay was burned, the IPs have been scared and threatened by outsiders. Their mission, on the other hand, speaks a lot about what kind of people they are – committed, they want to be respected, they persevere, friendly, patient and a cohesive group. They are not very vocal but at a closer look one can see that they have been through a lot.

Mrs. Casalem said that they used some technologies of participation (TOP) such as problem tree for the problem analyses as well as transect mapping, community mapping, trend diagram, and venn diagram among others. In the problem analysis they were able to identify six major problems. But in deciding which among the six is their first priority, there was a dissent between the females and the males. Among the males, their first priority problem is low production. For the females, the root of the problem is the attitude of the people that is "*tamad*" or lazy. If they still have enough to get by, they do not work. Another problem they encountered is the use of secondary data for the ADSDPP. The baseline data of the area such as the inventory of the number of trees in the place needs updating. It appears to be that the framework is without any profile as bases.

Some problems according to Ms. Rose Depra of NEDF is that NCIP is centralized, they have no budget for some activities that need to be done under ADSDPP which leaves them incapable of addressing certain needs of the community. Strong leadership is very important especially if the group is just starting. The officers have to feel the responsibility. They feel that the project is theirs. We helped them realize that the project is for them. It is also crucial to get the support of the LGU. This is possible especially if the plan is done well.

In the Terminal Report 2005 on Phase I: Preliminary Activity and Social Mobilization for their Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) by the Karulano Tribal Community Association, Inc. (KaTriCA), they reported the following:

⁵⁸ This IPRA brought about the issuance of their Certificate of Ancestral Domain Claim (CADC) last June 3, 1998 and the conversion to Certificate of Ancestral Domain Title (CADT) last January 28, 2004 covering an area of 3,981.2501 hectares...Bukidnon-Karulanos is one of the recipients of the project, Empowerment of Indigenous Peoples' Governance and Sustainable Development of Ancestral Domains (EIPGSDAD) of United Nations Development Program (UNDP) under the agreement entered into by the Philippine government...The preliminary activities or social mobilization undertook a process that includes pre-planning consultations, organization of the working group/planning team and the preparation of the Work and Financial Plan. The pre-planning consultations resulted in the initial interaction and partnership building with major stakeholders of the project which were undertaken at two levels; the LGU level and the community level.

Consultations/Meetings at the LGU level had identified and analyzed groups and institutions who play an important role with the IPs' of Carol-an and potential actions were identified to ensure active and positive involvement of major stakeholders in the project. This was reinforced at the community level to provide valuable insights on possible contributions and actual involvement of major stakeholders', discussed an appropriate communication and information flow between and among participants/agencies and validated the perceptions of the other stakeholders in the site. Moreover, community meetings were also conducted to discuss the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) and the Indigenous Peoples Rights Act (IPRA) to fully inform and educate all the indigenous cultural communities, and other stakeholders aside from the printed materials that were provided.

The Indigenous Cultural Communities (ICCs) also identified the composition of the working group and the planning team that were taken from representative groups and chosen from the criteria set forth by them. They were selected during the community assembly and have been entrusted to conduct the data gathering and assessment, planning and promotion of the ADSDPP.

The preparation and presentation of the Work and Financial Plan spelled out the activities that will be undertaken in the remaining three (3) phases of the ADSDPP formulation. As such, planning activities and schedules, specific outputs, and budgetary requirements and probable resources and sources of fund were identified to estimate the resources needed, identify the activities to be conducted and to have a view of how the ADSDPP will be done.

⁵⁸ From the Terminal Report of Karulano Tribal Community Association, Inc. (KaTriCA) on their Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) Phase I: Preliminary Activity and Social Mobilization

... It is only in preparing the plan that the goals and objectives, policies and strategies for the sustainable development of their ancestral domain and all the resources therein including the human and cultural resources such as their Indigenous Knowledge Systems and Practices (IKSPs) were formally captured. The ADSDPP can then serve as Bukidnon-Karulanos tool for empowerment and self-governance for the social, economic, political and physical development of their ancestral domain.

The Bukidnon-Karulanos received funding support from the UNDP for ADSDPP formulation process. When they ran out of money for their activities, the people themselves would bring food to share with the others. The women who took part in the formulation of their ADSDPP gave their ideas, opinion and suggestion and also took care of the food preparation and serving of food during meals and snack time. The women also announced that they were very grateful when they got their CADT. They had their election in January 2, 2005 and voted their Tribal Chieftain Jeorge Largado as President of their organization (KaTriCA). They looked into how they can strengthen their organization and to align the plans of their association to their ADSDPP. With the ADSDPP, the role of KaTriCa became clearer to the stakeholders.

Impacts of the Emerging Realities and Experiences

It is interesting that the long experience of Carol-an in fighting for their ancestral domain has developed committed leaders like Barangay Captain Largado. He was idealistic in his youth and he has dreams. His leadership quality was honed through the years and the struggles he went through helped him to be strong. He would not stop until he gets what he wants like classroom, road, electricity, etc. He gets things done. With the leadership of Munoy, the Karulanos gained self-respect. The Commission also gained from the experience. "The Commission is learning in the process – issue amendments, resolutions, evolving new orders from new experiences."

With the persistence of Munoy to pursue activities that could ensure the security over their ancestral domain, the customs and traditions of the community which they lost to modernity over the years are slowly going back to them again. They organized a tribal council, elected their tribal leaders, started rituals, some indications of a community's acceptance of their identity as an IP community.

"We are satisfied with what happened in Carol-an" Ms. Rose Depra of NEDF said, "We see the acceptance of the community...It is very difficult to implement a project when there is resistance." When asked about their future involvement with the Karulanos Ms. Depra said, "We're still looking for projects...There are still many groups out there...We have been working with Carol-an for about 2 decades... We are the first NGO with them. A lot of our vehicles were destroyed to get to their place. We cannot monopolize also because we are limited."

The people want peace in their place. They do not want others to experience the difficulties if they can help it. The youth members of KaTriCA would like to strengthen the committees under KaTriCA and to contribute their knowledge to their organization and to protect their people like the example given by "Munoy".

Conclusions, Lessons Learned and Recommendations

After the Bukidnon-Karulanos have secured their lands with their CADT, they continue to aspire for a better future for the next generation of Karulanos. The means to have a better future as expressed by the elders, women and the young Karulanos is through education that integrate their culture into the curriculum and that is relevant to their day-to-day life. Their story shows how an

Indigenous Peoples group given the opportunities to develop their indigenous knowledge systems and practices have a big potential to become not only active members but also contributors to the economic development of the area such as being a "food basket" for their neighboring towns and municipalities.

The Indigenous Peoples Rights Act has forged a way for them to protect and promote their rights to a) ancestral domain and land; b) self-governance and empowerment; c) social justice and human rights; and d) cultural integrity. With the leadership of Jeorge "Munoy" Largado, the cooperation of his fellow Karulanos, support of government and non-government organizations, it is very likely that they will not only become proud of who they are but also be able to adapt to the changes that is happening all over the country.

The IPs can be active and contributing members of society with their own unique characteristics. Equipped with their indigenous knowledge systems and practices; supplemented by a globally competitive education; helped to maintain good health; the IPs can develop and contribute to the growth of a robust economy. One area that Karulanos are looking into is tourism. They know that their land is limited and as their population continues to grow, they are looking for other means of livelihood aside from agriculture. But that is not all there is to it. Aside from the beautiful and scenic areas to visit, they also have a story to tell.

In an interview with the newly elected and first IP councilor in Negros, Jeorge "Munoy" Largado, he said that his platform include 1) the IPs rights, 2) service with no discrimination, 3) fast service, 4) livelihood and technology lecture in the community, 5) input monitoring and not only external monitoring. He said that he does things with his 4Ps – plan, prepare, proceed and pursue. He added that their ADSDPP is his first priority. He wants to model it to other IPs so that he can show them an actual proof of the things he is saying. He wants the young people to imitate him "*pasensyoso, respeto kahit sino man, maghimo ka ug butang na tao gyud, serbisyo na walang pinipili, honest, real, di plastikan*" (patient, respects others regardless of who they are, do things with sincerity, service without discrimination, honest, real, not fake). He said that the only thing he wants is transparency.

During the focus group discussion with the elders they said that the situation of the people in their community has greatly improved. With the help of the government, the National Commission on Indigenous Peoples they learned about laws such as the Indigenous Peoples Rights Act (IPRA). They said that they like the IPRA and that it is a good law. "Maayong kaugmaon sa IPRA" There's a bright future ahead with IPRA. They were united with their concern about their land and they were able to have a direction. With the natives being empowered, self-governance may not be far away. They hope that they will be able to get support from the national, provincial and city governments, foreigners and NCIP so that the goals they have as a community under their ADSDPP will materialize.

In the focus group discussion with some youth in the area they said that their participation in the formulation of the their ADSDPP is to contribute, promote, support and follow what the majority have decided. They want to continue the programs started by KaTriCA. They want to protect the forests. They want to pursue the showroom where they can stock their products. They want to increase the family income. They want to conduct a labor force survey. They want education and for the scholarship program to continue. At present, two scholars who have graduated are working in the barangay. Other graduates have expressed their wish to go back and to serve in KaTriCa when the time comes.

Mrs. Casalem made proposals on tropical forestry, agro-forestry, rain reforestation, trainings on technical and livelihood development. She said that the problems the people face is integrated.

When there are no trees, there is no water. Environmental, agricultural, technology are inter-related issues. Low production affects income and it boils down to how they take care of their land. There is a need for them to be self-sufficient in rice production. With the increasing population and the domain is still the same⁵⁹, there is a need to strengthen their organization in managing their domain as well as in handling in-migration problems.

Ms. Depra recommends that the Karulanos finalize their ADSDPP after their ancestral domain was declared. This is important so that all GOs and NGOs will anchor their projects and programs to their ADSDPP.

"According to their LGU their place has big potentials to become the vegetable basket. Roads helped make the place accessible but it can also pose threats to the community if not managed well. People could sell their rights because there are a lot of people who want to buy their land. All these are now the responsibility of the community. Like the hydraulic ramp pump, they would have to take care for its repair and maintenance. These are now the responsibilities of the community and they have to take on these responsibilities. They have to be the ones to put importance to these things for the sustainability of the project. It was made clear that their will be technology transfer so that they will be able to manage the project...We mean business. We had an exposure visit in Davao to their mini-hydro dam...Charcoal-making needs political will. Their bantay gubat is limited to three ronda. We gave funds for their allowance, facilities, boots, jungle knife, their insurance. The role of Largado would now be to lobby for their needs."

The case study shows how important good leadership is especially at the start of an initiative. This leader champions the cause of his fellow Indigenous Peoples and continues to fight for their rights. The study further shows how individuals from different groups responded to the incessant demand of individuals to help them and in the process they developed what others call the "friendships among kindred spirits."⁶⁰ They worked together to improve the condition of people who are disadvantaged in life. They face many challenges and yet manage to fill in the gaps; and become agents of change in the process.

The case study of Carol-an was written by Guinivere Lucero, with the people of Carol-an, City Councilor George Largado, tribal leaders (Eduardo Delapaz, Edilberto Tagamolila, Filomeno Delapaz, Restituto Medez, Bernardino Colongon), women (Venturada P. Delapaz, Rolina P. Emperado, Jucita G. Tagamolila, Lourdes M. Perequin, Nimfa A. Colongon, Adelaida M. Javier, Marceliana Tagamolil, Dorcas P. Alvarado, Delcita P. Montecino, Josefina M. Colongon, Noime M. Taborite), youth leaders (Dionisio Medez Jr., Jethro M. Garaygay, Joenard M. Onciano, Annabelle S. Amihay), officials of the city government of Kabankalan (Mayor Pedro Zayco, Planning Coordinator Jesse Tanmoya, Jr.), DENR (Susanna M. Casalem), NEDF (Rose Depra), and NCIP (OIC Regional Director Ana N. Burgos, Josela Gregorio, Darrel Honorario, Hazel Acse, Milina Jeruta, Melodina Cardinal, Emmanuel Lorana).

⁵⁹ Barangay population density at 148 /sq.km. for 2005 (Source: City Profile of Kabankalan)

⁶⁰ The phrase was taken from the book *Blooms of Knowledge: Learning From Initiatives Addressing Violence Against Women*

5. Learning the Rigors of Progress: Case of Obo-Manobo Indigenous Cultural Community

Nestled on the northwestern slope of Mt. Apo, the highest mountain in the Philippines, is the ancestral domain of Obo-Manobos sprawling over Barangays Ilomavis and Balabag in Kidapawan City and a portion of Kawayan area, Municipality of Magpet, Cotabato, in the Island of Mindanao.

