



CONFLICT RESOLUTION MANAGEMENT OF THE INDIGENOUS PEOPLE OF UPLAND KALINGA, NORTHERN PHILIPPINES

EDGAR M. NAGANAG, DPA-College of Liberal Arts Kalinga State University Dagupan, Tabuk
City, 3800 Philippines

ABSTRACT

The study is a qualitative research that intends to bring to the fore the interest and appreciation of the present generation to the time-honored conflict resolution management practiced by the indigenous people (IPs) in upland Kalinga, Northern Philippines. If the practices are not documented and written, they will eventually be forgotten and made oblivious by the present modern methods of conflict resolution. The restorative justice among indigenous peoples will be sacked by the legal system brought to the east by the western colonizers.

The study found that there are more peaceful ways and manners to resolved conflicts without unnecessarily going through the pains and rigors of court ligations. The IP way of restorative justice bring back good acquaintances that were severed by the conflict. The conflicting parties will have a second chance of restoring better relations.

The practices were honored, revered and respected by the IPs as the most appropriate ways of ending feuds and stop unnecessary bloodshed and death. The community in ending conflicts practiced direct democracy where the community folks are involved in the discussion to reach the most appropriate penalty. This amicable settlement of conflicts is reached by the villagers and imposed by them.

Based from the findings it is concluded that among the indigenous peoples, there are different alternative conflict resolution management available for each crime. This alternative conflict resolution management had been practiced and most IP relied on its importance. The practices should be written so that it can be pass-on to the next generation. Efforts should be done for the recognition of the IP courts of justice centering on the IP conflict resolution management.

Revisit Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution (ADR) Act of 2004, to make it more dynamic in strengthening and institutionalizing the indigenous alternative dispute resolution strategies and help maintain peace in the villages.

KEYWORDS: *Indigenous People, Alternative Dispute Resolution, IP conflict
resolution management, unwritten practices, probing, swearing*



RATIONALE: A peaceful future depends on our everyday acts and gestures. Let us educate for tolerance in our schools and communities, in our homes and workplaces, and most of all, in our hearts and minds (Mayor, 1997).

Many countries today are beset with conflicts. The world shows the unfolding of the series of events projecting an escalating and eminent war in so many places. The Israeli-Palestine conflict, brewing conflicts in Ukraine, Iraq, Syria and other parts of the globe. The long lines of fleeing people pictured the different faces of agony and great suffering by the affected people. Some scenes would show litters of dead body, people carrying caskets, children and women wiping in great pain and suffering for lack of medical attention. People are crying for food, water, clothing and a number of needs.

These conflicts are of various forms – political, racial, ethnic, religious and class. The struggle between factions result to oppression and violence thus victimizing the weak and disadvantaged (Reyes, 2012). The Philippines is not an exception to these conflicts. Violence in the Philippines occurs because of clashes in religion, cultural and socio-political beliefs. Different attempts for lasting peace in the country have been work-out by different regimes in the country, but so far there were no far-reaching framework that were done which outlive time.

The present administration had ventured on a wider framework, the Bangsa Moro identity and the Bangsa Mora Basic Law which envisioned to end the conflict in Southern Philippines, but the fruits are yet to be seen. The Philippines is also beset with the problems on insurgency, and there were no clearer and more distinct strategies pushed by the government to end it. Attempts on peace negotiations to end the insurgency went full stop with no hope of resurgence in the future.

The Philippines in recent times has been plagued by widespread and systematic violations of human rights, which include unabated extrajudicial killings, torture and enforced disappearances, among others, that are occurring in an increasingly unexplained fashion. The sense of frustration and distrust of the victims and their families that they will ever attain justice is the result of flawed and defective policing and judicial systems. The possibility for victims to seek redress and justice is often denied due to poor police investigations, a non-functioning witness protection programme, delays in the adjudication of cases and the absence of enabling laws.



