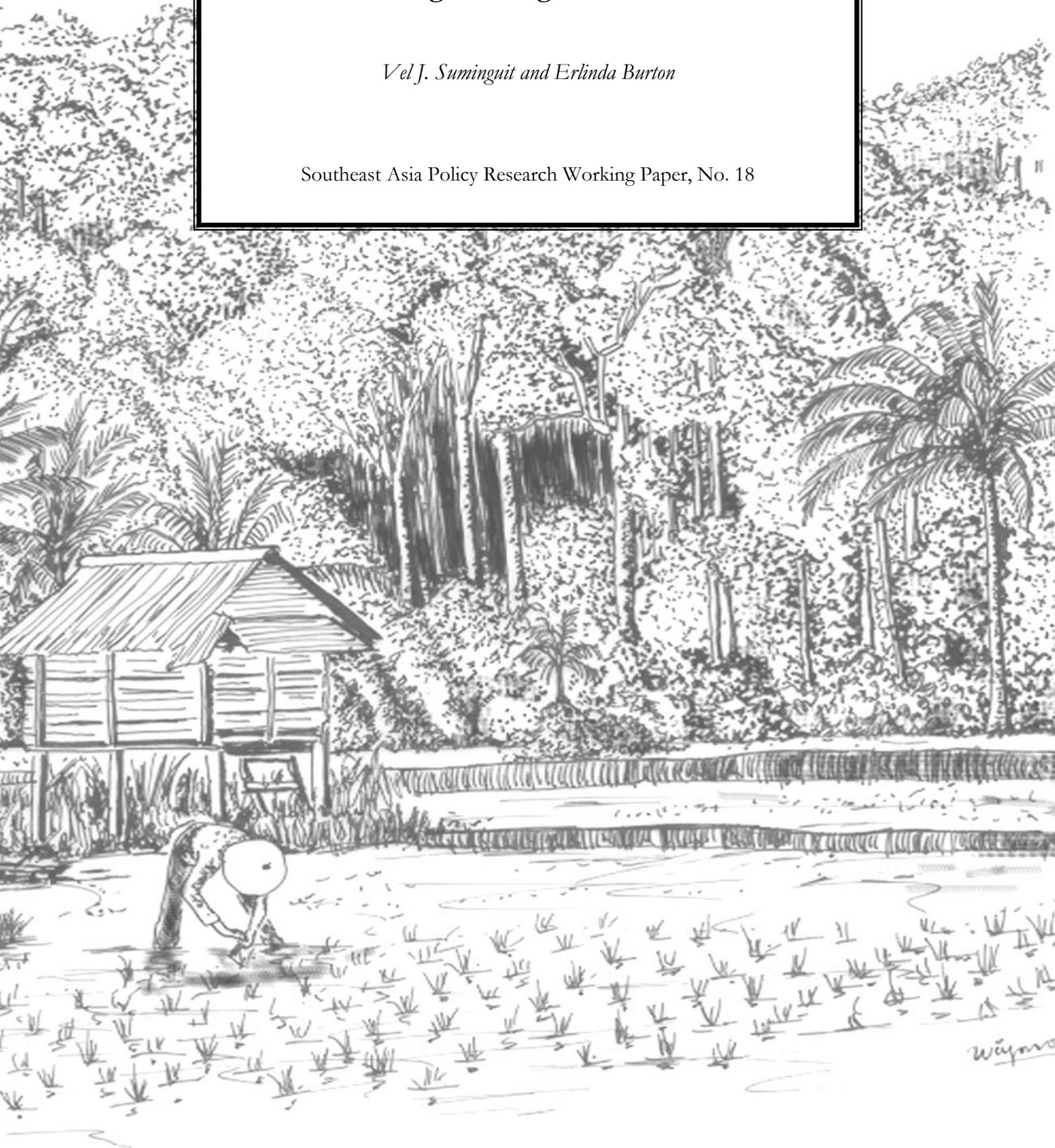


**A Study on Ancestral Domain Recognition  
and Management Within and Around the  
Mt. Kitanglad Range National Park**

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# **A Study on Ancestral Domain Recognition and Management Within and Around the Mt. Kitanglad Range National Park<sup>1</sup>**

**By**

**Vel J. Suminguit<sup>2</sup> and Erlinda Burton<sup>3</sup>**

## **Introduction**

The Philippine government recognizes the critical importance of protecting and maintaining biodiversity for the present and future generations. This recognition is formally articulated in Section 2 of Republic Act 7586, otherwise known as "The National Integrated Protected Areas System Act of 1992" or NIPAS Act. At the same time, the Philippine government recognizes and promotes the rights of the Indigenous Cultural Communities (ICCs) or Indigenous Peoples (IPs), who are mostly occupants of the protected areas. The State's recognition of the ICCs/IP's rights is embodied in the Philippine Constitution (Art. II, Sec. 22) and reiterated in Section 13 of the NIPAS Act. This recognition is further given substance by the enactment of Republic Act 8371, also known as "The Indigenous Peoples Rights Act of 1997" or IPRA. The passage of IPRA into law is a major victory for the ICCs/IPs who, for several decades, have struggled for the recognition of their rights over their ancestral domains. Both NIPAS and IPRA are aimed to improve the well-being and livelihood of the upland small holders while maintaining ecological diversity.

It is in this context of multiple government policy objectives of preserving biodiversity, recognizing ICCs/IPs rights, and improving smallholder livelihoods that this study is conducted.

In the province of Bukidnon, nine groups of indigenous cultural communities have already been granted with their Certificate of Ancestral Domain Claims (CADC). The processing of their applications was completed in a timely fashion primarily because their claims were not within a protected area. Among the indigenous cultural communities near and within the Mount Kitanglad Range Natural Park (MKRNP), their application for a tenurial instrument has not been granted in spite of the existence of NIPAS and IPRA laws that explicitly recognize their rights over their ancestral domains. The key question is what prevents governmental authorities from granting CADC to ancestral right claimants? Do NIPAS and IPRA have procedures on how to deal with ancestral claims within and around a national park? Do they provide clear provisions about the processes that will lead to complementary management approaches between ancestral domains and protected areas? Do they have guidelines for how consultations with local communities are to be conducted? What is the best way to propose and determine ancestral domain claims within the protected area? When there is conflicting land use pattern within the protected area and ancestral domain, which law should be followed? Mt. Kitanglad Range National Park provides a unique case study to answer these questions because it is both an ancestral domain claim of the Talaandig-Higaonon tribe and at the same time a protected area.

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2 A former research associate of RIMCU (Research Institute for Mindanao Culture), now working as the Site Coordinator of SANREM-CRSP/SEA.

3 Executive Director of RIMCU and a faculty member of the Sociology-Anthropology Department, Xavier University.

**Objectives:**

Based on the above questions, this study has the following objectives:

1. to review the process of proposing and determining ancestral domain claims near and within a protected area.
2. to identify problems that emerged in the Kitanglad context and their policy implications for land use management and policy reform.