These communities of Obo-speaking Manobo have been learning the rigors of progress influenced by the presence of the Philippine National Oil Company (PNOC), an energy corporation which has been operating a geothermal plant within a 701-hectare government reservation within their ancestral territory since 1988. Thus in this case, let us learn how an IP community adapt with development through time.

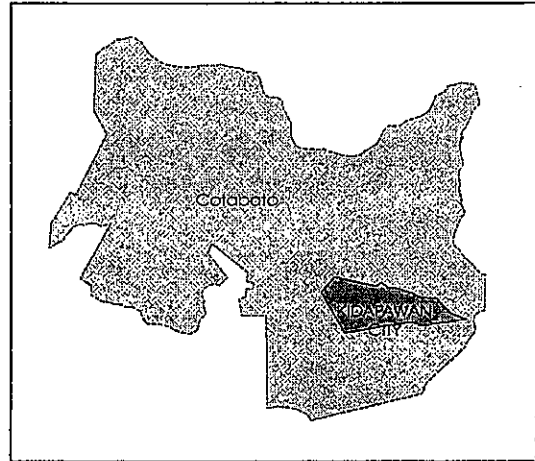
In the 2002 SONA of Her Excellency Gloria Macapagal-Arroyo, she made a pronouncement to award 100,000 hectares of ancestral domain/land to the ICCs/IPs. Among those identified by the NCIP as a priority area is the ancestral domain of Obo-Manobos considered as “politically significant” due to the national interest in the area.

Context of the Indigenous Cultural Community

The ancestral domain of the Obo-Manobo is located on the northern part of the City of Kidapawan. Ilomavis, which serves as the jump-off point for the AD, is about 14 kilometers away from Barangay Poblacion of Kidapawan.

The Obo-Manobo once lived abundantly in Mt. Apo. The forest supplied the food they need, like meat, honey, medicines and wild fruits. For other things they need the *anito* or *spirits* in Lake Agko provided them. An elder shared that what their ancestors had to do was to place a peeled branch of Indang tree near the lake and pray, mentioning the things they want to borrow. But now the *anito* had stopped helping because some people did not return what they borrowed that angered the *anito*.

The Obo-Manobo are traditionally slash-and-burn farmers, the swidden plots seen on the slopes in the areas visited during the fieldwork for the study are evidence of this culture. Alfred Pinantao, a son of a datu in Kidapawan who is now employed with NCIP Provincial Office, shared that before, “*ang mga Manobo malilit lang ang sakahan pero marami ang abot*” (Manobos had small farms but they yielded sufficient harvests). The practice of Manobos was to transfer from one farm to another after one planting season. They employed the old method of using a wooden pole to pierce the ground where seeds were planted. Corn was grown and eaten as vegetable. Women tended the farms after the men finished planting since the men needed to fish or hunt afterwards.⁶¹ Alfred also recalled his father’s stories about the peaceful relationship between the Manobos, muslims and other non-Christian tribes. Barter trade, which they practiced, ended when cash was introduced as the medium of transaction.



location map of the City of Kidapawan in Cotabato where the Obo-Manobo CADT is situated

⁶¹ Mercedes L. Alan, “The Manuvu of Baguio District, Davao City,” in *Mindanao Ethnic Communities: Patterns of Growth and Change* (Quezon City: UP Center for Integrative and Development Studies, 2001), p. 34

Alongside with the advent of cash economy were changes in farm technologies introduced to the Obo-Manobo by the Christian settlers from the Visayas and Luzon. The Obo-Manobo learned from them the use of carabaos, plows, new crops, fertilizers and pesticides that gradually diminished the fertility of their soil and their culture as sustainable tillers. As the population in their area grew, they became less of farm shifters. They learned to concentrate on only one farm in contrast to their previous practice of shifting from one farm to another every planting season. They also learned to depend on goods that are sold outside their community.

The Obo-Manobo also perform rituals when they plant. For planting rice, for instance, a *tambaa* (platform of offering) is placed at the center of the rice paddies. They gather peeled branches of indang tree and place in it *napo* or antique jar, beetle leaves, tobacco, lime and also 4-5 handful of rice palay and perform *mamuwa* or call on the spirits. After the ceremony, the men and women will compete in planting rice. Those who have the most number of seedlings planted win. *Pilipig* or flatten rice is also prepared weeks before the palay matures. They wrap the *pilipig* with indang leaves, hang it on a stick called panak and offer it to the spirits.⁶²

Rituals like *tambaa* has slowly disappeared because of the advent of Christianity and the changing profile of the community. *Pamaas* is one of the rituals surviving up to now. It is a peace offering ritual performed by elders of the community to appease the *anito* or spirit. The offering is in the form of chicken, work animal, gong, food or anything else that the spiritual leaders so desire. But some regard *pamaas* as an impractical undertaking now especially because of the hardship of families in the area.

Historical-Cultural Worldviews and Practices of Community Participation

The datu or tribal chieftain is the head of an Obo-Manobo village and is selected because of his lineage (royalty), age, wealth, intelligence, leadership, courage, wisdom and capacity to settle community conflicts. The primary responsibilities of a datu include maintaining peace and order and acting as a counsel and judge during conflict resolutions. Assisting the datu in his responsibilities are the elders of the community, a group also known for their intelligence, integrity and prudence. Some may become datu for consanguinity or affinity. There are also warriors (*mangangayaw*), priests, *albulario* or quack doctor and midwife, all performing their respective tasks in their community.⁶³

The community has Tohod Palinta or tribal council, the traditional governance system of Obo Manobos composed of 4 to 20 datus, depending on the size of the community. A *mawwet* or supreme datu is selected from among the datus to head the tribal council; those who are considered "royalty" have the edge over those politically selected. The *mawwet* is installed through a ceremony followed by a week-long festival where food, viand, fruits and drinks are served. The *mawwet* is charged with the responsibilities of presiding over the council meeting, acting as a judge in conflict resolutions, officiating weddings and calling the communities for collective actions.⁶⁴

With the introduction of the barangay system, the traditional governance structure of Obo-Manobo has changed. New leaders have emerged who are not necessarily coming from the lineage of traditional datus in the community. These leaders derive their mandate through elections which is done at large. Under this new system, a council is also formed, but not the tribal council which

⁶² CADT Claim Book of MADADMA

⁶³ Alan, op. cit., p. 33

⁶⁴ CADT Claim Book of MADADMA

existed in as far as their memory can recall, but a barangay council composed of the elected officials of the barangay.

In as far as women are concerned, Obo-Manobo women traditionally do not participate nor interfere in political affairs. Women are responsible to take care of their children, attend to household chores and maintain their farms. They are known for their timidity and obedience to their husbands.

Yet for those whom we interviewed, they believe that profound changes in the role of women in their community have already taken place. Most of them believe that the situation of women now is different from the situation of women before. Women now need to earn income so they can help their husband make both ends meet for the family. In fact, most of the women interviewed for the study are actively involved as officials and members of the associations assisted by the PNOC. Some of them hold key positions in their respective cooperatives or organizations. We have encountered teachers and one of them is a religious missionary working outside the community.

The interviewees also shared that the old practice of polygamy or *daruway* (a man may take as many wives as he wants so long he can support them) has no more space in a "civilized" world of Obo-Manobo at present. Interestingly when asked about what civilization mean for them, most of the interviewees would always define it within the concept of Christianity. Polygamy, according to them, is no longer practiced by Christianized Obo-Manobo, but they hinted, maybe cases of polygamy still persist in far-flung villages.

Community Realities and Experiences on AD Delineation/CADT Application, ADSDPP Formulation, AD Management and FPIC Conduct

Impetus for the struggle for AD delineation. Like other *lumad* or non-Christian tribes in Mindanao, the Obo-Manobo's situation is also filled with grief in the land of promise called Mindanao. Through the years, they strived to save from outsiders the single most critical natural wealth they have, their ancestral land or *yutang kabilin*. For the Obo-Manobo, their *ancestral land is the source of identity which provides them the material and spiritual link with the past, present and future generations. The land which they assert ownership serves as their residential areas, hunting grounds, agricultural lands, burial grounds; it coddles the rivers, creeks and other bodies of waters; the forests, minerals and other natural resources that they and their ancestors collectively and individually owned as far as memory goes.*⁶⁵

The first major eventuality that had a profound impact on the life of Obo-Manobo was the declaration of Mt. Apo as a National Park in 1936. This made their territory smaller and worse, the stewardship over their ancestral land was transferred to the national government. With the help and support of other datu, Datu Abon Umpan filed a petition with the Office of the President, through the Bureau of Wild Life, to release to them an area of more or less 1,500 hectares for their settlement. President Magsaysay considered this petition but when he died, President Garcia overturned the decision.

Another turn of event was the operation of big logging concessions in the area in 1957. They partitioned the Manobo lands starting from the plains towards the Northern and Southern part of Mt. Apo for their logging operations. On the northern part the logging concession of Busque and Pharaon operated; while on the south, the Manila Bener Logging Company. In Balabag and Perez area, the Manila Bener Logging Company started to operate but did not stay long because the Manobo fielded mangangayaw (warriors) to launch a pangayaw (war) against the invaders of their lands.

⁶⁵ CADT Claim Book of MADADMA

The negative impacts of the logging operations were felt in the area starting 1960s. Migrant settlers occupied the lands cleared by logging. Productive lands for the Manobo on the plain areas became scarce which forced them to retreat to the upper portion of Mt. Apo and other known Manobo areas to avoid the settlers and live with their own kind. Because of this, the lands on the slopes of Mt. Apo traditionally occupied by the descendants of Datu Apao, the datu whom the Manobo believe named Mt. Apo as Sandawa, the Manobo term for sulfur, were further divided by the datos to provide the people means to survive. All the datos and their people were able to occupy a portion of Manobo lands on the slopes of Mt. Apo. And according to elders, the peace disturbed by outsiders for many years reigned in their lands again.

But this peace only lasted for a short time. In 1972, the situation of the Obo-Manobo became problematic again because of the Muslim-Christian conflicts. It was also during this year that Martial Law in the Philippines was declared, which profoundly affected the situation of the tribes especially those in the far-flung areas. They began experiencing pressures from both the military and the insurgents. There were instances when some Manobos were accused of crimes which they did not commit. For instance, Datu Bukidnon Adang who led the tribe for several years was imprisoned for four months because the military suspected him to be part of the massacre of nine muslims in Perez, a barangay near Balabag. But he denied this allegation. Yet the impact of this event was terrifying on the part of other Manobo. Most of them fled to safer areas they know in Mt. Apo to avoid retaliation.

This event also served as a turning point for the Obo-Manobo to unite and find means to protect themselves from possible attacks. The Manobo in Sayaban and Ilomavis consolidated and helped the Manobo of Balabag who were in danger to plan for their safety. The El Nino phenomenon which caused forest fires in the areas in the 1970s also tested their unity and resilience as indigenous peoples.

More migrants are coming to the area and with their promises, they are able to convince ordinary Obo-Manobo families to give up their land for them, a phenomenon which have been happening since the Christian settlers started to pour into their area several decades ago. "*Ang ibang datos ay naging dealers ng lupa na rin*" (some datos have become land dealers), some protested when they were asked how they are losing their lands to the migrants.

Asked why they think migrants come to their area, the women interviewed said that they have a favorable climate in the area. They don't have typhoons. Some migrants also plant cash crops such as rubber, bananas and tiger grass. Tourists also continue to come bringing garbage and other influences to their community. Mt. Apo has attracted climbers from all over since the 1970s. Their area became more accessible to outsiders when a road was constructed because of the PNOC project.