The most important part, however, is that the Government of the Republic of the Philippines is testing various strategies to find a better mix that could promote lasting peace in the country. Hopefully in the near future, the Filipino people will live in peaceful co-existence with each other and create a community of peace, prosperity and grandeur-the Philippine *pax romana* version.

CONCEPTUAL FRAMEWORK:

Resolving issues and creating opportunities for peaceful co-existence in the communities necessitates careful analysis of the socio-structure and organization and historical experiences of the groups. These elements and processes constitute their culture (Jocano, 2000).

It is widely acknowledged that alternative dispute resolution mechanisms are effective methods of resolving disagreements. These mechanisms will also enable parties to find creative solutions to their dispute. It is usually faster and less costly than ordinary court proceedings.

It is high time to recognize the “perpetuation and official recognition of the time-honored tradition of amicably settling disputes among family and barangay members at the barangay level without judicial resources would promote the speedy administration of justice and implement the constitutional mandate to preserve and develop Filipino culture and to strengthen the family as a basic social institution” (PD 1508).

Culture then is shaped and reshaped by historical experiences through various forms of socialization process. In the Philippines social classes were socialized differently depending on their access to center of influences. The upper class Filipinos for instance, were more Hispanized and Americanized because of their close contact with the colonizers, the middle and lower class have syncretic culture while the indigenous groups retained their traditional culture (Reyes, 2012). The diagram below shows the differential impact of colonial experiences on the social organization, structure and social process of the different classes of the Filipinos (Phelan, as cited in Reyes, 2012).

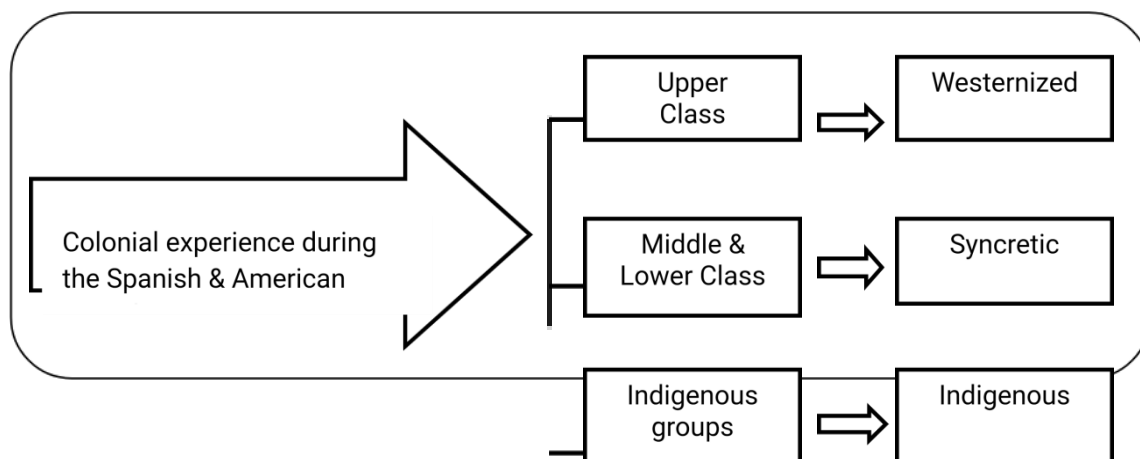


Diagram 1. Different Impact of Colonial Experience in the Philippines

Differences and variations in culture lead to cultural misunderstandings and eventually to conflicts among individuals and groups. Most conflicts happened in far-flung areas inhabited by the indigenous people. These people have been living without much intervention by the government. They live in peripheral areas hardly reach by any form of transportation, so marginalized that medical attention, education and the like are remote. Politicians only reach them during campaign sorties to distribute pieces of paper bearing their names, or distribute tiny hamburger to insure they will be remembered at election time. They deliver lengthy speeches without concrete plans and stage performances like dances though too awkward and devoid of synchronization and sing songs even out of tune.