**Methods:**

This study used key informant interviews, focus group discussion, and participant observation to collect the primary data. The interviews and focus group discussion were tape recorded, transcribed, and translated into English. The key informant interview was characterized by interviews with individual *datus*, mayors, some officials of DENR, and KIN executive director. The interview with individual *datu* was primarily aimed at generating data on the ethnohistory of the Talaandig, specifically their ethnic origin, sense of territoriality, relationship with other ethnic groups, land use history and natural resource utilization. Because the *datus* attended the “Talaandig Day” celebration on October 14, 1998, many of them were interviewed individually during that occasion and similar occasions that took place at the *Tulogan*<sup>4</sup> in Songco, Lantapan, Bukidnon. The interviews of the *datus* were completed during the month of October 1998.

The mayors were interviewed to generate information on their comprehensive municipal land use plan and their views on how to propose an ancestral domain claim within the protected area. It took several months to complete the interviews of the mayors because some of them were out of town every time we came to interview them. Interviewing the Executive Director of KIN, the Park Superintendent (PaSu) of DENR, and the NCIP Commissioner Victorino Saway was equally difficult because we could not get hold of them every time we come to see them. Anyhow, the purpose of interviewing the PaSu and KIN was to develop an understanding of how they come up with the natural resource management and development plan for Mt. Kitanglad. The objective of interviewing the NCIP Commissioner was to get his view on how to propose an ancestral domain claim within the protected area and how he envisions to manage it once the CADC application is granted. Two senior DENR officials were asked to share their experience of processing ancestral domain claim applications in non-protected and protected areas. The provincial planning and development officer of Bukidnon was also interviewed to find out the provincial government’s natural resource development and management plan.

To get a better understanding of what the *datus* want to do with Mt. Kitanglad once they are granted with CADC (Certificate of Ancestral Domain Claim under NIPAS Act) or CADT (Certificate of Ancestral Domain Title under IPRA), a Focus Group Discussion (FGD) was held on October 25, 1998 at VGL, Songco, Lantapan, Bukidnon. Fifteen *datus* attended the FGD with ages ranging from 33 to 71 years old. The number of years of being a *datu* ranges from two (2) to 35 years. Aside from wanting to know how the *datus* would like to manage Mt. Kitanglad, the FGD included a discussion on the status of their CADC/CADT application, natural resource utilization, and land use plan.

There were some special events that took place during the course of this study that were documented by direct observation and by using recording devices such as tape recorder, video recorder and still camera. The video recording captured the very colorful dances of the Talaandig men, women, and children during the “Talaandig Day” and the “Proclamation Ritual on the Ownership of Plants and Wildlife Resources in Mt. Kitanglad” on December 20, 1998.

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<sup>4</sup> *Tulogan* literally means sleeping quarters, but could also mean the center of the village or community.

### **Brief Social History of The Talaandig-Higaonon**

This section describes the social history of the indigenous communities around Mt. Kitanglad, specifically the Talaandig and Higaonon groups. The description of their ethnic origin is derived from the result of interviews of several *datu*s and from ethnographic studies. Combining these two sources of information is necessary to provide a clearer and coherent description of their social history.

### **Ethnic Origin**

The indigenous inhabitants around Mt. Kitanglad are known collectively as Bukidnon (Bisayan word for “from the mountain”); but ethnolinguistically identified as Higaonon for those indigenous communities north of Malaybalay down to the province of Misamis Oriental. Southward from Malaybalay, specifically those communities around Lantapan and Talakag they refer to themselves as Talaandig.

These two groups speak the *Binukid* language, which is a northern branch of the Manobo language stock. There are some minor dialectal variations among these communities, especially in the inflections and lexicons.

Both the Higaonon and Talaandig people believe that they belong to the same ethnic group. The Higaonon claimed that their ancestors were coastal dwellers and were the original inhabitants of Misamis Oriental. However, the arrival of the *dumagats* (people from over the sea) during the Spanish times had encouraged the natives to move up to the plateaus or uplands, which now belong mostly to Bukidnon province. According to the Talaandig tradition, most of Bukidnon was the land of the Talaandig, the people of the slopes (*andig*). When the coastal dwellers moved up to the uplands, the Talaandig referred to them as "Higaonon" because the latter came from down the shore (*higa*). Thus, the Higaonon were people from the coastal area who went up to the mountains. But they share a common culture and language.

The origin of the Talaandig and Higaonon is recounted in their epic called the *olaging* (the story being chanted), which has several versions. The common theme of the epics focuses on the brotherhood of the four tribes in Mindanao -- Manobo, Talaandig, Maranao and Maguindanao. According to the Talaandig version, their forebears were sons of a powerful *datu* named Agbibilin who sent them away to seek their fortune. The son who went eastward became the ancestor of the Manobo; the one who had gone up around Lake Lanao became the progenitor of the Maranao; the son who went down the southern region became the forebear of the Maguindanao, while the youngest son decided to stay with his father and became the ancestor of the Talaandig and Higaonon.

### **Origin of Mt. Kitanglad**

It is a common belief of the Talaandig and Higaonon that the great flood that occurred during the time of Noah had almost submerged the mountain thought to be the highest in this part of the region. From a distance, the partially submerged trees at the summit of the mountain looked like *Tanglad* (Lemon grass). Hence, Agbibilin, the founding ancestor of the four aforementioned tribal groups named the mountain Kitanglad.

### **Topography of Mt. Kitanglad**

Mt. Kitanglad is the highest mountain of Bukidnon province, centrally located and thus dominates the Bukidnon plateaus. The Board of Technical Surveys and Maps (1961) estimated Kitanglad's elevation at 9,639 feet above sea level. The Philippine Volcano Office assessed Mt. Kitanglad as a dormant volcano, and along with the other highest peaks in southern Bukidnon -- Mt. Kalatungan and Mt. Tangkulan, which had contributed to the volcanic origin of Bukidnon. Its soil developed from igneous rocks and lahar flows.

The drainage systems of Bukidnon are derived from the slopes of Mt. Kitanglad Range wherein most of the streams flow northward into Macajalar Bay through the Cagayan and Tagoloan Rivers. From the position slopes of Mt Kitanglad, the mountains of the Kalatungan Range, and the mountains of northeast and of east Bukidnon flow the streams into Pulangi,

Muleta and Maladugao Rivers.

Mt. Kitanglad and other mountain ranges in Bukidnon were until recently covered with primary forests which are usually "mixed forest" with clinging vines and epiphytes (Madigan, 1969:56). The climate and soil conditions favor growth of trees on the plateaus and mountains. The older Talaandig recalled that several decades ago before the advent of logging in Lantapan, the area where the *tulogan* in Songco is now located, was densely forested with Lawaan trees. The forest was the source of their needs such as medicinal plants, honey, rattan, and other forest products.

