



*Magpuyong malinawon sa yutang kabilin*¹ (Living in Peace in their Ancestral Domain)

RUDY B. RODIL

MY ASSIGNED TOPIC is “Lumad role in Mindanao development.” I decided, however, that rather than express my own thoughts about it, it is better to allow the Lumad peoples speak for themselves. Over the last 20 years, the Lumad, some 30 or more tribes and sub-tribes of them, have been able to express their collective voices in several written formal declarations. For this essay, I will focus on two of such documents.

Quick historical overview

Having been at the receiving end of the government policy of assimilation, and I refer to both Spanish and American colonial governments and the republic, the Lumad have always been told what to do or what was good for them; worse, they were not even given the courtesy of an explanation. This was how that segment of the population referred to today as “Indigenous Peoples” has become marginalized through the years.

The word “marginalized” implies that the Lumad have been given official labels. This means, among others, that their right to own and dispose of their ancestral lands was taken away from them; migrants were brought into or encouraged to move into their traditional territories and in effect displaced them from their own homes. In addition, their customary laws

were set aside as they were required to interact actively with the more dominant cultures; thus they were made to exist in the periphery and become passive recipients of mainstream governance. Their livelihood systems were looked down upon and they were given no part in the economic developments embarked upon by the government.

They were, as a matter of government policy or at least until 1997, targeted for assimilation, also known as amalgamation or fusion or integration into the majority of the population. In short, since the onset of colonialism, the powers-that-be have designed their lives for them. Under these circumstances, their current drive to assert their right to self-determination is in essence a push for survival as a distinct segment of the Philippine population.

Their population, says the 2000 census, is roughly nine percent of the total inhabitants of Mindanao. With an estimated total population of 1.5 million, they form the majority in only 11 towns in the whole island, and are thinly spread out in the rest. This came about after less than sixty years of the implementation of the Manila government's various resettlement programs from 1913 to 1970.

Two collective documents, the first issued in 2001 and the other in 2008, clearly express not only their current situation but also their vision, and more crucially, their concept of development.

The Cagayan de Oro Declaration

Issued on August 27, 2008 in two languages, *Bisaya* and English, this document was a product of a four-day assembly at Manresa Conference Center, Cagayan de Oro City, where more than 200 tribal leaders from various Indigenous Peoples' communities in Mindanao and Palawan participated. Entitled "***Deklarasyon sa Cagayan De Oro kabahin sa Memorandum of Agreement on Ancestral Domain of the GRP-MILF Peace Panel***" (The Cagayan De Oro Declaration on the Memorandum of Agreement on Ancestral Domain of the GRP-MILF

Peace Panel), the manifesto was issued as a necessary and urgent reaction to the Memorandum of Agreement on Ancestral Domain (MOA-AD), which was promulgated at after nearly four years of intense negotiations between the Philippine Government and the Moro Islamic Liberation Front (MILF).

Content

The document is roughly divided into three general sections: the first deals with the Lumads' assertions of their rights and other basic premises; second, their fears and concerns; and third, their recommendations. The assertions include an affirmation of their right to self-determination as Indigenous Peoples; an acknowledgment of the Bangsamoro identity and its right to self-determination; a statement of reality that Mindanao is inhabited by the Bangsamoro, Indigenous Peoples and migrant settlers; and an expression of highest respect for the various traditional peace pacts, variously called *dyandi*, *sapa*, *tampuda hu balagun*, *pakang* and *kandugo/sandugo*, which were entered into between the ancestors of Indigenous Peoples and those of the Bangsamoro people.

Among their fears and concerns, the Lumad felt that the inclusion of their ancestral domains and resources within the Bangsamoro Juridical Entity, their being referred to as Bangsamoro in the MOA-AD, is a violation of their right to self-identification, their traditional customary laws, beliefs, governance and indigenous ways of living. They also expressed disappointment at the failure of the National Commission on Indigenous Peoples (NCIP) to secure their ancestral domains with the appropriate titles (Certificate of Ancestral Domain Title and Certificate of Ancestral Land Title) defining their ownership, possession and utilization of the resources therein. They also said that their free, prior and informed consent should have been sought prior to their inclusion in the Bangsamoro Juridical Entity (BJE).

The Lumad have three sets of recommendations for the GRP-MILF panels, the NCIP and the Philippine Government, respectively. They demanded the exclusion of their ancestral territories from the area of the BJE, except those of the Teduray, Lambangian and Dulangan Manobo, whose lands are already located within the Autonomous Region in Muslim Mindanao (ARMM). They also sought respect for their rights to self-determination, which include traditional governance, tribal justice system, and their rights on their ancestral domain, particularly the utilization of its natural resources.

Since this assembly in Cagayan de Oro took place at the time when the negotiations between the Philippine government and the MILF had collapsed and fighting between it and the Philippine military had broken out in central Mindanao, the Lumad called for a stop to the war and the resumption of the talks but with representation and participation from the Indigenous Peoples. Their plea from the NCIP is for this office not only to fast track the processing and issuance of ancestral domain/land titles but also to assert its mandatory role in promoting and upholding of the Indigenous Peoples' cultures. What they seek from the national government in particular is to conduct dialogues between the Bangsamoro and the Indigenous Peoples on their fundamental rights, to respect their traditional governance over their ancestral domains and the utilization of their natural resources, and to stop identifying the Indigenous Peoples as Bangsamoro or associating them with the latter.