According to Reyes, (2000), "since most internal conflict happen in the countryside where the poor and indigenous peoples are confined, and have been marginalized for many years, they should be consulted in solving the problems. Solutions must also come from them. She further said that "for a lasting peaceful resolution, an exploration of grass-root level reconciliation is necessary. The culture of the people in the social strata must be studied and explored for peace building measures. Leaders and people at the top must come to realize that the needs and aspirations of the marginalized people must be given importance because they have been neglected for a long time."

For lasting peace among the indigenous peoples, the peace resolutions management and strategies they are used to and ingrained in their own cultural menu should be the very toll use. These traditional conflict resolution strategies are time-honored and respected by



the indigenous people hence they are comfortable in its applications and readily accept the penalty for a crime committed. Over-all, the peaceful and amiable settlement of conflicts will not produce recidivist and leaving no-ill wills to the victim and the perpetrator including their relatives.

The Indigenous Peoples and Their Experiences with their Colonizers

Historical accounts show ancient community- governments headed by the Datu who exercised executive, legislative and judicial powers, often upon consultation with the Council of Elders. Pre-Spanish barangays were well organized. They had the Datu which took charge of government, the panday (blacksmith) which took care of technology, forming the tools used for domestic activities to tools for work. The babaylan took charge of the cultural and scientific aspects of life, e.g. rituals, medicine, astronomy (Salazar, as quoted in Tapales, 2000). Arcellana (1954) categorically stated that the barangays were not local governments, but rather had the status of city-states.

Although they were not the first Europeans in the Philippines, the first well documented arrival of western Europeans in the archipelago was the Spanish expedition led by Portuguese-born Spanish explorer Ferdinand Magellan, which first sighted the mountains of Samar at dawn on 16 March 1521 (Spanish calendar). Magellan sought friendship among the natives beginning with Humabon, the chieftain of Sugbu (now Cebu), and took special pride in converting them to Catholicism. His involvement with the native tribes eventually led to his death on 27 April 1521 in the Battle of Mactan. After Magellan's voyage, subsequent Spanish expeditions were dispatched to the islands and, in 1543, Ruy López de Villalobos named the islands of Leyte and Samar *Las Islas Filipinas* after Philip II of Spain. The single surviving vessel from Magellan's fleet, the *Victoria*, returned to Spain in 1522, after which Spain claimed dominion over the Philippine archipelago on the basis of discovery, a valid mode of acquisition at the time.

Centralization became a weapon of the Spaniards in colonizing the country. A first, they awarded parcels of lands (encomiendas) to favored persons who assisted them in the pacification of the islands. Later, they created cabildos (cities), pueblos (municipalities), and provincias (provinces) which in ascending hierarchy, assisted the Spaniards in Manila in fully



colonizing the country. The barangays were reduced into barrios, and the Datus were demoted into Cabezas de Barangay, whose only function was to assist the higher levels of government in collecting tribute (De Guzman and Tapales, 1973). Thus, the sovereign and powerful barangays became the lowest rung in the ascending order of government power (Tapales, 2000).

RESEARCH OBJECTIVES:

1. Know the different impact of colonial experience of the indigenous people;
2. Documentation of the IP Alternative Conflict Resolution Strategies;
3. Enter-facing national and indigenous laws on Alternative Conflict Resolution Management.

ALTERNATIVE CONFLICT RESOLUTION STRATEGIES

PEACE PACT

The Bodong is one of the world's primitive institutions or governments practiced by some Cordillera indigenous groups most distinctively, the Kalingas who inhabit the midsection region of the northern Luzon geographic domain. Since its existence from time immemorial, the bodong had served as the superstructure of village people governance along their social, trade, commerce, and political governing system. By its operational existence, the bodong is technically a bilateral covenant between and among tribal groups with the villages or tribes enfolded into the bodong community (called the *binodngan*). The *binodngan* is thus covered by the benefits and privilege, among which is protection under the Bodong's paternal authority (KBC).

