

Most, if not all, ICCs have a long historical presence and maintain traditional laws with often complex systems of land ownership, inheritance and tenure. Many of the resource rich areas are enhanced by the presence of communities with rich cultures whose lifestyles and livelihoods have negligible impact on the resource such as wildlife or habitats.

Conflicting legal and policy issues over ancestral domains and their interpretation by government, NGOs and concerned ICCs need to be resolved in the spirit of harmony and democracy. Participatory management must be further defined. While national policy and law require uniform respect throughout the country, any program must consider the interest of all local and regional parties in implementing any arrangement involving land use and resource utilization. Such flexibility will be necessary to achieve a successful balance between conservation and development.

Partnerships for Development in Mt. Guiting-guiting: Delineation of Ancestral Domains and Resource Management Planning by the Mangyan Tagabukid of Sibuyan*

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* This article was presented during the second day of the Colloquium. It was originally a case study entitled -"Partnerships for Development in Mt. Guiting-guiting: Delineation of Ancestral Domains and Resource Management Planning by the Mangyan Tagabukid of Sibuyan," which was commissioned by ILO-UNDP to the Tanggapang Panligal ng Katutubong Pilipino or the Legal Assistance Center for Indigenous Filipinos (PANLIPI). The study was done in collaboration with the *Tagabukid* in the Island of Sibuyan, whose names appear as co-authors in the title page of this report and who gave their Free and Prior Informed Consent to the study. The study revolves around the experience of the Sibuyan *Tagabukid* and several partner NGOs, Government Agencies and Local Government Units in participating and managing convergence in the implementation of a project entitled "Protecting the Biodiversity of Mt. Guiting-guiting through the Development of Sustainable Livelihood Enterprises". This project aimed to conserve and manage the rainforests of Mt. Guiting-guiting; one of the few remaining centers of biodiversity and endemism in the Philippines, through the development of sustainable resource based enterprises in Sibuyan Island, where the ranges may be found.

The study also endeavors to harness synergies among different stakeholders, the lowland farmers, the natural resources operators and the Indigenous Peoples, and a host of cooperators including Non-Government Organizations, Local Government Units, Government Agencies and International Agencies. Among the NGOs involved were the Philippine Rural Reconstruction Movement, the Evelio B. Javier Foundation, the MAGCAISA Foundation and PANLIPI. Local Government Units included those of the three municipalities comprising Sibuyan Island namely Magidwang, Cajidiocan and San Fernando. Government Agencies included, among others, the Department of Environment and Natural Resources (DENR) and the National Commission on Indigenous Peoples (NCIP). Lastly, International Organizations, mainly, the European Union-National Integrated Areas Program (EU-NIPAP).

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I. INTRODUCTION

A. *Brief History*

Mt. Guiting-guiting is found in Sibuyan, one of the larger islands of the group of islets comprising the province of Romblon. With its extremely

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rich biodiversity, it has attracted the support of a number of international donors for purposes of conservation. One of the support projects was awarded to Kabang Kalikasan ng Pilipinas or the Fund for Nature of the Philippines, the national organization of the World Wildlife Fund.

At the inception of the project, it became known that indigenous peoples called by various local, albeit pejorative names, such as Mangyan, Mangit, Mangas, Mangul, inhabited a large portion of the slopes of Mt. Guiting-guiting. These peoples called themselves, the *Tagabukid*.

The *Tagabukid* can be differentiated from the Visayan settlers in the island by their typical physical appearance. They have also held on to a number of customary practices and laws and have adhered to a unique culture manifest in agricultural practices, songs, stories, folklore, dances and particularly language and religious beliefs and rituals. Ethnographic study supports the fact that the Sibuyan *Tagabukid* are indigenous Filipinos.

The *Tagabukid* have long struggled for the recognition of their rights as the indigenous peoples of Sibuyan. The concept of securing their ownership over their domains was spurred by a series of attempts from 1950s to populate the area and encourage settlement in the island. The concept of titling was introduced to them in the 1960s as the modern way to take care of their lands/ heritage. In the 1980s they were enticed by foresters, and local government officials into participating in social forestry projects including the ISF. It was only in the late 1990s that they found expression of their concept of native title in the provisions of the Indigenous Peoples' Rights Act.¹

The *Tagabukid's* initiation into the process of securing their ancestral domains came through a concept of co-management of Mt. Guiting-guiting Natural Park. The Biodiversity Conservation Project managed by KKP paved the way to delineation of the domains, mainly with the assistance of PANLIPI working in collaboration with at least four (4) other NGOs and three (3) Local Government Units.

B. *Self-delineation*

Operationalizing the concept of self-delineation and determining the role of support groups in providing assistance thereto continue to be an important concern of the NCIP who is now set to promulgate its own rules of procedures for the issuance of Certificate of Ancestral Domain Titles. Also, there is a clear need to define the framework for collaboration of entities in

1. Republic Act 8371, An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/ Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds therefore, and for other Purposes (1997).

the delineation of ancestral domains to ensure full accountability and responsibility for the process. Finally, there also remains the challenge of providing systems for development and harmonization of Ancestral Domains Sustainable Development and Protection Planning with local development plans so that a holistic and integral approach to development can be realized.