### **Territory of the Talaandig/Higaonon**

The indigenous communities, specifically the Talaandig and Higaonon, claimed Mt. Kitanglad as their sacred "temple" and ancestral home. The Talaandig believed that after the culmination of inter-ethnic conflict among the Talaandig, Maguindanao, Manobo, and Maranao, territorial limits or boundaries were established. The boundaries were usually rivers or the peak of the mountain ranges, locally called *tagaytay*

The territorial area of the Talaandig and Higaonon was composed of several markers that were established by *datus* of the past. These markers are still respected today. The marker for Tagoloan is located in Cagayan de Oro, which is now a sugarcane field; in the Lanao side, a Durian tree and rattan vine were planted along the Bayog River; while on the Agusan side, the marker is the Kibalabag River.

The territory of the Talaandig around Lantapan is bounded by the Manupali River, which separates them from the Manobo territory. Moreover, there is also a boundary in Barangay Barandias, somewhere in Kibawe that separates the Talaandig, Manobo, and Maguindanao. In Malaybalay, Bukidnon, the boundary of the Talaandig runs from Homangsil creek up to the Ipoon creek, which continues up to Sumilao where the Higaonon also live. The mountains in Manolo Fortich are inhabited by the Higaonon; while the Manobo group (Matigsalug) are distributed in Maramag, Bukidnon.

The delineation of the different boundaries that separated the different tribes--Talaandig, Manobo, Maranao and Maguindanao-- can be amplified by the story of the planting of the Durian tree. This led to the culmination of a peaceful co-existence of the four tribes. It relates that the four brothers who became the forebears of the four tribes were constantly warring with each other over territorial boundaries. Because of the devastating consequences on the lives of their people, the supreme *datu* had commanded the four groups to settle their disputes by delineating the boundaries for each tribe. Tikalaan, was the designated meeting place where *Tampuda ho Balagon* ritual (peace pact) was performed. The warring groups conducted the peace pact by holding on to the opposite ends of the rattan vine. The officiating *datu* would then cut the rattan in the middle symbolizing the cessation of hostilities between the groups. Today, the Durian tree no longer exists. However, an old house in Barangay Barabyas, Tikalaan had served as a monument of the pact made for sometime until the advent of the Americans who later destroyed it.

### **Inter-ethnic Relations**

The Jesuit Letters relate that the natives of Bukidnon-- Talaandig and Higaonon -- were engaged in inter-tribal warfare with the Manobo and the Muslim Maranao and Maguindanao. The conflict was over territorial boundaries and trespassing into the Talaandig and Higaonon *Tulogans*. But this conflict was always culminated by a peace pact. One type is known as *pandial*, which is performed by the descendants of the fighting factions; the other type is called *lidoay* (rootword *lido*, meaning conflict), also performed by the descendants who are not certain if there had been conflict between their forefathers in the past. The conduct of this peace pact is to give assurance that no one would become sick if they inter-marry.

The relationship between the Talaandig and the Muslims (Maranao and Maguindanao) was full of hostilities because the latter were frequently raiding their communities for children and women who can be sold as slaves. Thus, they became mortal enemies. In one account, it narrates that in one of the encounters with the Maguindanao, it ended in Kalamayan Mountain

where the Talaandig warriors killed a Muslim leader. The defeat of the Muslims was attributed to the magical powers of the Talaandig warriors. They performed a ritual that moved them to practically fly like birds and pursued the Maguindanao and drove them back to the borders of Kibawe.

Inter-ethnic conflict among these tribes was believed to take many lives of their constituents. Believing also that their ancestors or forbears were related, this was a time to stop all animosity, thus the *Tampuda ha Balagon* or peace pact was performed to bring peace to these four tribes.

### **Talaandig During the Spanish Colonial Period**

The Talaandig and the Higaonon were distributed throughout Bukidnon before the advent of the Spanish missionaries. The Talaandig, according to the *datus*, were semi-nomadic and roaming around Lantapan, specifically Songco, Malaybalay, and Talakag, which are situated on the foothills of Mt. Kitanglad. However, they established *tulogans* where the *datus* also reside and the families put up their domiciles.

The Spanish contact with the Bukidnon did not start until the mid 19th century, although there were sporadic contacts with them in the 18th century through the Spanish administration of Misamis province. The Recollect Missionaries who established their mission in Cagayan de Oro did venture into the upper plateaus of Bukidnon. However, in 1870's, the Jesuit missionaries returned to Mindanao to continue the proselytization of the indigenous communities. This also paved the way for Spanish government to bring in the migrants from the lowlands to settle the sparsely populated province.

The Jesuit missionaries saw some groups of the indigenous inhabitants having supra-local leaders and residing in scattered settlements of interrelated families presided over by *tulogan* chiefs and a number of lesser *datus* (Edgerton, 1982). The missionaries had established mission stations around the *tulogans* and attempted to convert the natives to Christianity. Many of these stations became pueblos or towns and were linked together by the trail, which meandered from Cagayan de Oro to Agusan town then up onto the plateau and South to Linabo and Maramag (Ibid). The names of these pueblos were changed during the American time.

The government also started opening roads from Cagayan de Oro up to Malaybalay using native labor. One account relates that their great grandparents were forced to provide free labor to build the road along the canyon of Mangima. There were different work teams from the villages and each work team would work for one straight week and then replaced by another work team. If a person would miss to report for work he would be punished by whipping him 25 times using a horse whip. Because of the hard work and physical punishment many workers evacuated with their families into the mountainous region of Bukidnon where they established their settlement and away from Spanish domination.

Toward the end of the 19th century, some Spanish *peninsulares* came to Bukidnon one of them was Manolo Fortich who controlled much of the lands in the province. The Spanish government had planned to open up a road from Cagayan de Oro to Malaybalay to facilitate the journey of the missionaries and traders to bring their goods and merchandise to Bukidnon.

An account relates that when the road from Cagayan de Oro to Malaybalay was opened, Fortich declared to the natives that he would bring trucks to Bukidnon so that the farmers could transport their produce to Cagayan de Oro. However, this did not materialize, instead he conducted an ocular survey of the lands of Bukidnon and was able to choose an area for ranching in Dabong-dabong (now called Lurogan, a barangay of Valencia). He employed some Talaandig and Higaonon to serve as caretakers of his ranch and to hunt deer for him.

The Spanish government established in Malaybalay attempted to subdue the indigenous communities through their colonial policies by making them submit to the government and suppress their indigenous way of life including their customary laws and by forcing them to pay *cedula*. This led to conflict between the Spanish colonizers and the tribal people. But this was put down on the intervention of the missionaries.

According to one account, the Talaandig and Higaonon were gathered by the Spanish priests in one center called Tangkulan (now called Manolo Fortich) and given lectures on farming

and the need to use draft animals. They were told to plant corn instead of living up in the mountain, which the Spaniards believed could not provide security to their livelihood. Thus they were taught how to farm using the plow and draft animal and at the same time were converted to Roman Catholicism by the missionaries. Although they had resented this foreign intrusion into their lives, yet they had to follow or obey the Spaniards and missionaries for fear of being punished. Some hispanized natives were used by the Spaniards to convince others to obey the rules and regulation of the church.