AD delineation. The first attempt of the Obo-Manobo to apply for recognition of their ancestral domain was when they applied for a Certificate of Ancestral Domain Claim (CADC) in the 1990s. The first application was filed by Native Barangay Association Mt. Apo Sandawa (NABAMAS) covering the area of Barangays Ilomavis and Balabag in Kidapawan City and Barangay Pandanon, Bongolanon and Kisandal in Municipality of Magpet, Cotabato. However, the clan claimants from these barangays filed a petition with DENR-PENRO Region XII to segregate their claims from the areas being claimed by the NABAMAS. The Provincial Special Task Force on Ancestral Domain (PSTFAD) conducted a series of consultations among the tribes involved in an attempt to address this issue.⁶⁶

⁶⁶ CADT Claimbook of MADADMA

Subsequently, the application for CADC of these IPs in Mt. Apo was split into three (3). Supported by NGOs, the Ilomavis-Balabag Apo Sandawa Manobo Ancestral Domain (IBASMADC) applied for CADC on the side of Barangays Ilomavis and Balabag. It was headed by Datu Simeon A. Serrano, a descendant of Datu Apao. Later, IBASMADC's Board of Directors split up and a new organization was formed called Idpossokaday no Linubbaran ni Apao Incorporated (ILAI). A special meeting among the claimants of CADC in Mt. Apo facilitated the discussions among datu pertaining to the split of IBASMADC. A datu stated the reason why they formed ILAI, to quote the minutes: *"this organization was not duly registered by (sic) the SEC...we feel that IBASMADC was weakened..."* He also spoke of splitting the boundary of the claim into two after the survey, and they will have their own leaders to manage their ancestral domain claim on the pretext that they are concern with the development and the future of their tribe. Some datu explained the situation of IBASMADC and appealed for unity among the claimants for the sake of their claim. Eventually, the IBASMADC became more affiliated with the claimants from Barangay Balabag, while ILAI with the claimants from Barangay Ilomavis.

Eric Raz, the Provincial Officer of NCIP in the area, explained that, in spite of external interventions, this conflict between the leaders of the two organizations went on that delayed their application for CADC. In 2002, NCIP officials from Manila met with the leaders of IBASMADC and ILAI. NCIP gave them an ultimatum to decide whether they want to pursue their application for CADT or not. After hours of deliberation, the leaders agreed to collectively apply for CADT yet under a new organization which they themselves decided to form, namely the "Manobo-Apao Descendants Ancestral Domain of Mt. Apo" (MADADMA). MADADMA is composed of datu from Ilomavis and Balabag who descended from Datu Apao.

On December 10, 2002, a Memo of Agreement was forged between the Ilomavis claimants, represented by Datu Lucio Landas Serrano, and Balabag claimants, represented by Datu Camilo Umpan Bayawan. Likewise, the work and financial plan (WFP) for CADT was formulated which built on the counterparting scheme among the communities, support groups and NCIP. As a priority area for CADT, the Commission released PhP1.2M from the social fund of President Arroyo for the claim.

The direct application of MADADMA for CADT started with the creation and orientation of the members of Special Provincial Task Force on Ancestral Domain (SPTF-AD) on December 23, 2002. This activity was also attended by representatives of IP communities, NGOs and LGUs (barangays and municipalities). Afterwards, the following activities were conducted (in chronological order):

1. Orientation of tribal elders and leaders on the activation of an SPTF for the CADT application and on the outputs of the December 23, 2002 meeting and affirmation that the WFP should be undertaken as scheduled;
2. Conduct of information, education campaign (IEC) that explained to more or less 200 claimants and other members of the community including tenured migrants (IPs and non-IPs) the legal framework and process of CADT under IPRA, its implementing rules and regulations and AO 2;
3. SPTF-AD community validation of submitted documents/proofs;
4. Delineation, identification and marking of CADT claim covering the areas of Barangays Ilomavis and Balabag in Kidapawan City and a portion of Kawayan area in Magpet, all in the Province of Cotabato, by representatives of AD claimants, LGU, DENR, RADT, NGOs and the community.
5. Resolution of conflict on the boundary of NABAMAS and MADADMA with the local government units involved;

6. Actual ground perimeter survey of the survey party (Regional Ancestral Domain Team), SPTF-AD and IP claimants;
7. Ocular survey, identification and presentation of boundary of 701-hectare Geothermal Plant Reservation;
8. Preparation of complete survey returns and finalization of survey report; and
9. Community validation of the perimeter survey outputs and presentation of the map of ancestral domain with technical description.

The communities participated in the abovementioned activities through the series of consultations and consensus-building held. The elders and leaders of MADADMA assumed the responsibility of mobilizing the participants for the activities to be held at each level of the CADT process, with the guidance of NCIP and SPTF-AD. Usually those activities held within the community were well participated by IP claimants. In some cases, only the leaders and elders or their representatives could attend the activities, especially those which were held outside the community.

During the ground perimeter survey, the geodetic engineers from NCIP Manila and Region were divided into two (2) teams. Each team obtained the volunteer assistance of IPs who acted as guides, porters, technical aides and cooks. These were the assistance we got from the IPs as we, the engineers, took charge of the technical part of survey, Engr. Roy Rangaban of NCIP Region said. Leaders accompanied both teams who guided them to the boundary monuments. The perimeter survey was completed after almost a month. For Engineer Rangaban, the process was empowering for the IP claimants. Based on the principle of self-delineation under IPRA, they had the opportunity to identify and mark the areas where their ancestors traditionally hunted, gathered food, buried their dead, which are proofs of their ancestral domain that provided them means to survive through the years, Engr. Rangaban continued.

NGOs supporting the community, such as the Alternative Forum for Research in Mindanao (AFRIM) and Lifestream Institute provided their counterpart for the activity. They were charged with documentation and other technical tasks the communities had the difficulty to perform. Indeed, this experience became a process of complementation among the institutions involved, and most especially, among the Obo-Manobo themselves. It became an avenue for them to unite again for their ancestral domain.

In 2004, the long struggle of Obo-Manobo for the protection of their ancestral domain finally bore fruit. NCIP awarded their CADT covering an area of 3,177.1990 hectares.

AD management: the PNOC-EDC story and the advent of economic participation in the community. The Philippine National Oil Company-Energy Development Corporation (PNOC-EDC) started to probe Mt. Apo's potential for geothermal power in the 1980s which alarmed some sectors in Mindanao. In 1988, protests against the operations of PNOC-EDC in the area escalated. A coalition called Task Force Sandawa (TFS) was established and consolidated the core of NGOs protesting against the geothermal. The Catholic Church also waged their opposition through their own coalitions which rallied behind the datus. These groups often built their opposition on PD 705 which declared Mt. Apo as a national park and Section 5, Article XII of the Constitution on the State's recognition of the rights of IPs to their ancestral domains. They also emphasized the potential harmful impact of the plant to the environment.⁶⁷

These protests hampered PNOC-EDC's operations in the area. To address this concern, PNOC-EDC conducted more in-depth research on the situation of the communities around Mt. Apo and

⁶⁷ in "Mt. Apo Geothermal Plant: Struggling for Power," a case study written by Sophia Noreen Castillo for AIM, 2003

launched information drives and consultations on the geothermal project. During the 1990 consultations, the PNOC-EDC obtained the support of IPs around Mt. Apo who thought that they can reconcile their beliefs with the economic development the geothermal project could bring to the area. "Marami sa amin dito ay sumuporta sa proyekto dahil kailangan rin namin ang kaunlaran, ang mga oposisyon ay hindi naman tagarito" (Most of us here supported the project because we also need development, the oppositors were not from here), a datu said during his interview.

After this uphill battle, the ECC was issued by DENR in 1992 and PNOC-EDC started developing its project within the 701-hectare geothermal reservation in Mt. Apo declared by the administration of President Aquino in response to the power crisis in the country. At the start of its operations, leaders of 5 tribal groups (Bagobos, Aromanons, Manobos, Guingans and Matigsalogs) were summoned for a pamaas ritual for the turnover of 701 hectares of land to the PNOC-EDC geothermal plant. The datu who attended this ceremony called the project "a victory for the cultural community" referring to the new jobs the project would provide the IPs.

The PNOC Energy Development Corporation signed a MOA with DENR, NPC, the Cotabato Tribal Consultative Council (CTCC) and concerned LGUs for the protection of Mt. Apo National Park and the development of its upland dwellers and the Province of North Cotabato. This MOA provided for the establishment of the Environmental and Tribal Welfare Trust Fund (ETWTF) to be sourced from the one centavo per kilowatt-hour based on the net sales on generated power and annual environmental management funds of PNOC-EDC and NPC.

Likewise, the MOA effected the formation of a Multi-Sectoral Management Group charged with the responsibility "to transform the geothermal project into a sustainable development project and to ensure that funds from the geothermal project shall be used for the development of the province particularly for the protection and enhancement of the watersheds of Mt. Apo National Park and to uplift the socio-economic conditions of upland/tribal communities... The Mt. Apo Foundation (MAFI) was formed in 1993 to serve as the legal entity to manage the ETWTF. Its Board of Trustees is composed of representatives from the PNOC-EDC, NPC, LGUs, CTCC (Cotabato Tribal Consultative Council) and other NGOs. Atty. Ermelo Libre, MAFI's Executive Director confirmed that tribal leaders dominate MAFI's Board of Trustees. Out of 9 trustees, 6 are IPs. Even some MADADMA elders are MAFI's trustees, which include Datu Lucio Serrano as Chairman of the Mt. Apo 10-Kilometer Radius Dwellers Federation (Mt. Apo 10KR).

Asked about how they (IP trustees) are faring in terms of participation in board meetings, he said that they are helpful and are suggesting ideas to resolve concerns being deliberated on the floor especially when they are familiar with them. But there is a need for them to improve in conceptualizing long-term solutions to comprehensive concerns of their communities. From time to time, pre-board meetings are conducted to explain to them concerns that are to be tackled in the board meeting. In this way, they are prepared to participate in decision-making process in the actual board meeting.

Atty. Libre also shared the different initiatives of MAFI around Mt. Apo. He said that for the people within the ancestral domain, MAFI has been complementing livelihood projects that are initiated by Mt. Apo 10KR, a federation of 42 associations organized by PNOC-EDC in the communities within the 10-kilometer radius of the geothermal plant. Mt. Apo 10KR is PNOC's conduit for its corporate social responsibility (CSR) agenda under the banner of HELEN (health, education, livelihood and environment). Out of the 42 associations under this federation, 16 are based in Iloilo. They are now providing the Obo-Manobo avenues to participate in the economic activities introduced by the PNOC-EDC in the area. Membership in these associations is open to all residents, regardless of gender and tribal affiliation. To become a member, one has to prove that

he/she is able to attend the regular meetings of the association and perform volunteer work or pintakasi.

Each of these 16 associations operating in Ilomavis maintains its own livelihood projects. For instance, the Anggi Farmers' Association (AFA) in Ilomavis, is sustaining a crop production (abaca, tiger grass, bamboo) and a money lending projects. AFA is among the top performing associations among the members of Mt. Apo 10KR for it has developed a level of capital build-up which can already sustain its livelihood initiatives. Other associations in Ilomavis are also into production of rubber and banana, the two most important export crops in Mindanao. According to Damaso Bayawan, the Barangay Captain of Ilomavis, these associations are also represented in the Barangay Council, the decision-making body for the development projects in the barangay. But not all associations formed by PNOC-EDC have been successful with their projects. Some have folded up also because of the attitude of the members, a datu explained.

Members of these active associations are earning income in terms of dividends from the sales of products and for performing specific tasks which is paid by PNOC-EDC on per output basis which they call "job order." Association members also benefit from other income-generating projects of Mt. Apo 10KR, such as the consumer store in Kidapawan and the Agko Mahumanay Mountain Resort. MAFI and PNOC-EDC projects also provide other forms of assistance such as scholarship to college students, school supplies for formal school learners, allowance for locally-hired teachers, counterpart funds for school facilities/buildings and water system. There are also instances that Kidapawan City and other institutions join this counterparting scheme applied by PNOC-EDC for its projects.

The improvement of quality of life among upland dwellers through livelihood development is one of the priority objectives of PNOC-EDC, declared by Engr. Enrique P. Delposo of PNOC-EDC. To narrow the gap in terms of social services delivery in these communities and build self-reliance among the residents, it tries to complement its resources with that of the communities, government and private institutions. He believes that the communities the PNOC-EDC tries to serve under HELEN has a wealth of human and natural resources around them; it is just a matter of opening their eyes to make them see the opportunities around them. This is how PNOC-EDC comes in. It is catalyzing change for these communities, in the hope that later on, they will be the one to help themselves.

Engr. Delposo shared that part of his catalyzing role as Chief of PNOC-EDC's Community Partnership Department is to see to it that managers from among the members of the associations with values beyond self-interest are developed in the process of implementing these development projects. It is the only way to ensure that the CBU generated through time at different levels (federation and associations) will be sustained for the long-term benefit of families in these communities. Our goal as a company now is to raise the per capita income to PhP100,000.00 per family annually so we can prove we can hurdle the poverty threshold in the Philippines through our CSR initiatives, he said.

Participating in the FPIC process. The first time the community handled a case for FPIC happened when the PNOC-EDC proposed the drilling of new deep wells for a Re-injection Project (PAD-RG) in Sitio Sudsuhayan in Ilomavis. The project, which has a duration of 25 years, has already been given FPIC by the community, following the process under NCIP Administrative Order No. 01, Series of 2006 or "The Free and Prior Informed Consent Guidelines of 2006," which is the new implementing guidelines of IPRA with regards to FPIC. The FPIC, as defined in these guidelines, "is the consensus of the ICCs/IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully discussing the intent and scope of the plan/program, project, activity in a language and process understandable to the community."