The Kalinga Pagta (or literally translated, Law of the Bodong) contain the binding provisions that govern the commission of crimes in the villages the Bodong or peace pact existed, respected and practiced.

Among the northern Kalinga folks "*Bodong*" means "bound together". In the southern part of the territory it is called "*Podon*" which means "to hold together something that is binding". Symbolically, therefore, the *Bodong* or *Podon* or *Pochon* binds the two peace pact holders together over the collective security of their constituents. The peace pact enables



previously warring folks to live together in peace (Garcia and Naganag, 2013). Other tribes in the Cordillera such as the Tingians of Abra and the Bontoks of Mt. Province call it *pechen*.

The Kalinga *Bodong* or peace pact is a socio-cultural and economic institution conceived and painstakingly developed through the centuries out of a need for collective security which is the basis for binding viable communities. It sprung from an ardent desire to live in peace and social security so that advances towards economic prosperity and social stability might be achieved (<http://www.thefreedictionary.com>).

Under the Bodong, when a certain crime is committed, a group of elders (papangat) from a neutral village will act as go-between (mansasakusak) between the conflicting sub-tribes. The go-between will first hear the demands of the victim and/or relatives and transmit it to the accused and his parties. This situation will take time because the parties might not immediately settle on the penalties, as it is the usual case. It may take weeks or even a month to do this activity. When both parties agree on the indemnification, a community meeting will be scheduled. Usually, the meeting is done at the residence of the victim. It will never be done at the house of the accused because the old folks interpret it as the victim being the one who is interested of the settlement. It is done at the residence of the victim because it is part of his genuine atonement. The animal that is butchered and the rice will be brought by the party of the accused. They are the ones who will cook it and serve at meal time (Tombali, 2005).

Usually, in the conduct of the meeting there is no facilitator, but seldom meeting go wild. It is also a rarity, that the meeting is disturbed because it might cause conflict.

When the terms are accepted by both parties, payment will be made instantly and the whole community will be the witnesses. If in case the payment cannot be completed, a specific date will be made for the final payment.

The Bodong is used in inter-village conflict and in areas where Bodong is practiced and among members (Binodngan) of sub-tribes the Bodong exists. The Pagta of the Bodong is not applicable in non-binodngan areas or in villages where there is no Bodong. It is not applicable also when on party is non-binodngan (Mosing, 2001).

Below is a case decided through the Peace Pact (Bodong).

Alwod, from Kayyakayya stole the water-buffalo of Tullis, who is a sub-tribe member of Minanga. The people of Minanga upon knowing that the water-buffalo of Tullis was stolen



started the search. They searched mountains, hills, brooks creeks and all other possible places that the stolen water-buffalo is hidden. Other people from Minanga followed the trail to Kayyakayya where they saw hoof-prints of a water-buffalo. The hoof-prints led them into the village of Kayya kayya. They people told the Peace Pact holder fo Kayyakayya, that the hoof-prints of the stolen water-buffalo led to their village. The Peace Pact holder of Kayyakayya told the people of Minanga that they will continue the search and told them further to return home because it is about to get dark.

The following day Wansi, the Peace Pact holder of Kayyakayya send an errand, Dungadung, to tell to the Peace Pact holder of Minanga that they have located the lost water-buffalo. Dungadung, also told Gumpad, the Peace Pact holder of Minanga, that they are invited for a meeting at Kayyakayya.

The following day the people of Minanga proceeded to Kayyakayya for the meeting. The people of Kayyakayya are busy preparing the food. After both groups partook of the food, the meeting started. With the presence of the people of Kayyakayya and the people of Minanga, Wansi told the group that they have found the lost water-buffalo and someone from Kayyakayya was responsible for it.

Members of both village exchange ideas to resolve the crime. Before sunset, they have rendered a decision which was accepted by both parties.