### **Land Use Tradition**

The *datu* informants recalled that their grandparents used to tell them that the surroundings of Mt. Kitanglad's were heavily covered with lush vegetation. Lawaan trees and other indigenous plant species and wild animals were teeming. But this lush vegetation started to dwindle upon the advent of large scale logging in Bukidnon, which was responsible for the rapid deforestation of many areas of the province.

The forest was the source of life for the Talaandig because all their needs are served: wild animals for food, medicinal plants to cure illnesses; timber for house construction; and rattan to make baskets and other crafts. Within the forest, the Talaandig in the past chose an area as hunting reserve. The wild animals were allowed to propagate and multiply; but hunters must be selective in hunting animals. They had to observe customary laws on cutting trees to be used for construction of their houses. Any standing tree without leaves, e.g. the *layong* tree, or standing trees that have leaves but with the tip of the main stem (called *buklo*) is broken should not be used for building a house lest the occupants--adults and children would die. Moreover, fallen trees due to strong winds were, likewise not to be used for house construction because it is believed that the house would likely be blown away by strong wind.

The *datu*s claimed that their forebears had practiced forest conservation. They had their ways of forest resource conservation and management in the past. One of the forest resource which the natives commonly obtain was the rattan vine which grew profusely every time it was cut because the fruit could be eaten and thrown into the ground and would naturally regenerate. The fruits were only being harvested when a woman was pregnant. The variety of rattan usually collected from the forest is called *Singyan* or sometimes *Abeka* with size around 1.25 inches in diameter. Smaller sizes of rattan vine were harvested for household use only. It was the customary rule of the natives not to collect more than what they need; thus the effect on the environment was minimal.

*Datu* informants narrate that parents of the past taught their children regarding ecological symbiosis that takes place in the forest. Trees must be protected from damage because they pump nutrients from below the ground. When the fruits fall from the branches into the ground, they decompose and mix with the soil, which becomes fertile. The maggots feast on dead animals, while the bees gather nectar from the flowers of trees to make honey. Hence, by protecting trees, many life forms are likewise protected.

Their customary laws prescribe that the people should not destroy the mountain because this is their place of worship. Conservation of the forest, according to the *datu*s, would bring them good life because the resources are maintained; it also ensures the future generation of a rich natural resource.

Swidden farming was the common form of land use in the past and still persisting today in the hinterlands. Before a swidden was opened in the forest usually along mountain slopes, a ritual was performed for the spirits living in the area. During the ritual a few pieces of coins and beads were placed on the spot where the crops were to be planted. A chicken was also offered as a sacrifice to appease the spirits whose abode would be disturbed.

The swidden farm did not have specific size and would depend on the individual's ability to clear the area, care for the crops and the needs of the household for food. But on the average, it was usually one hectare. The men were usually responsible for opening an area by cutting the undergrowth, felling big trees and pulling the weeds. The cuttings were left to dry for some weeks after which they were burned just a day before the rains come. Burning technique to control fire used by the Talaandig was done in a circle starting from the outer edges of the field

so that the fire would go into the middle of the field until it ran out of material to burn.

Participation of women was required during planting. The men dug a hole on the ground using a pointed stick while the women dropped the seeds. Moreover, the women were responsible in planting secondary crops such as camote (sweet potato), gabi (taro) and weeding around the plants. The Spanish missionaries had introduced crops to the indigenous population of Bukidnon such as corn, abaca, cacao, and tobacco (Edgerton, 1982), which were added to the inventory of crops planted. Both men and women harvested the crops with older children helping.

The swidden was left to fallow after one or two cropping season to prevent soil erosion. The Talaandig would return to the same field after seven years when the field had regenerated its vegetative cover. The vegetation can be seen in successive phases of regeneration. Sometimes, even if the field has fully restored its vegetation, the cultivator may not return to the same field if, during war (e.g., Japanese-American War), the field is accessible by the warring groups. The cultivator may not return to the same field if the brother or other relative elsewhere has available lands more conducive to farming. Thus the old swidden may revert into a dense forest.

Prior to the coming of the migrants, the wealth of forest resources was at the disposal of the indigenous people around Mt. Kitanglad. Construction materials for the house frame, usually small round timber (5 inches in diameter), were obtained not from the primary forest but from the secondary growth forest -- the previous swidden field. For roofing, the bark of **Hinagdong** (*scientific name?*) tree was used. When building makeshift shelter, **Anotong** (*scientific name?*) leaves were much preferred. Wildlife abounded in the forest before the coming of the migrants and logging concessionaires. The common source of meat was the salamang (deer), wild boars, birds of different kinds (**balod, alimokon, sapayanan, kalaw**) and mountain rats. The forest had also been the source of medicinal plants. It had been used by the indigenous healers in the past even until today to cure varied types of illness. Honey from different kinds of bees (*ligwan, putyukan, kiyot*) was plentiful and was a source of food.

There were different kinds of fruit-bearing trees that could be found in the forest whose fruits are edible such as *Katii* (chestnuts), *Layang*, etc. The lumads believe their *kaingin* farming in the past had very little effect on the environment; it is the big logging companies that came to Bukidnon who were responsible for the massive destruction of the forest on the foothills of Mt. Kitanglad.

### **Ancestral Domain Recognition**

The social history of the Higaonon-Talaandig tribe establishes the fact that they are indigenous occupants of the province of Bukidnon in general and around Mt. Kitanglad in particular. Their being indigenous to Bukidnon provides basis for the recognition of their ancestral domain claim. This section will discuss the laws and processes involved in ancestral domain claim recognition.

For so many decades, IP activists and scholars had advocated for the recognition of ICCs/IPs rights over their ancestral domains. The contention was that without security of tenure over their ancestral domains, the ICCs/IPs will have no incentive to use the land in a sustainable fashion because there is no guarantee that they would benefit from the fruits of their labor. Security of tenure (e.g., Certificate of Ancestral Domain Claims or Certificate of Ancestral Domain Title) was seen as an important mechanism that could help prevent further displacement of the IPs from the continuing encroachment of the *dumagats* and other agribusiness interest. The dream of having the government formally recognized ICC/IP rights was realized in the Philippine 1987 Constitution and the consequent enactment of NIPAS Law (RA 7586) in 1992 and IPRA Law (R.A. 8371) in 1997.

Section 22, Article II; Section 4, Article VII; and Section 6, Article XII of the 1987 Constitution provide for the recognition and protection of the rights of the indigenous cultural communities to their ancestral lands within the framework of national unity and development. Section 13 of NIPAS Law affirms the State policy by providing due recognition to ancestral domains and other customary rights in protected areas. To further operationalize the constitutional mandate, IPRA was enacted into law in 1997.