The FPIC process for the project applied the customary decision-making process of the Obo-Manobo community. According to Richard Trecero of the NCIP Provincial Office, the community was given 15 days to discuss the project among themselves and determine what benefits they will get from the project. The consent of the community to the project was given to NCIP in the form of a resolution, signed by the majority members of the tribal council. Benefits will not directly accrue to the whole community but to the families who will be affected by the project. As stipulated in the project MOA signed by MADADMA, PNOC EDC and NCIP, the benefits include land rental, compensation for the crops that will be damaged, employment, electricity, potable water system, among others.

When it comes to the socio-economic projects initiated by the PNOC-EDC within the AD area, the FPIC rules are not applied by the community. It is the associations whose members are also IPs that decide on what kind of livelihood projects they want to implement with the support of PNOC-EDC. The Mt. Apo 10KR and the PNOC-EDC technical team are the ones screening out project proposals in terms of their feasibility and potential impacts to association members. According to elders, it is mostly the IPs from Ilomavis that have mainly availed of the support of Mt. Apo 10KR in terms of socio-economic projects. The IPs from Balabag are not that much interested in development, some of the elders claim.

From the perspective of officials and IPs interviewed from Balabag, it is not that they don't want development to get into their territory, they believe that what PNOC-EDC is doing is merely providing the leaders token so they will not complain. Most of the elders are under the payroll of PNOC-EDC so why would they complain, according to them. The promise of PNOC-EDC was to provide real jobs not "job orders"; under the current set-up only the outsiders are getting employed in the PNOC, and ironically some of them were the ones fighting them from the very beginning, they continued. They also alleged that the FPIC process, which the community underwent for the project expansion of PNOC-EDC, did not involve them; it was only the FPIC of leaders from Ilomavis following the whims of PNOC-EDC. The NCIP which facilitated the process did not fail to invite them to participate in the FPIC process. Yet according to some NCIP staff interviewed, they were invited several times but they did not come.

Under this circumstance, the Balabag part of AD is striving to be self-reliant in terms of development by maximizing its linkages with the city government, NGOs and foreign funded projects coming into the area. "May nangyayari naman sa amin kahit wala ang PNOC-EDC (we are moving on even without PNOC-EDC). They hope, as most of the elders from the other side are hoping too, they could get a fair share from the PNOC-EDC's 1 centavo fund in the future which they can manage by themselves. They also aspire that as a barangay under AD, they also get a share from the royalty tax being paid by PNOC-EDC to the LGU, just as what Ilomavis is enjoying now as "host barangay" of the geothermal project.

ADSDPP formulation. Many respondents claim that "hindi magawa ang ADSDPP dahil hindi magkasundo sa boundary ng Ilomavis at Balabag" (ADSDPP could not be formulated because of disagreements in the boundary between Ilomavis and Balabag).

On the part of NCIP, it has been facilitating meetings and consultations on ADSDPP among the elders of the community just to resolve the issue, "pero walang nangyayari" (nothing has come out of this effort). PNOC-EDC appreciates the value of ADSDPP as the community's blueprint for its long-term development. In fact, PNOC-EDC has announced its support to the planning process.

Most elders appreciate the value of ADSDPP but it seems not all of them feel the urgency for such. Recently, some of them decided to engage in it only if the boundary conflict between Ilomavis

and Balabag has been resolved. Others think that planning can happen now and in the process address the boundary conflict. Yet most of them agree with the idea to have one ADSDPP for the CADT area, but the management of the three areas under CADT is separate which, according to them, is the principle they agreed when they applied for CADT.

Impacts of the Emerging Realities and Experiences

The process of participation which happened from the time when the Obo-Manobo decided to secure their ancestral land or yutang kabilin to involving themselves in PNOC-EDC -initiated projects in their community, entail a string of challenges and impacts.

Impacts of CADT. The success of the community to obtain a CADT introduced some changes that have critical implications to their life as indigenous peoples. For one, it inspired the revival of the traditional structure of community governance through the formation of a tribal council, amidst the existing system of community governance introduced by the government. The tribal council of MADADMA has united the descendants of Datu Apao from Ilomavis and Balabag; although the relationship among the members of this council is problematic especially in terms of the issues of boundary between Ilomavis and Balabag as well as the differences in opinion regarding the presence of PNOC-EDC in their ancestral domain.

With the CADT, the law has endowed this ancestral community the power to participate in all the major decision-making processes that will affect them, including the issuance of FPIC. If this power is properly utilized and participation goes beyond the elders/leaders, perhaps the peace and harmony which eluded them for decades will be obtained.

Impacts of AD management. Perhaps it can be considered that the PNOC-EDC is the most important player among the development organizations operating within the AD at present. Its extensive operation in the area has been bridging the gap in economic participation among sectors in the community that the MADADMA as an IP organization has not been able to provide. The projects of PNOC-EDC have opened for them a wide opportunity to participate in initiatives to improve their quality of life as IPs. Some are grabbing this opportunity while others remain skeptic to PNOC-EDC's intention. But as an old saying goes "early bird catches the worm." Hence, those who have involved themselves actively in this project have been able to ensure the survival of their family amidst the difficult economic condition in the area.

Some of them, including women and youth, have now been earning extra income as workers and managers of these projects. Some leaders have represented their community in MAFI and other bodies present the opportunity to advocate their interests as IPs. Likewise, they are also learning from these projects how to be good citizens within the current standard by participating in the regular meetings of their respective associations and rendering voluntary work.

However, there are also those who try to maximize the linkages they have created with the LGU, NGOs and other funded programs coming to the area than rely too much on PNOC-EDC.

Conclusion

Perhaps the challenge for the Obo-Manobo now is how they can reconcile the aspirations they have for their ancestral domain and the projects they are allowed to access from PNOC. But this question is both personal and institutional. Personal perhaps because, some of them have already been contributing to the protection and sustainable development of their ancestral domain albeit individually. Take for instance the reforestation of Lake Venado and promotion of responsible

tourism in the area. However, these efforts are not yet consolidated in a single plan which the IPs themselves from all parts of the AD have formulated and implemented as a collective and an institutional action. That is why the law allows the communities to formulate by themselves a comprehensive plan where their collective vision and goals for the protection and sustainable development of ancestral domain is embodied.

It is high time now that leaders realize the value of having an ADSDPP beyond their petty concerns over boundaries that for sure when Datu Apao was alive had been imaginary for the Obo-Manobo. Having it is having a direction for development amidst the myriad of possibilities with the PNOC-EDC, NCIP, LGUs and other support groups/NGOs within their reach.

This case study was written by Erwin Vargas with the elders, leaders, women and youth of Ilomavis and Balabag (Datu Lucio Serrano, Datu Simeon Serrano, Datu Camilo Bayawan, Datu Federico Sia, Datu Reynaldo Pandia Lim, Barangay Captain Damaso Bayawan, Barangay Captain Eduardo Umpan, Kagawad Divina Sillador, Kagawad Editha Umpan, Esteban Madrid, Dena Tabigue, Veronica Lim, Trinidad Lim, Erlinda Lim, Saldo Sinding, Sheryl Altamero, Virginia Pescadera, Randy Altamero, Hermilina Altamero, Adonis Bangcas, Rosita Damo, Baby Rose Damo), Executive Director Ermilo Libre of MAFI, Engr. Enrique Delposo of PNOC-Community Partnership Department, officials and staff of the City Planning Office of Kidapawan (Assistant City Planning and Development Coordinator Divina Fuentes, Charlo Peligro, Maria Estella Hernandez), officials and staff of NCIP Province (Provincial Officer Eric Raz, Richard Trecero, Alfred Pinantao, Ruth Balnajor, Carmelita Climaco, Vilma Rose Vicanato, Dr. Nieves Fernandez-Cabije, Marcelina Pique, Sining Bulado, Rosalin Balisbis, Moses Sibug, Manong Rufino, Clarissa Candelon, Engr. Elzar Mundob) and NCIP Region (Regional Director Jeanne-Anne Moendeg-Zoilo, Engr. Roy Rangaban).

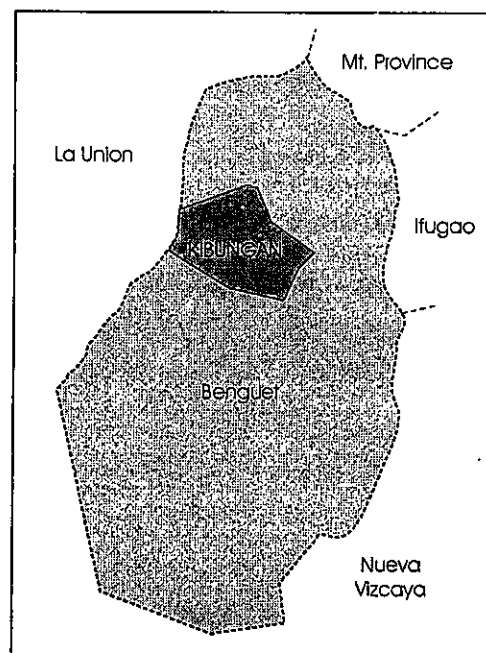
6. LGU-Community Struggle for AD Security: Case of Kibungan, Benguet

Kibungan is popularly known as the “Switzerland of Benguet” because of its rocky and mountainous landscape. Deep ravines and cliffs separate one barangay from its neighboring barangays or villages. About 65 percent of the town’s land area has steep slopes of more than 18 degrees. It has a general elevation of more than 2,500 meters above sea level with Barangay Madaymen having the highest peak.

Kibungan is one of the 13 municipalities of Benguet located at the northwestside of the Province. It is about 67 kilometers away from Baguio City. The only access to the municipal proper is through the Acop-Kapangan-Kibungan national road while two of its barangays on the North namely Madaymen and Palina use the Halsema-Sinipsip-Bakun road.⁶⁸

Context of the Indigenous Cultural Community

The upland town of Kibungan has a total land area of 28,593,4921 hectares (Municipal Assessor’s Office, 2003). Of the town’s seven barangays, Barangay Madaymen has the largest land area of 11,638 hectares or 40 percent of the total municipal land area. Madaymen is followed by barangay Tacadang (5,738 hectares or 20% of the total municipal land area), and Poblacion (3,184 hectares), a portion of which was classified for urban development.



location map of Kibungan AD in Benguet

As of 2002, the people of Kibungan spread over the seven barangays number to 15,472 individuals, with an average household size of 5 persons per family. Barangay Madaymen is the most populated with almost a third of the people of Kibungan residing in the barangay.

Brief History. Kibungan was settled in by the ancestors of its present people because of its rich hunting grounds. Many of the people from the neighboring places in Benguet and Ifugao came to the then forests of Kibungan due to the abundance of wild animals all year round. In time, these hunters settled in these areas with their families and established the first communities that are to found the present-day Kibungan. Among the communities that attracted the first settlers are Badeo, Palina and Gambang. These settlers came from Loo, Buguias (Benguet province) and Alas, Kiangan (in Ifugao province).⁶⁹

It is also within its history records that the peopling of Kibungan was helped by a local practice within the indigenous groups occupying the areas around it. In a certain period in the 18th century, *Busul* or headhunting was so prevalent among some of the more dominant families that entire clans have moved out of their communities to evade persecution. In fact, six of the nine original families in Kibungan traced their origins back to the neighboring municipality of Buguias. These also include

⁶⁸ Socio-Economic Profile of Kibungan

⁶⁹ Claimbook for the Certificate of Ancestral Domain Title of the Kankana-ey Tribe of the Municipality of Kibungan, Benguet (excerpted from the Executive Summary)

families from Bakun and Mankayan, two adjacent communities.

Land and livelihood. Out of the municipal land area of 28,593.4963 hectares, about 17,817 hectares are classified as forest area; 4,747 hectares, agricultural; and only 34.67 hectares are classified as built-up area. Kibungan is blessed with abundant water resources that accumulates from tributary streams and creeks of its mountainous terrains. There are nine identified rivers that drains into the different barangays of the municipality.

The people of Kibungan flourished in agriculture. About 90% of the population are engaged in farming as their primary and secondary sources of income. About 32 percent of the land area of Kibungan is for agricultural production, particularly rice and vegetable crops. Centuries-old rice terraces are still at the very the heart of farming activities, where 1,668 hectares are given to planting traditional rice varieties. Livestock and poultry production is mainly for supplemental purposes. There are also households engaged in small-scale fish production.