Lumad Right to Self-Determination: First articulation in 1986

At the founding congress of Lumad Mindanaw in Kidapawan, Cotabato in June 1986, participants from 15 tribes in Mindanao decided to give the indigenous peoples of Mindanao a collective name, *Lumad*. It is a Cebuano Bisayan word which means "indigenous." There were actually several suggestions for a name but since their lingua franca in all intertribal gatherings has been Bisaya, *Lumad* won the day.

The founding congress was historic because this was the first time they gave themselves a name they themselves chose. They had been given all sorts of names in the past, among them *paganos* by the Spaniards, “non-Christians” and “uncivilized” by the Americans, “National Cultural Minorities” and “Cultural Communities” by the Philippine government, and “Bangsamoro” by the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). They also asserted that they have the right to self-determination and the right to govern themselves within their respective ancestral domains in accordance with their customary laws. The 2008 document actually affirmed many points raised in the 2001 statement.

Assertion in 2001

In 2001, they started to explore the idea of having their own Lumad autonomous region in Mindanao, indicating a definite conceptual advance towards broader political units beyond the tribal sphere. How they would make this possible was not clear. These self-determination-related concepts found their way into the Indigenous Peoples Rights Act (IPRA), which allows Indigenous communities, among others, to file for and obtain titles to their ancestral domains and lands.

This was the first time since the Philippine Commission Act of 1903 that the Philippine Congress passed a law recognizing ancestral domain and allowing it to be titled on the basis of native title. Native title means that, as it is now enshrined in Philippine law, the land in question has been held since time immemorial and has never been public domain, or public land in plain layman’s language. Note that the Philippine Commission Act of 1903 declared as null and void all land grants made by traditional leaders if done without government consent. It also made way for the entry and institutionalization of the regalian doctrine and the torrens system of landownership.

Written in Bisaya, the 2001 document was entitled *Agenda sa mga Lumad sa Mindanao alang sa Kalinaw* (Lumad Peace Agenda for Mindanao). This is, they say, the unified stand of 67 leaders from 20 tribes who attended the Mindanao Indigenous Peoples Peace Forum on January 17-19, 2001 at GSP Camp Alano, Toril, Davao City. This also marks the first time, as far as we can determine, that a document of this nature made the following assertion: “that their ancestors entered into agreements with their Maguindanao (Moro) neighbors in which the parties recognized territorial boundaries between the concerned Lumad tribe and the Maguindanao (Moro).”

The Lumad are very concerned that the MILF included them in the Bangsamoro, as the MNLF did earlier, and claimed in effect that Lumad territories were part of Bangsamoro ancestral domains. This, the Lumad stressed, is a violation of said ancient agreements. This is why the leaders of *Panagtagbo* (or “convergence” in English) proposed, in a 2003 letter to the MNLF leadership, the immediate revival and institutionalization of the traditional peace pact agreements between their respective communities and the Maguindanao and Maranao groups of the MILF. As far as they are concerned, these agreements, witnessed by their *diwatas* (spirits), have not yet expired and, therefore, are still in force.

Concept of Development

So, what is their concept of development? A development that is not destructive to their culture and environment, and one that is responsive to the needs of the Lumad in the sphere of their economy, culture, education and politics. They put it graphically in the following words from the 2001 document. The original, as mentioned earlier, is in Bisaya. The English is my translation.

- *wala kami nakabaton ug kalinaw ... padayon nga hulga sa among yutang kabilin ... sa pagkawala sa among kultura...* [the absence of peace among us ... the continuing threat to our ancestral domain ... the degradation of our culture...]

- *kadaghanan sa mga yutang kabilin sa mga Lumad gisudlan na sa plantasyon, logging concessions, dams, geothermals, minahan, ranchohan, gihimong eco-tourist spots...* [most of our ancestral lands have been penetrated by plantations, logging concessions, dams, geothermals, mines, cattle ranches, or were converted to eco-tourist spots.]
- *diin buot isilil sa among alimpatakan nga kini alang sa kalambuan, apan sa lalum namong pagsusi ug pagpamalandong kini nga mga proyekto makapahanaw sa among katungod sa malinawon namong pagpuyo sa among yutang kabilin ug makapahuyang sa among gahum sa pagdumala sa tribu...* [where we are told that this is for development, but from our deeper examination, these are projects that diffuse our right to a peaceful life within our ancestral domain and weaken our authority to govern our own tribe.]
- *ang pagpahawa kanamo gikan sa among yutang kabilin wala lamang kini naka-apekto sa among pamuyo apan labaw sa tanan sa among pagkinabuhi isip katawhang Lumad.* [Our displacement from our ancestral lands has affected not only our lives, but also our being Lumad communities.]

Conclusion

At the end of the Spanish colonial regime, the 35 tribes and sub-tribes of Lumad indigenous communities in Mindanao were spread out in the greater part of Mindanao, except in traditional Moro areas. By the year 2000, as a result of sustained government resettlement programs, they have become severely marginalized, their population down to 8.9 percent of the total Mindanao inhabitants.

But they have now awakened to the realization that they, too, like the Indigenous Peoples all over the world, have their own identity, their

own right to self-determination. Their efforts are focused on securing their ancestral domain claims and their right to govern themselves in accordance with their customary laws. It is important for the government and for the other segments of the Mindanao population to grasp that recognizing Lumad aspirations for self-determination within their ancestral domains, allowing them to create and develop their own social spaces, will solidly contribute to a better Philippines.

Note

- 1 Delivered at the UP Academic Congress, Malcom Hall, UP Diliman, Quezon City, February 1-5, 2010. Theme: “Beyond 2010: Leadership for the Next Generation,” A UP Academic’s Congress.