Prior to the enactment of IPRA into law, the DENR already began the process of

formally recognizing the rights of the ICCs/IPs over their ancestral domains by issuing Certificate of Ancestral Domain Claims (CADC) or Certificate of Ancestral Land Claims (CALC) to legitimate claimants. The process of issuing CADC or CALC was initially guided by DENR Department Administrative Order (DAO) 25-92 and later on by DAO 2-93. While DAO 25 was intended to provide implementing guidelines for the entire NIPAS Law, Sections 44 to 49 prescribe rules and regulations governing ancestral lands within protected areas.

DAO 2-93 provides a more detailed and proactive implementing rules and regulations of Section 13 of NIPAS Law. In this administrative order (Art. 3, Sec.1), the DENR through the Provincial Special Task Forces on Ancestral Domains (PSTFAD) takes the initial step of conducting vigorous information dissemination campaign for identification and delineation of ancestral land and domain claims. Identification of indigenous cultural communities, identification of preliminary natural boundaries, and publication of a list of ancestral domain claims shall follow information dissemination (Art 3, Sec. 2-4). If, within 15 days after the first day of publication, no other claimants are filing opposition to the list of ancestral domain claims, the identified indigenous cultural communities shall submit documentary proofs to support its claim over the identified territory. Section 5 lists the documentary requirements. This includes the testimony of elders or community under oath and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such indigenous cultural community in the concept of owners, which shall be any of the following:

- (a) Written accounts of the indigenous community's customs and traditions;
- (b) Written accounts of the indigenous community's political structure and institutions;
- (c) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- (d) Historical accounts;
- (e) Survey plans and sketch maps;
- (f) Anthropological data;
- (g) Genealogical survey;
- (h) Pictures and descriptive histories of traditional communal forest and hunting grounds;
- (i) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like;
- (j) Write-ups of names and places derived from the native dialect of the community.

After having complied with the requirements, the evaluation of ancestral domain claims shall follow. When a claim is accepted, the DENR personnel, in close coordination with the concerned ICCs/IPs, shall conduct physical demarcation of the ancestral domain. The entire process of CADC application shall terminate with the issuance of a Certificate of Ancestral Domain Claim and or a Community Forest Stewardship Agreement until such time the Congress provides other forms of recognition for ancestral domain.

From the forgoing, it is apparent that prior to the enactment of the Indigenous Peoples Rights Act, the DENR already put in place a system of recognizing and delineating ancestral domain. At that time, DENR issued a total of 181 certificates of ancestral domain claim nationwide covering about 2.5 million hectares (DENR, 1999). However, in the Kitanglad context, issuance of CADC or CALC seems to be very illusive. In the following sections, the authors will discuss the competing models for proposing an ancestral domain claim in Mt. Kitanglad, which prevents DENR from issuing CADC to the claimants.

### **“Unified Claim” Versus “By Municipality Claim”: Two Models of Applying for Ancestral Domain Claims in Mt. Kitanglad?**

There are several stakeholders in Mount Kitanglad, but three of them seemed to be the most prominent. The indigenous cultural communities -- the Higaonon-Talaandig tribe who are

collectively called by the *dumagats* as *Bukidnons* – are the major and direct stakeholders because Mt. Kitanglad is considered their homeland since time immemorial. The municipal government units and the *dumagats* constituents, as represented by the mayors, are another stakeholders because Mt. Kitanglad belongs politically to eight municipalities surrounding it, namely: Malaybalay, Lantapan, Talakag, Baungon, Libona, Manolo Fortich, Sumilao, and Impasugong. The Department of Environment and Natural Resources is the third major stakeholder; it is the national government agency mandated to administer the so-called public lands and protected areas. As a protected area, Mt. Kitanglad is managed by the PAMB with the DENR and the LGU representatives playing prominent roles. Due to multiple stakeholders claiming and multiple policies governing Mt. Kitanglad, there emerged two competing models for proposing an ancestral domain claim application in the area. The first model is called the “Unified Claim” with the prominent leaders of the Talaandig-Higaonon tribe as proponents. The second model is “by municipality claim” proposed by the municipal mayors who are members of the Protected Areas Management Board.

### **Rationale of the Unified Claim**

Before 1995, 12 Higaonon-Talaandig tribal leaders (*datus*) residing in different municipalities surrounding Mt. Kitanglad individually filed a Certificate of Ancestral Domain Claim (CADC) in the Provincial Environment and Natural Resources Office (PENRO) of Bukidnon. However, according to a PENR Officer, the processing of their individual CADC applications was delayed because of overlapping boundaries. To simplify the application process, the tribal leaders, after a consultative meeting at the Cinchona Reforestation Project in Lantapan, decided to unify their claims by submitting only one application covering the entire Mt. Kitanglad Range Natural Park. In other words, the phrase “unified claim” implies a collective CADC application of multiple claimants. Hence, under the leadership of Datu Migketay (also known as Victorino Saway), the Higaonon-Talaandig Tribe submitted the unified ancestral domain claim to the PENRO of Bukidnon on May 17, 1995, following the guidelines set forth by DAO 3-93. The unified claim covers a total land area of over 40,000 hectares.

There are several reasons for filing a unified ancestral domain claim. The most pragmatic reason is that it reduces paper works. Instead of each local chieftain preparing separate sets of required documents listed in DAO 3, Section 5, a secretariat of the tribe under the guidance of the tribal elders can prepare only one set of documents covering the claims of every member of the tribe. Hence, it minimizes redundancy of having to produce identical documents for each applicant coming from the same tribe. It also reduces the number of documents that government officials have to review. In other words, it saves every one time and resources.

Beyond paper works, most elders in Mt. Kitanglad consider unified claim a cultural claim. They point out that the cultural integrity of the tribe hinges on granting them security of tenure over the land that is considered their source of livelihood, place of worship, and their living pharmacy. Although there exists sub-groupings among themselves according to the general location of their original place of residence (i.e., coastal, plains, mountains, etc.), they assert that they belong to one and the same tribe because they speak the same language, share common ancestry, and share the same oral history. They argue that if their claims have to be subdivided according to municipal boundaries, it tantamount to dividing their culture, their oral history, their spiritual beliefs, and their cultural integrity. As one tribal leader puts it by way of asking questions:

*How can we divide our culture? How can we divide our customary laws? How can we divide our beliefs? We can't divide all this! If we do, if it is possible, it would be a big undertaking because we have to amend previous agreements and rituals that sealed the agreements. We have to nullify previous agreements to make new agreements, new accords among leaders. But still the basis for this is culture. We will never reside outside of culture. We could never decide this based on the political jurisdiction of the municipalities.*

Because the unified ancestral domain claim application includes the protected area, the

PENRO referred the application to the Protected Area Management Board (PAMB). Under NIPAS Law, the PAMB is the policy and management body within a protected area. Eight members of the PAMB are mayors from eight municipalities surrounding Mt. Kitanglad. They are against unified claim because they want the claim to be done piecemeal -- by municipality. Thus "by municipality claim" appears to be another model of applying for a certificate of ancestral domain claim in Mt. Kitanglad.