Kibungan ancestral domain has few deposits of both metallic and non-metallic minerals. Metallic minerals include few deposits of gold, silver and copper. Non-metallic minerals include lime and clay. Cooperatives are also operating in the areas as assemblers-wholesalers of vegetables marketed to La Trinidad Trading Post. With all the forests and rivers in the area, the town has also a great potential for tourism.

Social services. In terms of education, there are 20 public elementary schools and 3 national high schools that serve different barangays. In spite of this, Kibungan has a literary rate lower than other municipalities in the province. The municipality has a four-bed Main Health Center at Poblacion besides some barangay-based single-bed health centers and sub-centers. Recreational facilities in the municipality are limited to sports facilities in public schools. All in all, there are 21 volleyball courts and 10 basketball courts in the different barangay schools. There are also 12 identified religious groups in Kibungan led by Roman Catholic group.

Historical-Cultural Worldviews and Practices of Community Participation

The communities of Kankanaey appear to have existed long before the coming of the Spaniards to the archipelago. Proof is the extensiveness of their rice terraces, which must have taken a considerable period to build. The fact that these terraces, and the names of the first communities, were noted in the records of the first Spanish expedition to the Cordilleras in 1665, is a confirmation of early Kankanaey civilization.⁷⁰

With regard to how the family and the community values collective decision making, the following excerpt points that since then, Kankanaey communities act as one:

For the Kankanaey, family and community histories are closely woven with that of the settlement. While individual family members carry generational accounts, the use of the word and constant reference to other individuals of other family tree is the norm. Not one individual stands out as causing, directing or even responding to a major event but rather, that a group of individuals from different families collectively decided to act. Families are thus more readily identified with particular settlements and in relation to other families.

⁷⁰ accessed from google

In the present time, this is still the practice. The community and the families within it hold thorough consultations and come out with a decision that is supported by everyone. In the Kankanaey experience, their lifeways are shaped and refined by the activities they as a family and a community indulged in (hunting, farming, mining, etc). These activities draw participation from all sectors of the community that spurred the egalitarian quality of society that is Kankanaey. The rights and responsibilities of leadership particularly decision-making, is centered in and exercised by the community council of elders or called Lupon. The council is much revered and respected by the community. At present, though the locality is governed by elected individuals, conflict resolution still involves the participation of everyone and the council of elders is intact to oversee and resolve conflicts, especially at the barangay level, to avoid further conflicts bringing the case to a higher court.

Membership in the council of elders is a status ascribed (membership in the family of the settlement) and achieved (through wisdom, strength and wealth).

Centuries ago, there is a great variety of rites and ceremonies practiced by the Kankanay. Several types of economic activities such as planting, harvesting, house-building, or digging irrigation ditches call for the performance of these rites. A whole village, or a family financially capable of throwing a feast, takes responsibility for the holding of big and elaborate rites. In cañao, which is the most important festival in a Kankanay society, a number of pigs and cows are butchered. The communities are gathered together in this event to partake of the food prepared.

Community Realities and Experiences on AD Delineation/CADT Application, ADSDPP Formulation, AD Management and FPIC Conduct

Impetus for AD delineation. Kibungan began applying for CADC when its local government unit (LGU) deemed it critical to clarify the boundaries of its territory with its neighboring towns and to find means to protect its constituents from the impacts of industries operating in the barangays, which include mining. The LGU submitted a request to Provincial Environment and Natural Resources Officer through the Provincial Agrarian Reform Officer, to grant certificate of ancestral land claims to the seven barangays of Kibungan. in February 1995. In May 1995, the IP communities of Kibungan through their elders, submitted a resolution supporting the recognition of their ancestral domain claims to DENR. The notice of the claim of AD was published in locally circulating newspapers in August 1995. In December 1995, following verification researches, IP leaders and elders affirmed the findings on the indigenous knowledge and practices and genealogy to support their claim. An ocular inspection of the domain was also made. The PSTFAD (Provincial Special Task Force of Ancestral Domain) made its recommendations to DENR to recognize the ancestral domain claim in January 2006. Eventually, the CADC for the Kankanaey tribe of Kibungan was issued in December 1996, with more or less 26,353 hectares.

In early part of 1997, the DENR and DAR jointly started the implementation of a seven-year poverty reduction program called Cordillera Highland Agriculture Resource Management (CHARM) Project. Its community mobilization and resource management component aims to ensure improved management of natural resources through land tenure. This was facilitated by issuing land tenure security certificates to individual IP families. The program also involved survey/mapping activities of the ancestral domain.

Consequently the concern of Kibungan on conflict of political boundary with other towns was addressed by this project with the identification of conflict areas within its ancestral domain claim. Areas of overlap in political boundary were found in the boundaries of the municipality with those of

Bakun, Atok and Kapangan. These conflicts were resolved through traditional and customary practices. Further activities such as community consultations and further surveying of the boundaries were conducted and financed through the CHARM project.

Conversion of CADC to CADT. During a field validation between Bakun and Kibungan in July 2002, IP elders requested that the CADC issued to them be converted to CADT. After consultations, the elders together with the LGU officials of Kibungan submitted a written petition to NCIP-Provincial Office. The LGU, community and NCIP personnel endeavored to draw data from the community on the CADT application. In return, the community cooperated by making available the data needed by the concerned officials.

In the process of securing the CADT, they met obstacles. They experienced that some members of the community do not understand the IPRA so the provincial NCIP staff conducted series of information dissemination through meetings and assemblies.

The nature and extent of community participation in the process of CADT application was through meetings and assemblies. Members of the community from the seven barangays were invited to attend and participate in the information education and consultation regarding the conversion of CADC to CADT. Questions from the community members are answered by the resource speakers.

The limitations on the part of the community in terms of participation in the CADT process were their inability to attend in all assemblies due to livelihood reasons. To address this limitation, the elders/officers of the indigenous peoples together with LGU officials represented the community in the pursuance of the CADT process.

Participation of women in this process on the discussions during meetings and/or consultations is considered equal with the male participants.

The process of conversion included the following steps:

1. Filing of petition for delineation with the NCIP-Provincial Office. The participants were the following: the IPs, LGU officials, Benguet Special Provincial Task Force (SPTF)). This procedure was first recommended by the SPTF. The issues were boundary disputes. These were resolved through field validation. This way they were able to grasp the importance and need of a consultation.
2. Information, education and consultation. Those involved in this procedure were LGU officials and NCIP personnel. This was through meetings and assemblies. The issues identified were fund resources. The Municipal LGU of Kibungan provided for the fund.
3. Community census and self-delineation of ancestral domain. Those involved in this next step were IPs, LGU officials, provincial NCIP personnel. The municipality was lucky enough to be included in the program of the CHARM. The issue here was the funding and the same was addressed by the CHARMP project.
4. Submission of proofs. The IPs, LGU officials and provincial NCIP personnel prepared the genealogy. The issue here was the incomplete data from key informants so that it needed the consultations in the barangays.
5. Ocular inspection. The LGU officials and provincial NCIP personnel did the ocular inspection in the different barangays to see for themselves the areas concerned and the boundary disputes reported. They conducted meetings to facilitate this activity.
6. Evaluation and appreciation of proofs. This was conducted by the NCIP personnel.
7. Survey of the ancestral domain. This was conducted by both the NCIP and DENR with the LGU/community.

8. Preparation of report of investigation and other documents by the NCIP personnel.
9. Community validation of the map of ancestral domain by IPs, LGU officials and provincial NCIP personnel done through meetings and assemblies. The issues and concerns were boundary disputes in the municipal and provincial levels. These were address through meetings conducted.
10. Publication of the ancestral domain; endorsement of AD by NCIP-Provincial and Regional Offices to the NCIP National Office; preparation and issuance of the CADT; and registration of CADT with LRA done by the officials of LGU Kibungan and NCIP.

The CADT of Kibungan was issued in 2004. The title awarded some 22,828 hectares to Kibungan, less than the 26,353 hectares awarded to them through CADC. This was due to the fact that two sitios were excluded from the domain to address the protest of neighboring municipalities which also claim some areas of the municipality.

ADSDPP formulation. In the ADSDPP process, the Benguet Provincial NCIP personnel and LGU officials of Kibungan formed the Technical Working Group (TWG), which assisted in the coordination of community consultation-meetings. In the process, they did documentation and eventually the reproduction of the ADSDPP draft.

The gathering of data was quite slow due to the far distance of the seven barangays from each other. NCIP field personnel had to visit these barangays. Elders from the seven barangays were made as key informants. Community participation was very important in the ADSDPP formulation. Primary data gathered from the community strengthen the information drawn from them.

Not all members of the community can attend meetings and/or seminar-workshops conducted outside the municipality. Selected key informants represent the community members during meetings in Baguio City and other venues outside Kibungan.

The indigenous knowledge systems and practices (IKSP) were promoted by the elders and leaders of the community who were consulted as key informants as they participated in the process of ADSDPP. Women are not left behind as compared to men. They are encouraged to give suggestions/recommendations on how community projects/activities are implemented or administered.

The ADSDPP process involved four phases and each phase has three or more than three activities.

1. The social mobilization phase includes pre-planning consultations, organization of the working core group, and preparation of the work and financial plan. The pre-planning consultations were facilitated by personnel of NCIP Provincial Office. The NCIP personnel, LGU of Kibungan and TWG formed through series of seminar-workshops conducted, did the preparation of the work and financial plan.
2. The data gathering and assessment include mapping, participatory rural appraisal, technical assessments/surveys, data analysis and processing, and development needs assessment. The mapping activities were conducted through the joint effort of the NCIP Province, LGU officials of Kibungan, and members of the community working group through coordination with the barangay officials. The same group conducted the participatory rural appraisal and technical assessment surveys, with IP representatives attending the meeting. The data analysis and processing were done by provincial NCIP personnel and TWG through Focus Group Discussions (FGDs). The provincial NCIP personnel, TWG, and the consultant did the development needs assessment through a series of meetings and seminar-workshops.

3. The development needs of the Kibungan Kankana-ey Tribe are identified and included in the ADSDPP. These include needs relevant to their culture, social, economic and political development, management of their land and ancestral domains and land; and the current concerns, issues and challenges facing them. The planning steps include sectoral analysis of issues and concerns, VMG setting, formulation of objectives and key result areas, and validation. The provincial NCIP personnel, TWG and consultant do all these steps. The IP representatives participated in the validation activities following the planning process, together with the agencies identified earlier.
4. A plan was made to promote or market the ADSDPP to support groups and integrate with the local plans of the Municipality of Kibungan.

This process saw the evolution of KKATRIBO (Kibungan Kankana-ey Tribal Organization) as an indigenous peoples organization advocating the ADSDPP using indigenous knowledge systems and practices.

FPIC process. During the consultations with the LGU and the tribe in 2005 for a study, the participants stressed that the Kankana-ey tribe is pro-development and peace-loving. Hence, if any development project is brought to them and they have assessed the project to be good, the tribe will cooperate.

The usual procedure of FPIC in Kibungan is to require companies and individuals bringing projects to the area to first coordinate with the appropriate agencies concerned. The matter is referred to the NCIP and in turn, advises the LGU and the communities and the FPIC process begins.

During the FPIC process, the NCIP and Kibungan LGU officials conduct IEC on the proposed activities and/or projects in the barangays concerned. Coordination with barangay officials and elders has to be done. The divide and rule tactics applied by big companies sometimes are avoided by continuing the information on the rights of the IPs during the FPIC process.

The barangay officials and elders of the community represent the members during consultation meetings in the municipal and provincial levels. Through participation, residents become knowledgeable on all undertakings in the area, their individual rights are respected; and they know what benefits will they have from these projects/activities.

In order for everybody to participate in the process effectively, including the non-literate, the materials used in the consultations are translated into local dialect. This helps a lot in understanding what is happening in the locality: thus, the residents are encouraged to participate and contribute their indigenous knowledge and practices (IKSP).

Women are equally heard like the men because all are encouraged to participate in every undertaking in the area.

As of now, there are two projects which are undergoing the the FPIC process, namely: the Mini-Hydro Development project by Kataguan Resources Development Corporation, and the 40 MW Mini-Hydro Project along Kibungan river located at Bacbacan, Poblacion to Lebeng, Badeo by the North Luzon Power Development Corporation.

Earlier, Kibungan rejected the proposal of AMEX, a mining and exploration company, which conducted activities without the permission of the community. This incident somehow proves the empowerment of the community in dealing with external entities.