Alwod, who stolen the water-buffalo was made to return it and give another water-buffalo to Tullis as the penalty. Wansi and Gumpad received one water-buffalo each as penalty of Alwod for violating the Pagta.

The people of the two sub-tribes dine again before dark and parted ways.

When the people of Minanga reach home, the women are busy preparing food for dinner. Before midnight, the tired people of Minanga shared the food prepared and then everyone parted ways to rest (Baldis, 2009).

COUNCIL OF ELDERS OR NA-ANGSAN/NA-OTNGAN

The Council of Elders is not really a formal assembly. It is an assembly of the elders (pangat) in the village whose membership comprised of the old men who have accumulated wisdom and mastery of the tribal laws from long experiences and participation in settling village or sub-tribal conflicts. They are the old respected guards that the people in the village listen to and ask for guidance in the conduct of conflict settlements.



When conflict arises or a crime is committed, parties will call the elders to settle the case. The elders will conduct the investigation by listening to the narration of both parties. The elders are also allowed to ask searching questions to prove the truthfulness of the narrations. After the elders heard the narrations and the understanding, appraisal and ideas of each elder a decision will be meted out. Both parties may accede or deny the decision made, but it is the duty of the elders to convince without force the parties to accept the decision.

Most often, the decision of the elders is accepted by both parties. It's rare that the decision of the elders is rejected, because it's a shame to do so and a disrespect of the wisdom of the elders.

The case of Buggal is an example of the process.

Buggal was a teenager when he stole the coffee beans of Guma-ad. Guma-ad ask his neighbors if the saw any one who stolen his coffee beans. Lumingit an old woman and a neighbor told Guma-ad that she saw Buggal carrying a loaded sack as he come out from the house of Guma-ad.

Guma-ad reported the incident to the Teniente del Barrio for a meeting. The following evening, Guma-ad called the elders and a meeting was held.

Guma-ad narrated that, he kept his dried coffee beans inside their house. Upon returning from his farm he was surprised that the sack loaded with the beans was missing. Inquiring among his neighbors, Lumingit told him that he saw Buggal carrying away a loaded sack.

Buggal was unable to come because he was ashamed, so his parents represented him. His father told the assembly that they have investigated Buggal and he accepted that he took the sack of coffee beans.

The elder decided that because the crime is stealing, Buggal should change the sack of coffee and penalized with another sack. Guma-ad objected and instead said that what is important is Buggal change the sack of coffee.

Then the elders decided that Buggal's parent should change the sack of coffee that he has stolen and buy one can (around 20 liters) of sugar cane wine for the elders and other members of the community present to drink. The case was terminated (Eke, 2009).



SAPATA OR SWEARING

Among the indigenous peoples, swearing is more than a “gentleman’s word”. It is kept with an ultimate goal of fulfillment.

The indigenous people use “sapata” as a way of identifying the culprit in cases where there are no witnesses.

All malefactors are summoned to make the “sapata” in a public place, a public plaza or on a bank of a river where there are no noise or disturbance.

The swearing is usually done in the morning as the sun is about to rise. The materials used are a big jar (ammutu) (usually a big jar where sugar wine is stored); fire inside the jar (usually a lighted pine tree) and red flowers like gumamela. All these paraphernalias are placed in an enclosure made of native blankets (linabay).

One after the other the males are scrutinized by an old man before each will proceed to the enclosure.

What is often time shouted are the following lines:

*“Umangang nan botak ko nu sakon di
nan-akaw si luwang ud Wannas”*

(Let my stomach bloat like a big jar
when I am the one who stolen the water buffalo of Wannas)

For smaller things of value stolen such as coffee, beans, dog, chicken and the like, what is usually done is swearing by the use of a one-peso coin. The swearing is also done when the sun is about to rise. With one peso on one hand, they suspect will rise it facing the sun and shouts the following lines (Romano, 2008):

*“Pumilak nan atak nu sakon din
nan-akaw sin manok Ugayan”*

(Let me be blinded if I am the one
who stolen the chicken of Ugayan)

Indigenous peoples undoubtedly believe in the effect of swearing, hence, it is taken seriously. The perpetrator of the crime may send an emissary to tell the public that he is accepting his guilt and spare him from swearing.