### **Rationale of "By Municipality Claim"**

The "by municipality claim" implies that members of the same indigenous cultural communities may individually or collectively apply for CADC provided that the land area claimed is not already titled to private individuals and within the boundary of the municipality they reside.

There seems to be three reasons put forward by the advocates of the "by municipality claim." The first is territorial jurisdiction and exercise of political power. As pointed out elsewhere in this paper, there are eight municipalities around Mt. Kitanglad. Each municipality has a political jurisdiction over an area of Mt. Kitanglad. With unified claim, it would appear that the chosen IP leader would have political jurisdiction over a portion of the eight municipalities that are within Mt. Kitanglad. Most mayors are apprehensive of the idea that an IP representative might exercise too much political power over an area encompassing eight municipalities. One mayor said that he fears that an IP leader "might lead and mislead his own people." The basis of his fear is that there are some fake tribal leaders, also called "tribal dealers," who are enticing outsiders to come and occupy a portion of ancestral domain for a fee. This has often led to more destruction of the forest within the protected area. The legitimate tribal leaders also share the same apprehension of the environmental destruction committed by deculturated members of the indigenous community. They argue that it is another reason that ancestral domain claim be unified so that every claimant will subscribe to a unified policy of sound environmental management and non-destructive livelihood as may be specified in both the protected area and ancestral domain management plans.

The second argument in support of the "by municipality claim" is the fear that the culture of the indigenous occupants in one side of Mt. Kitanglad might run in conflict with the culture of the occupants in the other side of Mt. Kitanglad. This argument does hold water. As pointed out earlier, the occupants around Mt. Kitanglad belong to the same ethnolinguistic group, although they may exhibit intracultural variation. They share enough in common of their culture, language and oral tradition for them to be considered to belong to the same tribe.

The third reason advanced by the proponents of the "by municipality claim" is the apprehension that the indigenous cultural communities lack the ability and resources to manage a huge area, especially a protected area that is home to diverse species of flora and fauna. Most mayors fear that once the ICCs/IPs are granted with CADC following the unified claim, this might lead to massive destruction of Mt. Kitanglad. This fear is based on some reported cases of timber poaching and forest clearing done by some members of the indigenous cultural communities in Mt. Kitanglad.

### **Delaying is Denying?**

The apprehensions of the mayors that unified claim may lead to monopoly of power and environmental degradation resulted to further delay in the issuance of CADC to the ICCs/IPs in Mt. Kitanglad. From PAMB, the application was returned to PENRO, which, in turn, was transmitted to the Provincial Special Task Forces on Ancestral Domain (PSTFAD). The PENRO in Malaybalay tried to seek advice from higher DENR authorities in order to act on the pending unified claim application. Time passed by quickly. Two years later, the Bill on Indigenous People's Rights was enacted into law called Republic Act 8371, also known as "The Indigenous Peoples Rights Act of 1997" or IPRA. With IPRA, the DENR ceased to process any CADC application because this responsibility was transferred to the Ancestral Domain Office (ADO) of the National Commission on Indigenous Peoples (NCIP). Under IPRA, the ADO is responsible for the identification, delineation and recognition of ancestral lands and domains. It is also

responsible for the management of ancestral lands/domains in accordance with a master plan (Sec 46a).

After the transfer of responsibility from FSTFAD to ADO, the processing of tenural instrument would have not been a problem if NCIP was fully operational. Unfortunately, a retired Chief Justice of the Supreme Court filed a case challenging the constitutionality of some provisions of IPRA. With IPRA being questioned, the operational budget of NCIP was put on hold. In effect, NCIP was immobilized and could not implement the provisions of IPRA until such time the Supreme Court renders its final ruling as to the constitutionality of IPRA. Sometime in November 2000, seven Supreme Court members voted in favor of IPRA Law and seven justices voted against it<sup>5</sup>. Since there was a tie and those who voted against IPRA Law did not get a majority vote, the IPRA Law is automatically considered constitutional. However, those who are against IPRA Law may still file a reconsideration of the Supreme Court's ruling, further delaying the implementation of IPRA Law.

Five years later after the submission of the original unified claim, the indigenous people around Mt. Kitanglad are still without any tenurial instrument. Their unified claim application was like a ball being thrown from one player to another. One IP Chieftain commented: "Passing our application from one office to the next is a delaying tactic. Delaying is an indirect way of denying us of our rights." Indeed, the application process became very confusing for the indigenous occupants in Mt. Kitanglad.

When the National Commission on Indigenous People's becomes fully operational, the discussion on CADC or CALC becomes moot and academic. The tenural instrument under IPRA Law is called Certificate of Ancestral Domain Title (CALT), which is identical to Certificate of Land Title for privately owned lands. The documentary proofs required for CALT are the same documents required for securing CADC. In fact, those indigenous cultural communities who already had CADC prior to the enactment of IPRA Law may apply for CALT without submitting additional documents.

### **Working on a Common Ground**

In spite of the conflicting views on how to go about proposing an ancestral domain claim in a protected area, both the mayors and the indigenous cultural communities living around Mt. Kitanglad do share the same deep concern for the environment. They both want to protect and preserve Mt. Kitanglad for the present and future generations. The Talaandig-Higaonon would like to protect and preserve Mt. Kitanglad because it is their homeland, their main source of livelihood, their living pharmacy from which they get their medicinal plants to cure all sorts of ailments, and more importantly, it is their place of worship.

For the municipal mayors and the DENR, they want to protect Mt. Kitanglad because it is a critical watershed. The agricultural prosperity of the surrounding municipalities is highly dependent on the watershed service functions provided by Mt. Kitanglad. These municipalities need regular water supply from Mt. Kitanglad for agricultural and domestic use. They also need the protective cover of Mt. Kitanglad because, without it, massive soil erosion could take place and could bring havoc to irrigation system and dams of power plants downstream.

The ICCs/IPs, the mayors and the DENR are aware of the importance of Mt. Kitanglad as a watershed for northern and central Mindanao. They are aware that the destruction of Mt. Kitanglad will affect not only the immediate occupants around Mt. Kitanglad but also the occupants of the surrounding provinces such as Misamis Oriental (specifically Cagayan de Oro), Davao and Cotabato.