Conclusion, Impacts, Lessons

We learned from this case that inter-institutional collaboration is very important to resolve issues which are affecting indigenous communities in the Philippines. The strong partnership forged between the LGU, community/tribe, DENR, NCIP and other NGOs became the vehicle which helped the IPs of Kibungan go through the process of AD delineation and planning.

The Kibungan ADSDPP, formulated through a collaborative partnership, guarantees that issues and concerns of the tribe is addressed as they face the greater challenge of AD management and protection. Its recent enhancement applied the rights-based approach to ADSDPP formulation, which gives primacy to the inclusion of fundamental human rights of IPs under major laws, such as social justice, participation, self-identification, self-determination, among others.

The LGU is considering to create a seat for the IPO within the Sangguniang Bayan. To support the ADSDPP implementation, the LGU and the IPO have institutionalized their partnership through a MOA. As such, a technical working group (TWG) was tasked to review and enhance the ADSDPP composed of the heads of local offices, 2 representatives from the IPO, and a representative from the NCIP.

Recently, the IPO was awarded with a PhP1 million endowment fund as a means to assess its capability to implement plans in the ADSDPP in line with the protection of the environment and agro-forestry.

With this new challenge, it is hoped that the same partnership framework will be applied between institutions and within communities.

This case study was written by Felipe Comila, PhD and Roel Ugaban, with the elective officials of Kibungan (Mayor Benito Siadto, Vice-Mayor Susan S. Atayoc, Municipal Councilors Doroteo L. Pascual, Cecio A. Fianza Sr., Aureriana B. Sacpa, Edwin G. Nitron, Octavio Placido, Joseph W. Pantaleon, Lorina C. Pacfalew, Bobby Wayan, Sumalia Cayad-an), Teodoro Bolislis Jr. (Municipal Planning and Development Coordinator), Renette D. Mayamnes (Municipal Veterinarian), barangay officials (Richard T. Acdang, Arturo L. Collado, Antonio S. Polsa-on, Oswalo Panggayan, Keith W. Pantaleon, Victor Gapad, George Dao-anis, Juanito Ngitew, Felix G. Lid-ayan, Gloria L. Tabon, Mazon Candong), officials and members of KKATRIBO-IPO (Chairman of the Board Albert Mayamnes, former Mayor of Kibungan, President Bernard Paleng, Secretary Concepcion D. Lucaben, Benita B. Cadangen, Martina P. Poket, Philmore M. Dayao), and Recto Alawas, Charles Viray, Juliet Gaspar, Abilene Cirilo).

Part 5: Summary, Analysis and Lessons

In many ways, the case studies of ICCs/IPs presented in this report provided us a framework to understand the processes/strategies for AD delineation, sustainable development and protection which occurred within these ICCs/IPs as a result of the advent of new legal framework recognizing their rights, as well as the impacts/implications of these processes to their realities and context.

This part of the report will attempt to consolidate all the lessons and impacts we have from these case studies which we hope will provide us a more wholistic analysis of the interrelationship of these processes/strategies within ICC/IP contexts and realities.

1. *The struggle of ICCs/IPs, whether majority or minority, is intimately linked with their ancestral domain, which they consider as the basis of their survival as a people since time immemorial.*

The *case of Manobo in Pakwan* illustrates how an ICC stayed unwavering to their land amidst the threat and aggression by a logging company which has been operating in their area with government permit (timber license agreement). This situation of Manobo is an epitome of the situation of other ICCs in the Philippines where logging is operated. Unfortunately in spite of the miserable situation of our forest cover in the Philippines (18.3 as of 1988), TLAs are still operated in the country to date which include Pakwan which, according to Kumander Jack, will only end in 2011.

The *Agta case in Ocampo* explains how nomadic ICCs/IPs in the Philippines suffer from the government declaration of A&D (alienable and disposable) and public lands which include the areas where Agtas traditionally foraged and hunted. In spite of having a CADT, most Agtas in Ocampo still serve as tenants, staying in small patches of land and government housing. Unfortunately, the Negrito Reservation given to them during the Commonwealth Period, which they hope to have as a territory now, has been occupied by titled landowners.

The *Coron Island case* best illustrates the situation of ICCs/IPs residing in islands with a wealth of natural resources whose potential for development has been the object of interest among outsiders. The Tagbanwa struggle focused on saving their livelihood based primarily on their lands and waters from external threats, which include the local government, Chinese traders, commercial/illegal fishers, quarry operators, and tourists/tourism investors.

The case of *Bukidnon-Karulanos* in Barangay Carol-an illustrates how the life of peaceful upland IPs changed with the influx of migrants into their area which competed with them over their resources. This case also tells us the grim story of some upland indigenous communities which suffered from the abuses committed by military and para-military forces.

The *case of the Obo-Manobo* in Mt. Apo describes the experience of *lumad* or non-christian tribes in Mindanao in the hands of the government, migrants, and nongovernment groups. It illustrates how government policies declaring lands for protection, exploitation and development have affected the tribes. The dangerous tendency of nongovernment organizations to overprotect the tribes from external threats without consulting them as primary stakeholders, is also illustrated.

The *Kibungan situation* epitomizes the struggle of the population of indigenous majority in the Philippines with boundary conflicts with adjacent towns/territories and resources which are exploited by private industries. It applied for land tenure security to clarify the boundaries

write," she said. She has 24 students whose age ranges from 17 to 40 years old. Ms. Maglicante is one of the few Tagbanwa youth from Coron Island who got into college. But for lack of income, she was not able to finish her course. Her only recourse was to go back to Coron Island. "I want to serve my community first and marriage is not yet in my mind," she protested when asked about her plans in life. Women in Coron Island marry as early as 15 years old.

Susan Atayoc, Kibungan

In 1998 local elections, Ms. Atayoc, a single lady in her early 30's got herself elected to the position of a Municipal Councilor. Prior to her election, she had been the President of Kibungan Student Federation. Ms. Atayoc, a BS Bio graduate, advocates the significance of health in her community and she continued her crusade until she served for a three-term SB member in 2007. Last May 2007 local elections, she again got herself elected to the post of Vice Mayor of Kibungan with her added advocacy on women's rights to social services and family relations. She is the first ever elected vice mayor of Kibungan since its establishment as one of the municipalities of Benguet.

Venturada, Carol-an

The women of Carol-an aspire for a better life for their children, to be educated, have a degree and get a good paying job after schooling in order to help alleviate the poverty experienced by their family. Venturada is one of these women. She has experienced hardships in the past and was separated from her family just to help meet their basic needs. Now, she is back in Carol-an and is a church leader, head of the women's group of their community and secretary of the Karulano Tribal Community Association (KaTriCA).

Asuncion Ponce, Ocampo

Ms. Ponce epitomizes the situation of emerging womn-leaders in ICCs. She ascended into local politics in 1992 when she won as Municipal Vice-Mayor. She stayed on to serve another term in 1995 before rescinding from the 1998 elections. Ponce is among the pioneer leaders of the tribal communities first organized in the 1980s. She has stayed on as a tribal chieftain of her own community as she is well-respected by her community. She speaks with authority and is committed to carry out the plans for the development of her community.

Cerila Montenegro, Pakwan

Mrs. Cerila Montenegro is presently the secretary of the barangay. She was also elected secretary of the PMICC. Though the role is perceived as minor and non-extraordinary because women in other communities traditionally hold it, it nonetheless, provides Manang Cerila and others like her, the first hand exposure and experiences to community level participations and processes.

The formation of new community institutions gave way to community level spaces of participation for the women and other sectors. But as the case studies have shown, the participation of any sectors, including women is directly correlated to the level of development of the community. This is true in the case of Obo-Manobo of Mt. Apo where

women are free to participate in economic development endeavours in their community. This situation was also influenced by the policy of non-discrimination set forth by PNOG. It is safe to assume therefore that where there are limited development activities, there are also limited spaces and opportunities for these sectors to participate.

8. *AD rights advocacy has been a process of breaking the culture of silence among ICCs/IPs through literacy development.*

The processes the ICCs/IPs have undergone have been a learning process not only for the leaders and members of the ICCs under study, but also for the NCIP, DENR and other agencies who assisted these ICCs/IPs over the years.

In the historical analysis of education, there has been virtual government neglect in terms of giving ICCs/IPs access to education relevant to their contexts, cultures and aspirations as a people. Because of this the oral tradition among ICCs/IPs has not been transformed into literacies which they can use in dealing with the outside world and the callously opportunistic elements within it. Thus, some regarded them as "no read, no write," "illiterate," "non-literate," among others. With this level of literacy, and their choice to retain their lifestyle, they have been mocked and discriminated when they go out of their communities and join the outside world, in the market, stores, schools, among others.

In many ways, the experience they had thus far is only one part of their uphill battle for emancipation as IPs. The phase they have completed perhaps is the phase of political participation since what they have asserted thus far was their right to their ancestral domains. In this phase we have seen the development of some literacies which will be of great use while they face the greater challenges ahead of them. From their experiences, these literacies for political participation include first and foremost the development of their capacities for 1) situational analysis, 2) social mobilization and community organization, 3) political advocacy and networking, and 4) social development.

They acquired these literacies through hands-on and experiential trainings integrated in the processes for AD delineation, protection and sustainable development. Their skills for situational analysis was developed when they immersed in their communities with their assisting agencies, traversing and mapping their ancestral world as how their ancestors did before. Literacies for social mobilization and community organization were developed as they organized themselves following customary laws and made avenues where people are educated about their situation and about the situation of their AD and what can be done, where they are encouraged to exchange opinions, and where they can make consensus on decisions as a collective. In the process they were compelled to communicate the decisions of their communities to the outside world through resolutions and petitions and linked with institutions and fellow IPs whom they can trust to support their cause, part of the literacies for political advocacy and networking. Social development literacies were inculcated in them when they thought that the gains they had in the past should be sustained and to ensure that, formulated a plan (ADMP or ADSDPP) where they put their vision as ICCs, goals, actions, systems and structures of actions and M&E system to measure the outputs and outcomes of community actions.

Though we can say that these literacies were mostly developed among leaders and those members who actively participated in the process, trends in the world show that development could start with a few who have the vision and commitment for their communities. Some of the leaders of ICCs studied are now in the position to support the development of their

communities. They have been elected as local government officials, NCIP staff, etc. What is important now is to provide new sets of literacies which will enable them to effectively carry out their tasks for the second part of the process – *the sustainable development and protection of their communities.*

Dependency on outsiders to address their concerns as IPs will not provide them the sustainable development of their AD which eluded them for quite some time now. It is unity as independent peoples, ownership of the problem they have and self-confidence to perform that will give them more chance to survive the harsh reality of their world now. As the Agta case has put it, *there is simply no other place to go but to fight for their shrinking ancestral domain.*

Part 6: Implications of the Realities and Experiences of ICCs/IPs to the Full Realization of ILO Convention No. 169 in the Philippines

While awaiting for the ratification of ILO Convention No. 169 by the Philippine government, the NCIP has continued its efforts to make the ICCs/IPs understand the intent of the Convention and help work out the processes for its ratification. Nonetheless, we can say from the experiences of ICCs/IPs in the Philippines there have been positive developments that can be attributed to the laws and policies the government crafted in line with the Convention and the global movement supporting ICC/IP rights recognition, promotion and protection.

We would like to explain and identify these developments using the specific provisions of the Convention on consultation and participation as indicators:

1. *Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.*

Part 2 of this report, the Policy Framework for Indigenous Peoples' Participation in the Philippines, explains the evolution of policies and laws for ICCs/IPs in the Philippines. This part points out that government recognition of ICC/IP rights blossomed in 1986, after a people power toppled the dictatorial regime of Marcos (1972-1986) ushering a new democracy in the Philippines founded on a Constitution that advocated the recognition, promotion and protection of the human rights of the people, including ICCs/IPs. This part also confirmed the failure of the governments in the past to provide genuine recognition of ICC/IP rights.

The 1987 Constitution of the Republic of the Philippines "*recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.*" Land rights which occupied a central role in IP struggle for recognition also obtained the legal support of the government under the Constitution: "*The State...shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being.*" The Constitution also recognizes, respects and protects "*the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions.*"

Following these fundamental provisions, the governments which ascended to power after Marcos enacted laws and policies that addressed the rights that the 12 million Filipino IPs have been fighting for a long time. Among the policies/laws issued as reported in Part 2 of this report are as follows:

- *Aquino Government:* a) creation of the Office of Southern Cultural Communities/Office of Northern Cultural Communities; b) issuance of Executive Order No. 192 that empowered the DENR to manage public lands; c) enactment of the National Integrated Protected Area System (NIPAS) Law that provided the recognition of ancestral domains and cultural rights; d) issuance of Special Order No. 31 and No. 31-A in 1990 that provided certificate of ancestral land claim to some known IP areas in the Philippines; and e) enactment of the Local Government Code of 1991 that devolved social services delivery to local government and opened up avenues for sectoral representation in local government decision-making processes

- *Ramos Administration:* a) issuance of the DENR Administrative Order No. 2 that prescribed rules and regulations for the identification, delineation and recognition of ancestral land and domain claims; b) issuance of DAO 34 which provided the guidelines on the management of certified ancestral domain claims; c) enactment of RA 8371 or the Indigenous People's Rights Act (IPRA) which provided the ICCs/IPs the human rights they aspired for a long time; and enactment of corresponding department issuances such on ancestral delineation, formulation of ancestral domain sustainable development and protection plan, and administration of the free and prior informed consent (FPIC).