Once the accused is known the usual course of meting-out the penalty through the village elders and leaders is done. The elders now decide on the penalty based on precedents.

MAMBUBUYUN OR PROBING THROUGH SPIRIT MEDIUM

Probing through spirit medium is one of the ways the people in indigenous villages will ascertain the place where a stolen animal is hidden.

When a hunting dog or a water-buffalo is lost, the animal owner will consult the *mambubuyun*. Even when someone is lost, the *mambubuyun* can be consulted. Results may not be perfect all the time, but at least in despair it will bring hope that somewhere as told by the *mambubuyun* there live or lie the lost person. It brings hope when things go hopeless, brings strength in the midst of despair, bring a ray of light when everything is desperate, and give strength in times one think of surrendering (Kinnag et. al., 1999). There are instances that the probing becomes true as narrated by some old folks and many stories were narrated about it. Many villagers are witness to these beliefs.

There may not be scientific interpretation but an indigenous individual who relied on it believes it. Anyway believing it won't reduce a person to be sub-human, barbaric or uncivilized.

As per interview with some local folks, some probing done produces good results. Animals lost are found within the area identified by the *mambubuyun* (Dulawon, 2010).

PROBING (MANDUNGOL /MANGIDAW)

This probing is done by old men by listening to the sound of a portent bird or *idaw*. Selected experienced men in probing are summoned to listen to the bird portents. This is done to ascertain the success of an endeavor. It is usually done early in the morning or late in the afternoon. Once the probing is good as analyzed by the old folks, the group who went for the probing will proceed immediately to accomplish the purpose (Guyang, 2001).

For instance, if the village folks are ready to negotiate (*mansakusak*), the old men involved usually listen to the bird portent to let them be assured of a success. There are specific sounds of the bird that are interpreted. The direction of the flying bird, what side of the path-way it originates have interpretations.

When the probing is good, the folks will proceed with their intentions being assured of positive or good results (Galming, 2001).



Some observers may take this practice as traditional and non-bearing; however, it may be perceived negative but through a positive interpretation of the old folks of the sounds of the bird, it strengthened their will to pursue and continue their purpose. In the olden time, the probing is mostly done before a head-hunting exploration commends.

Probing is also done when the old folks travel, especially when they intend to buy water-buffalo in other places.

CONCLUSIONS:

Among the indigenous peoples, there is different alternative conflict resolution management available for each crime. This alternative conflict resolution management had been practiced and most IP relied on its importance. It became a part of their daily lives and their cosmic world.

They live with it as it passed from remote generation to the present and probably to coming generations yet born.

These different alternatives are meticulously learned and experienced by the old folks in each village and became a part of the village live, their traditions and practices. It so ingrained into their daily life that it became an inseparable part on one's village life.

RECOMMENDATIONS:

It is recommended that:

1. The indigenous conflict resolution management should find its place in national laws catering to the Indigenous Peoples.
2. The IP communities must continuously preserve through rightful exercise and practice the good IP alternative conflict resolution management.
3. State Colleges and Universities in indigenous people localities and in coordination with the Local Government Units should establish Centers for Indigenous Living Traditions or Heritage Centers as the repository of IP artifacts, writings and research results for security and preservation.
4. A continuing research on other IP marvels should be conducted for documentation for the future generations to know.
5. Revisit Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution (ADR) Act of 2004, to make it more dynamic in strengthening and institutionalizing the



indigenous alternative dispute resolution strategies and help maintain peace in the villages.

6. Promote, develop and expand the use of alternative dispute resolution in the private and public sectors.
7. Document the utilization by private and public sectors of the alternative dispute resolution strategies and techniques for future reference.

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