The shared concern for Mt. Kitanglad as a watershed could be the common ground that will allow various stakeholders to work together to attain the complementary objectives of maintaining ecological stability while meeting the economic needs of the human occupants. In fact the PAMB already has a positive experience of working together with the Kitanglad tribal guards called Kitanglad Guard Volunteers (KGVs). Due to the active role of the KGVs in

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<sup>5</sup> The Supreme Court has 15 justices but at the time of voting, one already retired and was not yet replaced.

monitoring illegal activities in Mt. Kitanglad, the Park Superintendent's Office noted a dramatic decline in the number of cases of timber poaching and agricultural conversion of the primary forest. The KGVs also played an important role in the control of forest wildfires in 1998. Early on, the Tribal Guards apprehended some workers of the National Museum for collecting biological specimens in Mt. Kitanglad without the permission of the indigenous occupants in the area. Indeed, this is a positive example wherein the mayors who are members of the PAMB and the ICCs/IPs can work together for the protection of Mt. Kitanglad and for the well being of the occupants. It also demonstrates that protected area and ancestral domain are mutually supportive paradigm (Cairns, 1995). In fact, government programs of protecting the watershed will not prosper without the community endorsing and enforcing the boundaries of the natural forest ecosystem (Garrity, et al, 1997)

### **The Development of Ancestral Domain Management Plan in the Context of Multiple Land Use Mandates**

Even if CADC, CALC, or CADT is granted, it does not automatically guarantee that land use within the ancestral domain will be sustainable. What provides guarantee is an Ancestral Domain Management Plan (ADMP) developed by the concerned ICCs/IPs that explicitly spells out how they intend to protect, manage, and use the resources found in their ancestral domain. In fact an ADMP will potentially strengthen the bargaining position of the ICCs vis-à-vis PAMB because it demonstrates the capacity of the community to manage fragile upland resources in a sustainable manner. As pointed out earlier, one of the reasons that eight mayors around Mt. Kitanglad proposed for a "by municipality claim" is the apprehension that the ICCs/IPs do not have the ability and resources to manage a huge land area. Hence, there is a need for the ICC/IPs to demonstrate their sustainable natural resource management practices through an ADMP. With technical facilitation by a capable NGO, their sustainable management aspirations could be articulated.

Both NIPAS and IPRA require that a management plan be created for the protection, conservation, utilization, and development of the land and natural resources found in the protected areas and/or ancestral domains. DENR DAO # 25-92 (Sections 8 – 17) prescribes the general management plan strategy, which, among other things, divides the protected area into management zones. These management zones are strict protection zone, sustainable use zone, restoration zone, habitat management zones, multiple-use zones, buffer zone, cultural zones, recreational zones, special use zones, and other management zones. The same administrative order provides that ICCs/IPs and other protected area users shall be active participants in the decision-making process of zone establishment and management planning. It also provides that management zoning should not restrict the rights of indigenous communities to pursue traditional and sustainable means of livelihood within their ancestral domain.

DAO # 2-93 also has provisions on the management of ancestral domains and preparation of ancestral domain management plans (Art. VI). DAO 34-96, which also provides guidelines on the management of certified ancestral domain claims, supersedes DAO 2-93. It emphasizes the importance of the CADC holders formulating their ancestral domain management plan according to their needs and aspirations, and according to their indigenous knowledge systems and practices (Art. I, Sec 3.1).

In similar fashion, the National Commission on Indigenous Peoples (NCIP) issued Administrative Order No. 1, the implementing rules and regulations (IRR) of IPRA Law, which, among other things, provides guidance in the preparation of ancestral domain management plan. The IRR of IPRA Law called ADMP with a new name – the Ancestral Domain Sustainable Development and Protection Plan (ADS DPP). Like ADMP and its precursors, the ADS DPP must also show:

- The manner by which the ICCs/IPs will protect the domains;
- Kind or type of development programs adopted and decided by the ICCs/IPs in relation to livelihood, education, infrastructure, self-governance, environment, natural resource management, culture and other practical development aspects.
- Basic community policies covering the implementation of all forms of development

- activities in the area; and
- Basic management system, including the sharing of benefits and responsibilities among the members of the ICCs/IPs concerned (Part II, Sec. 2a-d).

Part II, Section 3 of NCIP AO#1 outlines the basic steps in the formulation of the ADSDPP, to wit:

- a. *Information Dissemination.* The Council of Elders/Leaders, with assistance of the NCIP, shall conduct intensive information-dissemination of the indigenous People's Rights Act (IPRA) among the community members. For the purpose of information dissemination, the NCIP may engage the services of an authorized NGO or IPO.
- b. *Baseline Survey.* The Council of Elders/Leaders with the assistance of the NCIP, shall conduct a participatory baseline survey of the ancestral domain focusing on the existing population, natural resources, development projects, land use, sources of livelihood, income and employment, education and other programs. For the purpose of the baseline survey, the NCIP may engage the services of an authorized NGO or IPO;
- c. *Development Needs Assessment.* The Council of Elders/Leaders with the assistance of the NCIP, shall conduct workshops in every village within the ancestral domain to determine the will of the community members regarding the kind of development the community should pursue in terms of livelihood, education, infrastructure, self-governance, environment, natural resources, culture and other aspects. For the purpose of the Development Needs Assessment, the NCIP may engage the services of an authorized NGO or IPO;
- d. *Formulation of Ancestral Domain Sustainable Development and Protection Plan.* The concerned ICC/IP, through its IPO and/or Council of Elders, and with the assistance of the NCIP, shall formulate its ADSDPP
- e. The Council of Elders shall submit the ADSDPP to the NCIP for their information and concurrence.

After its completion, the ADSDPP has to be submitted to the municipal and provincial government unit having territorial and political jurisdiction over the concerned ICCs/IPs for incorporation into the Municipal Development Plan, Municipal Annual Investment Plan, Provincial Development Plan, and Provincial Annual Investment Plan.

While the implementing guidelines for the creation of ADMP or ADSDPP are already in place, unfortunately, there is no written ADMP or ADSDPP in Mt. Kitanglad Range National Park. While the ICCs/IPs have some ideas how to manage the resources within the protected area once granted with a tenurial instrument, their ideas are not transformed into a management document because drafting the plan requires the ability to prepare a technical document and money for consultation purposes. The technical capability of the ICCs/IPs in the area to make a written plan is still lacking because most of them only have elementary and high school education. This is complicated by the fact that tribal and village leaders have difficulty getting together because they are scattered all throughout Mt. Kitanglad Range. To bring them together to one location to share ideas and visions for the management of Mt. Kitanglad requires money for food and transportation. According to one *datu*, the indigenous cultural communities in Mt. Kitanglad do not have financial resources to cover the expenses of preparing a plan. Besides, ADMP is not a pre-condition for the issuance of CADC or CADT. That ADMP is not a prerequisite is to avoid frustration in the event that CADC or CADT application is not granted.

In spite of the absence of ADMP, there are different natural resource management planning processes taking place around Mt. Kitanglad with varying degree of ICC/IP participation. The municipality of Lantapan was the first among the eight municipalities surrounding Mt. Kitanglad to come up with a Natural Resource Management and Development Plan (NRMDP). The Plan was made possible through the technical and financial support of USAID through its Sustainable Agriculture and Natural Resources Management Collaborative

Research Support Program (SANREM CRSP) for Southeast Asia. The SANREM researchers made their findings from the Manupali Watershed available to the municipal government of Lantapan. In spite of its very impressive technical detail, the planning process for the creation of NRMDP had no direct participation from the indigenous occupants in the area. The Plan does not mention what to do with ancestral domain claim within the municipality. It does not mention the role of the ICCs/IPs in the development and implementation of the Plan.