IPRA was a product of long-standing collaboration among ICCs/IPs, civil society groups, government executives and legislators. ICCs/IPs, with their support institutions, participated in the major national and local consultations on this legislation. The leaders of the ICCs/IPs in the study perhaps have been able to join these consultations one way or the other and developed their solidarity to the hundreds of IPRA advocates within and outside the Philippines. There were also ICCs who have been able to share their experiences and lobbied for some of the advocacies they have. The Tagbanwa of Coron Island is among the ICCs who succeeded in "inserting" in the IPRA their advocacy to include in the AD claim of ICCs their ancestral waters which for a long time have given them life and livelihood. This experience of being able to influence the law is still deeply embedded in the collective memory of the Tagbanwa. They are proud of what they have accomplished. Because of this law, Tagbanwa from other areas in the Calamianes and other ICCs in the Philippines along the long coastlines of the Philippines have learned to claim their ancestral coasts and seas which they have been losing to tourist investors, pebble quarry operators, shell collectors, and commercial and illegal fishers.

The consultations on IPRA held at the national and regional levels also paved the way for the different indigenous peoples organizations (IPOs) to meet up and organize their own alliances. Among the national coalitions formed was the Katutubong Samahan ng Pilipinas (KASAPI). KASAPI was formally organized in 1997 to show and prove that IPs have a unity, cooperation and solidarity in pushing and asserting their rights to their ancestral domain. KASAPI remains to date, the largest and most active national network/coalition of regional and community-based IPOs in the country. It is now serving as a conduit of ICCs/IPs to major government and nongovernment organizations concerned with ICCs/IPs.

For Munoy of Carol-an, his exposure to local and national trainings and conferences greatly helped him understand their situation as IPs and establish connections with local, national, government and nongovernment organizations to get projects for their community to improve the quality of life of the Karulanos. He would find means to support himself in order to attend these activities.

At the local level, almost all the ICCs covered by the study have established cooperation and partnership with local governments where they are located. Local governments or LGUs, are now empowered under the law to "*promote the establishment and operation of people's and nongovernmental organizations to become active partners in the pursuit of local autonomy*" compared during the period before 1986 when they only acted as conduits of the national government for their services. Community organizations, such as in the case of ICCs the IPOs, are now allowed to be represented in the local development councils and contribute in formulating and implementing long-term, medium-term, and annual socio-economic development plans and projects.

By cooperating with the LGUs, the ICCs are included in the development agenda of these local governments and are allowed to access resources (technical, logistical, legislations, financial) from the LGUs. The benefits the ICCs get from their effort to work or cooperate with the LGUs as explained in the case studies include farm-to-market roads, livelihood projects, school facilities and buildings, among others.

This cooperation is inevitable as more IP leaders are also elected as officials of their barangays or municipalities/cities that provide them more opportunities for participation and in accessing resources to respond to their needs as ICCs/IPs. Examples of these IP leaders turning into local officials are given in all the cases.

2. *Establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.*

The legal means for ICCs/IPs to participate are mandated in the major laws of the country in line with the fundamental provision of the Constitution that *"The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall by law facilitate the establishment of adequate consultation mechanisms."*

As explained in Part 2 of this report, this provision was enshrined in two major legislations in the Philippines, such as the Local Government Code of the Philippines (1991) and the Indigenous People's Rights Act (1997). These laws ensured the protection of the right of ICCs/IPs to participate at all levels of decision-making.

What are the means of participation under the Local Government Code? Among the avenues in the local government where ICCs/IPs can represent themselves through their IPOs include the local development council (LDC) at the barangay, municipal/city and provincial levels, whose primary mandate would be to *"mobilize people's participation in local development functions or efforts."*⁷² As of now, any IPOs interested in representing themselves in the LDC shall apply for accreditation as an NGO. The IPs as other members of their community can also participate in other local special bodies that concerned them, in settling disputes/conflicts (through Lupon Tagapamayapa or Barangay Justice), in public hearing organized by local councils (at different levels), in elections, in local initiative and referendum (i.e., the legal process whereby the registered voters of a local government may directly propose, enact, or amend any ordinance) and in recalling erring local officials.

The Code also affirmed the Constitution's commitment for recognizing IPs by providing that *"in barangays where majority of the inhabitants are members of indigenous cultural communities, local systems of settling disputes through their councils of datu or elders shall be recognized without prejudices to the applicable provisions of this Code."* It also sets the framework for creating tribal barangays and representing ICCs at the municipal, city and provincial legislative bodies.

ICCs in the Philippines are usually within a barangay or more than one barangay which is/are within a municipality or city governments. It was shown in the case studies that some of the tribal leaders are also leaders or officials of the barangay. If this is the situation, we can

⁷² Section 109 (b1), Local Government Code of the Philippines, 1991

expect that ICCs/IPs are more integrated in the government system at the community level. In some areas, the National Commission on Indigenous Peoples and/or support organizations facilitate the connection of ICCs to concerned institutions, which include the concerned offices of local and national governments and NGOs who can give them assistance.

Some of the ICCs are even federated at the municipal/city and provincial levels. This situation is true in the case of the Ocampo Agtas. These tribal federations are allowed by law to represent the interest of ICCs/IPs in local government, in its instrumentalities and processes.

As illustrated by the experiences of ICCs, the tribal leaders who have been elected as city/municipal officials have more chances of promoting ICC/IP participation in local decision-making processes/procedures. The law does not prohibit any IPs to participate in electoral processes for as long as they are "*citizens of the Philippines, registered voters in the communities, and able to read and write Filipino or any other local language or dialect.*"⁷³

However, the cases also show that IPs are more inclined in participating in electoral processes rather than in local special bodies such as local development councils. For Councilor Largado of Carol-an and Kumander Jack of Pakwan, they took the chance of running to give their community more chances to be recognized and to access resources for development. In the case of Pakwan, proposals are underway to create an office under the local executive that will ensure the implementation of the ADSDPP, and safeguard and strengthen the gains of their CADT. Through the election of Kumander Jack, the community has accessed that space as a venue where their hopes and aspirations can be raised and attended to.

The Mayor of Kabankalan believes that IPs in his city no longer feel neglected. "The IPs are happy that they are provided by the local government with services – education, infrastructure, health and livelihood programs. The situation of the IPs will improve with the leadership of their Chief who is now a councilor." Munoy is committed to promote 1) the IPs rights, 2) service with no discrimination, 3) fast service, 4) livelihood and technology lecture in the community, 5) input monitoring and not only external monitoring. During his interview, he said that their ADSDPP is his first priority.

But although there are means by which ICCs/IPs can participate in local government, not all tribes have the aggressiveness to assert their participation. The Ocampo federation of tribal chieftains, for instance, has not yet succeeded in conveying the needs and plans of the communities to the LGU and other agencies. The ADSDPP, which has already been existing for quite some time now, has not yet been able to be incorporated in the LGU's long-term plan. The study findings indicate there are two reasons for this: first, the lack of effort on the part of IPs and second, some local officials do not support their CADT. For other tribes, they find it hard to express themselves in situations wherein majority of the people they deal with are not their kind. Obstacles in the ICC/IP participation could be their low literacy, limited negotiation skills, preoccupation with work, isolation, and lack of exposure.

IPRA has also mandated means by which ICCs/IPs could participate. These include, among others, the "*mandatory representation in policy-making bodies and other local legislative councils.*"⁷⁴ The case studies, however, have not given any indications that would tell if this provision has already been realized. NCIP reports that LGUs have denied this to IPs on the

⁷³ Section 39, Local Government Code of the Philippines, 1991

⁷⁴ Section 16, IPRA, 1997

pretext that the Congress has yet to come out with an enabling act to implement this provision of the law. Yet in the case of Kibungan, the LGU has considered giving a sit to the IPO in the Sangguniang Bayan, which tells us that this can be done even without the Congressional action.

Women IPs have also availed of these spaces for participation at different levels. The case studies have shown the emergence of women leaders in the communities. Some are now elected officials of their towns and barangays, while some are leading their communities in the quest for community development.

3. *Establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.*

One significant impact of the policies/laws protecting ICC/IP rights was the organization of IPs into tribal councils and indigenous peoples organizations (IPOs) following their traditional structure and practices for community governance. Through these organizations, the leaders reported that the role of IP elders which in some areas has already been forgotten, has been recognized again by the community and officials of the barangay.

Among the IPOs reported in the case studies are the Tagbanwa Foundation of Coron Island (TFCI), Pakwan Manobo Indigenous Cultural Community (PMICC), Manobo-Apao Descendants Ancestral Domain of Mt. Apo (MADADMA), Karulano Tribal Community Association, Inc. (KaTriCA), and the Kibungan Kankana-ey Tribal Organization (KKATRIBO). The Agtas of Ocampo retained their tribal councils organized per community, and the federation of the tribal councils organized at the municipal level.

Some of these organizations were organized in response to the need of ICCs to have institutional support for their CADC/CADT application and others have evolved from the ADSDPP process. These IPOs created committees to support the implementation of projects identified under their respective ADSDPPs.

We can assume that the NCIP and other support groups have already been helping these organizations to link with other institutions which can provide resources for their development priorities. This concern is not a problem with regards Kibungan since the LGU and IPO have organized a technical working group incharge of AD management. In fact the IPO has been given Php1M endowment fund recently to try out its capacity to manage its own program.

To a certain degree, support is also underway for ICCs whose leaders were elected as officials of their barangays and towns such as Carol-an and Pakwan. But there are also who get resources through self-help, such as in the case of TFCI of Coron Island which is also coping in terms of their income from running their own tourist services.

In spite of these emerging trends, most of the ICCs/IPs should still be helped in "focusing" their initiatives toward sustainable development. In this way we can ensure that while their respective organizations push for development, people are also learning how to help themselves get out of "dole-out" and "fast cash" mentality inculcated in them by their situation and past modes of assistance, and help protect the environment of their AD.

Help is also needed in terms of transitioning most of these organizations from political advocacy to economic advocacy, since most of them were oriented to do the political work

for the AD rights advocacy.

4. *The consultations carried out in application of this Convention shall be undertaken in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.*

The concept of the Free and Prior Informed Consent (FPIC) is the foremost requirement under IPRA before any project may be introduced in area covered by the ancestral domains. Section 59 of IPRA expressly provides that the ICCs/IPs shall have the right to stop or suspend any project that has not satisfied the consultation process attendant to securing FPIC. FPIC means the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulations, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.

There are other requirements before any project may be introduced within ancestral domains. One such is the application of the proponent for a certification precondition (CP) with NCIP. The CP is issued after the NCIP region has ascertained through field-based investigation (FBI) that an area or areas affected by either the granting or renewal of any concession, license, lease or permit or before entering into production sharing agreements does/do not overlap with any ancestral domain. FBI should be done with POs/NGOs in the area.

Among the ICCs in the study, only Kibungan and Obo-Manobo of Mt. Apo have experienced the process of FPIC according to the rules and regulations set under IPRA. According to their experience, during the FPIC process the leaders and elders are allowed to represent their indigenous community in consultation meetings at different levels. In the case of Kibungan, these consultations made the residents knowledgeable on all undertakings of the proposed projects in the area and the benefits they are to have from all projects/activities that will be conducted in their AD. This process also respected their individual rights as IPs. For the Obo-Manobo, their community was given 15 days to discuss the project among themselves and determine what benefits they will get from the project. The proponent also explained the project to the community.

The obstacles encountered in the conduct of the FPIC process include the low level of literacy among IP participants which, in Kibungan case, was addressed by translating the documents used in the consultations to local dialect. Through this the local participants were able to join in the discussions and shared their indigenous knowledge and practices. In the case of Obo-Manobo, in particular, it was the non-participation of some elders who opposed the project that became an obstacle in the process. But since majority of the leaders agreed to support the project, the process of FPIC went on. The consent of the community to the project was given to NCIP in the form of a resolution, signed by the majority members of the tribal council.