The Lantapan NRM experience has evolved into a work plan under the SANREM program. It is being implemented by ICRAF. Although its implementation uses participatory approach, like in Lantapan, the planning process has very little, if at all, input from the indigenous cultural communities.

During fieldwork in 1998-99, the eight municipalities around Mt. Kitanglad were in different stages of updating their old municipal land use plan to develop a Comprehensive Land Use Plan (CLUP). The creation of CLUP often involves drafting it at the municipal level either by consultants or a technical working group to be presented later to the *barangays* for validation.

Assuming that during *barangay* validation, there are members of the ICCs/IPs present, the highly technical presentation may be too difficult to digest by the audiences. Hence, the so-called *barangay* validation only provides some sense of participatory legitimacy to government programs even if it fails to generate substantive feedback from the *barangay* residents, much less, indigenous occupants. As such, NRMDP and CLUP may fail to reflect the environmental management and development aspiration of the indigenous cultural communities.

The secretariat of PAMB, the Park Superintendent Office and the Kitanglad Integrated NGOs (KIN), made a development and management plan for the protected area that relies heavily on the input of the IPs using participatory approach. The participatory approach employed by KIN uses the concept of **cultural zoning** in mapping out the development and management plan (Canoy et al, 2001:21). The notion of cultural zoning uses the cognitive map of the ICCs/IPs of their natural landscape. Cognitive mapping is a well-established technique in Cognitive Anthropology (see Werner et al, 1987; D'Andrade, 1979). This is based on the fact that people need to have some sense of order in both their virtual and physical world. Thus, they almost always classify the world around them. The need to classify the world is evident among IPs in Mt. Kitanglad. They divided Mt. Kitanglad into several cultural zones such as prohibited areas, sacred or worship areas, livelihood areas, resource use areas, dangerous areas, special areas for tribal guards, and natural areas (Canoy et al, 2001:22). Cultural zoning ensures that the prescribed zones under NIPAS Act are consistent with cultural zones of the IPs. Although the development and management plan for the protected area benefited from the inputs of ICCs/IPs, it is not in itself and ADMP. This was prepared in compliance with the World Bank's requirement for the host NGO and DENR to come up with a management plan.

Conducting more consultation workshops using participatory approach appropriate for participants with little (elementary to high school) or no formal education, the PADMP can be enriched further and transformed into an ancestral domain management plan. KIN is already enhancing its PADMP along this direction. Through KIN's coordination and the Mangyan Mission's facilitation, ICCs/IPs have created a scaled 3-D map of Mt. Kitanglad, which is an important device for the development of ADMP. It now needs inputs from the cultural zoning workshops and land use identification sessions to create ADMP.

### **Summary/Conclusion**

This study reviews the process of recognizing ancestral domain claims and formulating natural resource management plan in and around the Mt. Kitanglad Range National Park using key informant interviews, focus group discussion, participant observation, and library research. From the review, the writers came up with the following findings:

1. Since 1987, the Philippine government has a clear policy of recognizing and promoting the rights of the ICCs/IPs over their ancestral domains. NIPAS Law affirms this state policy. IPRA Law was enacted to further operationalize this constitutional provision. It also appears that there are sufficient rules and regulations for the implementation of

NIPAS and IPRA, especially with regards to identification, delineation, issuance of tenurial instruments and the formulation of natural resource management plan in the protected area and/or ancestral domain. However, the provisions of NIPAS Law and IPRA Law are not fully implemented due to:

- the controversy on how to go about proposing an ancestral domain claim within the protected area;
  - legal challenge filed in the Supreme Court on the constitutionality of IPRA Law
2. The intent of NIPAS Law and IPRA Law is complementary. The essence of NIPAS Law is to put a certain area under protected system to preserve the integrity of the natural ecosystem for the present and future generations. This does not contradict the essence of IPRA law that gives recognition to the rights of the ICCs/IPs to their ancestral domain to strengthen their security of tenure so that they can manage the natural resources within their ancestral domain sustainably for the present and future generations. The management zones specified in NIPAS Law are compatible and consistent with the cultural zones of the IPs. For as long as the DENR or PAMB work in tandem with the concerned IPs, there will be no conflict in drawing up the management zones.
  3. The mayors, the DENR, and the ICCs/IPs share a common interest of preserving biodiversity and maintaining the service functions of the watershed. The source of apprehensions and the consequent in-action on the application for an ancestral domain tenurial certificate is caused by different worldviews of how to manage the watershed and lack of accurate information of each other's intent and purposes. In spite of this hurdle, prominent stakeholders already have positive experiences working together to protect the watershed from illegal activities and forest fires.
  4. The ICCs/IPs in Mt. Kitanglad do not have an ADMP or ADSDPP. This is due to their lack of financial resources and technical skills to formulate their own Ancestral Domain Management Plan. This is also partly caused by the fact that a management plan is not a prerequisite for the issuance of tenurial instrument.
  5. Several management plans -- natural resource management and development plan (NRMDP), comprehensive land use plan (CLUP), forest land use plan (FLUP), and protected area management plan (PAMP) -- are completed or close to being completed. However, with the exception of the PAMP, they were created with little or no direct input from the ICCs/IPs.

### **Recommendations**

- As a matter of urgency, the ICCs/IPs in Mt. Kitanglad should be granted with the long overdue tenurial instrument.
- While waiting for the government authorities to actually grant them with a tenurial instrument, the ICCs/IPs in Mt. Kitanglad should proceed with the formulation of ADMP and/or ADSDPP to demonstrate their capacity to manage and protect fragile upland resources. Not only it will remove the apprehensions of non-IPs, especially the mayors, it will also hasten the process of IPs securing their tenurial instrument. The ADSDPP will help LGU (municipal and provincial) development planners and even investors to determine the type of development activities or livelihood projects to implement in the uplands.
- Service providers may assist the ICCs/IPs in the formulation of their ADSDPP through technical facilitation or financial support to cover the cost of workshops and consultations.

- There is a need to harmonize various management plans (NRM Plan, Comprehensive Land Use Plan, Forest Land Use Plan, Protected Area Management Plan, ADSDPP) using the watershed or ecosystem as the unifying concept.
- There is a need for a negotiation model that allows stakeholders of different level of power and influence to sit together and dialogue with the common goal of maintaining or restoring ecological stability while meeting the economic needs of the forest occupants.
- Both NIPAS and IPRA respect and recognize customary laws to guide the ICCs/IPs conduct of business within their ancestral domain. The major objection to customary laws and tradition is that it is oral. Government officials usually would like to take hold of a document specifically outlining the customary laws and tradition as a point of reference. There is therefore a need to carefully document customary laws and traditions for the sake of non-IPs who may be not knowledgeable of the ways of the ICCs/IPs.

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