5. *The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the land they occupy or otherwise use, and to exercise control, to the extent possible over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.*

The ADSDPP is a means by which the direction of ICCs/IPs for the management and sustainable development of resources in their ADs including their indigenous knowledge

systems and practices, can be articulated. The guidelines for the formulation of ADSDPP set that once the plans of ICCs are formulated, reviewed and finalized, it would be presented to concerned institutions who may have the resources to support their plans.

But how would the task of incorporation be done? The experiences of ICCs/IPs presented in the study generally illustrate the different ways by which these ICCs/IPs are doing the incorporation with the local authorities at different levels.

For areas where the population is homogeneous, the incorporation may easily be facilitated. The Kibungan experience is a clear example of this case; the plan for its ancestral domain has been interfaced with the medium development plan of the LGU since the stakeholders of both plans are from the same tribe.

For the tribal minority, it would depend on what level of LGUs the incorporation can take place. Perhaps at the barangay level, it will not take a long time for the tribal elders to negotiate the incorporation with the barangay officials. The only obstacle is when most of the barangay officials are non-IPs. It will be ideal if a barangay within an ancestral domain, for lack of a barangay development plan, would decide to adopt the ADSDPP as its long-term plan. In this situation we are assured that the management and sustainable development direction which the IPs themselves set for their AD will be carried out.

Integration at the municipal/city and provincial levels is more tricky and complicated. What are the conditions in the municipalities/cities and provinces that will make the process difficult? First we cannot deny that not all the local officials are IPs and could accept the idea of an AD in their areas. This is illustrated in the Ocampo case where municipal officials refuse to accept the coverage of the Agta CADT in the town. The other reasons could be related to the issues such as openmindedness of local officials for the integration of IP plans into their plans, the absence of issuances from appropriate agencies (such as DILG) that support this integration, among others.

There are also factors that will enable this integration to take place at the municipal/city and provincial levels. One factor is the election of IP leaders into elective positions in the local government, such as in the case of Munoy and Kumander Jack. Another is the presence of an active federation of tribal councils who can lobby the inclusion of IP plans into local development plans. In the case of the Tagbanwa in Coron, the federation of Tagbanwa ICCs has partnered with the local government units for joint implementation of development projects in barangays where there are indigenous inhabitants. It also established an indigenous peoples (IP) desk which tries to lobby for IP advocacies in the municipal governments. The IP desk also serves as a clearing house of all the development projects implemented in Northern Palawan for indigenous communities.

The effort of the NCIP to form an IP consultative body at the provincial, regional and national levels can facilitate the dissemination of issues on IPs and lobby for some projects for them. NCIP reports that as of 2006, the IP Consultative Body National Coordinating Committee (IPCB-NCC) was formed. It is composed of six IP organizations with national network, six NGOs with national networks, and two NCIP-Central Office representatives. The IPCB-NCC has formed seven Ethnographic Regional Coordinating Committees, and 66 Provincial Coordinating Committees.

6. *The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in*

plans for the over-all economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such environment.

ADSDPP is essentially the single most important instrument to ensure that plans for the over-all economic development of IP areas are indeed truly reflective of the aspirations of IPs, customs and traditions. The ADSDPP can be the over-all basis of what projects from the outside are to be permitted and refused entry into the ICCs.

But programmes have already emerged that consider the improvement of the quality of life of the IPs as well as their health and education conditions. The case of Obo-Manobo in Mt. Apo is an example. Here a power company envisions to improve the quality of life of people living at the fringes of their plant through health, education, livelihood and environmental protection projects. In the case of Coron Island, the Tagbanwa are able to access resources from the programme initiated by the federation with components on sustainable development, policy advocacy, organizational building and institutionalization and comprehensive education. These components, similar to the project implemented for the Obo-Manobo, are operationalized in different IP communities within the ambit of integrative and sustainable development. They are implemented in such a way that they relate with one another to address the interrelated concerns of IPs.

7. *Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.*

What the ICCs in the study have encountered so far are studies, thesis research and the like being conducted in their areas without their permission. At times only a few leaders are deciding on these concerns undermining the consent process involved in this endeavour. But the general sentiment among IPs and NCIP personnel interviewed was to enforce FPIC for these studies also in order for IPs to learn to deal with researchers in the long run. From the interviews and meetings with IP leaders, it shows that most of them are burned out of research studies which they think have no use to their life as IPs. What they want to have now are studies which will have significant and positive impacts to their life. They think that studies are more acceptable if they are designed to be participatory on the part of indigenous communities, from study formulation to validation.

8. *Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.*

Saving the environment and natural resources occupies a central part in IPs' struggle to claim ownership of their ancestral domains. The ADSDPPs recognize the importance of organizing and setting the policies for the sustainable use of natural resources within their ADs through continuous consultations and consensus building among the members of the community.

Plans to protect the environment have given way to the formation of groups within ICCs charged with guarding the cross section of AD ecosystem, from forests to seas. In Coron Island, volunteers were organized and trained by NGOs to be forest guards, coastal wardens, tourist guides and para-legal. These NGOs also connect with concerned government institutions to deputize these volunteers for enforcement of laws over their AD.

In most barangays with IPs there are also organized bantay kagubatan (forest rangers), bantay dagat (coastal wardens) and other groups concerned with the protection of the environment. Some of these groups are federated at the municipal/city levels and are getting funds and logistics for their operations from the local governments. These groups have also been depended on by the communities to organize community actions for reforestation and clean up activities. ICC-LGU cooperation has also resulted in local legislations concerned with environmental protection.

Concern for sustainable development should be deepened among ICCs to enable them to balance development with environmental protection. We can see from the case studies that the ICCs have depended on their environment for survival. The debilitating state of their environment caused by unhampered exploitation can no longer provide them with sustenance, the reason why most of them are facing poverty now. As such, it is important that this balance in the environment is protected so they can get out of the vicious "cycle of poverty" in their areas and make them least vulnerable to disasters hitting the country now.

Part 7: Conclusion and Recommendations

On the whole, the challenge faced by the CADT holders in the Philippines now is how will they be able to effectively carry-out the responsibility given to them by law to manage and protect their ancestral domains within the ambit of sustainable development.

The principle of sustainable development focuses on achieving a “development which meets the needs of the present without compromising the ability of future generations to meet their own needs.” It is applied in the communities through “a process by which local groups or communities organize themselves with varying degrees of outside support so as to apply their skills and knowledge for the case of their natural resources and environment while satisfying their livelihood needs.”

Following the principle and process of SD, the following recommendations are advanced for the purpose of strengthening the participation of and support for ICCs as they carry out the management and protection of their ancestral domains, not just for the generation now but also for the next generations.

1. Make ancestral domain planning a part of the process of AD delineation

The ICCs applying for CADT should be able to show the government not only proofs of ownership over their ADs since time immemorial, but also proofs on how well they will be able to manage and protect these ADs in the long run, especially given that these ADs involve hundreds and thousands of hectares of lands and waters.

In a way, this is officially making ADSDPP one of the requisites for CADT issuance. The proposed process of AD delineation and planning (ADDP) should be a learning process for all IPs and non-IPs within ADs, using appropriate participatory tools, technical/engineering mapping technologies, and useable indigenous knowledge/skills. The process should combine the existing mandated activities under CADT application and ADSDPP formulation. It can make use of the organizing framework promoted under ADSDPP to sustain the participatory and technical processes that are to be undertaken in AD delineation and planning.

Making ADSDPP a requirement for CADT issuance can avoid delays in formulating the perspectives, policies and plans for AD management and protection which is happening in some indigenous communities now. It will also prevent some enterprising IPs from taking over the resources awarded to them through CADT to advance their self-interest. With ADSDPP, the ICCs could immediately engage in projects and activities they agreed as a community and sustain/open-up more spaces for community participation.

2. Provide ICCs the necessary support for the implementation of their ADSDPP

The ultimate objective of self-determination under IPRA and ILO Convention No. 169 which is self-management and the right to decide on their own priorities will not be able to be realized if the ICCs will not be given support to implement their own programs/projects. The government, through NCIP, should launch a pilot R&D program focused on enhancing the literacies and capacities of ICCs for sustainable development. The R&D program can be tailor-made per *pilot ICC* based on the issues/concerns and priorities they identified under their ADSDPP. Each pilot ICC should strive under the program to alleviate their difficult condition through the interrelated programs of sustainable livelihood/enterprise development, advocacy for environmental protection, community organizing/institution-building and education/literacy.

The process should be ICC-driven, yet deriving technical/logistical assistance from support institutions whenever and wherever needed. The process of program development, from partnership development, planning, organizing, implementation, monitoring and evaluation, will be designed to be *participatory and learning process for all* project stakeholders within the ADs. It is also expected that in the process, the IPs will be able to look into their situation within their ADs communities, reflect on their strengths, weaknesses, opportunities and threats, their value system and attitudes, and collectively decide to address their concerns within the principle of sustainable development.

This proposal runs aligned with the community-driven participatory development (CDPD) approach applied by ILO-INDISCO (Inter-Regional Programme to Support Self-Reliance of Indigenous and Tribal Communities Through Co-operatives and Self-Help Organizations) which promotes IPs to be the drivers of their own development. This way, IPs are provided all opportunities possible for them to take ownership of projects in their communities by involving them from project conceptualization to implementation to self-monitoring and evaluation.

If this support will not be made available for them, the ICCs will continue to be vulnerable to groups whose primary intention would be to exploit their resources. With the sense of economic empowerment, they will have a choice whether to be self-reliant or forever depend on external support for survival.

Support for ICCs can also come from the LGUs at the barangay and municipal/city and provincial levels. The NCIP should continue the effort it started to negotiate with DILG the release of an administrative order compelling all the local governments with IP constituents to:

- Adopt/integrate ADSDPPs in the local development plans. However, in barangays whose residents are mostly IPs, the barangay government should be instructed to adopt the ADSDPP as their barangay plan.
- Allow IP representatives to sit in the local development councils at all levels and Sangguniang Bayan (local legislature)
- Put up an indigenous peoples (IP) desk which will serve primarily as a clearing house of all development projects for ICCs
- Help facilitate a regular forum on IP/ICC rights

3. *Map, consolidate and tap potential support groups per ICC*

Sustainable development is such a comprehensive concern that needs the support of as many institutions as possible. The NCIP can help map the existing as well as potential support groups per ICC. There can also be an inventory of the resources and services they have which can be matched with the resources and services the ICCs needed to fulfill their long-term goals under their ADSDPP.

The ICCs should be capacitated on how they can consolidate/tap the resources and services available around them in line with their sustainable development program. This will provide them more choices on who they can partner with in pursuit of their development objectives. It will also reduce their dependency on one or two partners which, as experienced by ICCs covered by the study, make them more vulnerable to exploitation.

4. *The NCIP is the primary institution in-charge of ICCs; it should be provided with adequate resources to fulfill its mandate*

There are accusations that the NCIP is moving slowly to fulfill its mandate of distributing CADT to qualified ICCs. In fact up to now, NCIP reports that there are still 3 million plus hectares that have to be distributed to ICCs. The 1 million plus hectares of ancestral domains took them 6 years to distribute, within the period 2002-2007. If the NCIP will maintain this current pace, NCIP will be able to complete the distribution of lands to ICCs after 18 years. In terms of ADSDPP, out of the 57 ICCs issued with CADT, only 18 have completed their ADSDPPs thus far. These areas tapped the assistance of support groups for ADSDPP formulation.

Some NCIP personnel interviewed attribute this "slowness" to the meager funding the NCIP receives from the government. It is affecting the whole operations of NCIP at the national, regional, provincial, and community/service center levels. Perhaps improving NCIP's funding support can hasten the delivery of its services and just like ICCs, reduce its vulnerability to external "influence."

More importantly, more funding would also mean strengthened capacity to lobby for the full implementation of IPRA and other policies concerning ICC/IP rights, especially on the provisions which include the creation of tribal barangays and the mandatory representation of ICCs in policy-making bodies and other local legislative councils, that will enhance the potential of ICCs for self-governance and participation.

5. *Push for the final ratification of ILO Convention No. 169*

The NCIP, with the support of ILO and other local and international organizations, has tried its best to see to it that ILO Convention 169 is ratified by the Government of the Republic of the Philippines. To support the ongoing initiatives for its ratification, perhaps there is a need to mount a wide-ranging IEC on the Convention involving ICCs and have them ratify the Convention first. By doing this, we can promote the bottom-up approach to its ratification as well as the right of ICCs/IPs to consultation and participation.

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