The relevance of this article to the current campaign to develop a strong policy support for the implementation of IPRA rests on actual experiential lessons it presents, particularly on the areas of self-delineation and resource management planning, which are two vital elements of the indigenous peoples' quest for self-determination.² The experience may serve as an example of best practice of realizing convergence within the framework of the indigenous peoples plans, social and political structures and organizations.³

The delineation of the ancestral domains of the *Tagabukid* in Sibuyan included a series of social dialogue and negotiations with a number of stakeholders, *i.e.*, international funding agencies such as the European Union, several Local Government Units from the Barangay, Municipal and Provincial Levels, and no less than four (4) Non-Government Agencies.

C. *The Mt. Guiting-guiting Biodiversity Conservation Project*

The Mt. Guiting-guiting Biodiversity Conservation Project, otherwise entitled, "Protecting the Biodiversity of Mount Guiting-guiting Through the Development of Sustainable Livelihood Enterprises in Sibuyan Island," was implemented by Kabang Kalikasan ng Pilipinas or Fund for Nature of the Philippines, the Philippine office of the World Wildlife Fund (WWF).

2. The basic limitation in the conduct of this study is the brief period of four (4) months given for its conduct. This period, which fell in the months of August, September, October, and November, coincided with the rainy season in the area covered, which further became a limitation to the schedule of trips in the area. Sibuyan can be reached by sea travel covering almost 18 hours, and the sea worthiness of the vessels available during stormy days was an important consideration in travelling.

Nonetheless, two visits were made to the area to conduct focused group discussions with the Indigenous Peoples on the case study. The study also benefits largely from the five-year records and reports of activities of the various groups in the implementation of the Mt. Guiting-guiting Biodiversity Project.

The Mount Guiting-guiting project therefore amply provides lessons from which to draw guidelines for convergence of various entities in the delivery of services to indigenous peoples, particularly support for delineation and Ancestral Domains Sustainable Development and Protection Planning (ADSDDPP). It will demonstrate the process for facilitating multi-sectoral and multi-level resource mobilization for the implementation of such plans. At best it will provide experiential lessons on social dialogue.

The project sought to address the root causes of the loss of forest cover in Sibuyan. It aimed at conserving the forest by providing the people with alternative sources of income. It also aimed at securing the tenure of the indigenous communities in the ranges through the recognition of their land rights as embodied in a Certificate of Ancestral Domain Title (CADT). It was the assumption of the project that:

the element of tenure combined with the provisions of capital and credit as well as training in entrepreneurship could assure sustainable protection of biodiversity. It is expected that indigenous peoples will claim ancestral domains that include core areas of biodiversity and they have the legal right to do so. Indigenous peoples have more active relationship with the natural surroundings. Having a legal claim over their ancestral domains has a direct link to conservation of biodiversity inside these areas. By focusing on the peoples' relationship and demands on the environment, this proposal is complementary to the NIPAS Project in Sibuyan Island.⁴

According to studies prior to the implementation of the Project, "there are more than 400 families of indigenous origin on the slopes of Mt. Guiting-guiting. These communities make their living by swidden farming, charcoal making, gathering of minor forest products such as rattan, resins, vines, and honey." The study finds that "even in these marginal undertakings, they (the IPs) are facing increasing competition from the more aggressive migrant lowlanders. Because of their lack of tenure, the indigenous communities have no choice but to go deeper into the forests in search of means of livelihood and subsistence."⁵ The primary beneficiaries of

4. See KABANG KALIKASAN NG PILIPINAS, PROJECT PROPOSAL: PROTECTING THE BIODIVERSITY OF MOUNT GUITING-GUITING THROUGH THE DEVELOPMENT OF SUSTAINABLE LIVELIHOOD ENTERPRISES IN SIBUYAN ISLAND (1996).

5. *Id.* The Project objectives were:

1. To conduct social analysis and livelihood survey of the communities affecting conservation of the forest of Sibuyan for baseline data.
2. Undertake a resource inventory of Sibuyan Island for possible livelihood opportunities.
3. To develop community based livelihood community enterprises that would lead to the conservation of forests in Sibuyan.

Pursuant to these objectives, the project projected the following outputs:

1. Report on the Social Analysis consisting of the assessment of the needs of the indigenous communities and other stakeholders in the immediate and outlying forest areas, the demand of the indigenous communities and other stakeholders on the local ecosystems, capacities of the communities for various inputs that could be made available or new activities such as ecotourism, gender specific issues that might affect the project, formation of community organizations, workshops on the rights of indigenous communities to their ancestral domains.

the project was therefore the indigenous communities since the project aimed at assisting the indigenous peoples in defining and delineating their ancestral domains, obtain recognition of legal rights over them, assist in sustainable resource management, provide capital and credit, and provide training in entrepreneurship. With tenure and long-term sustainable benefits from the land, these communities are expected to protect their heritage and sustenance from despoliation by others.⁶

II. THE PROVINCE⁷

Situated 350 kilometers south of Manila, Sibuyan is the second largest among the seven islands that comprise the province of Romblon. With a land area of 463.4 sq. km., Sibuyan is composed of three municipalities namely, Magdiwang, Cajidiocan and San Fernando.

Geologically, Sibuyan Island arose from a volcanic activity that produced a steep mountain range that presently comprises most of the island. The highest peak is Mt. Guiting-guiting⁸ located roughly at the center of the

2. Report on the livelihood profile of various communities in Sibuyan consisting of average number of persons in the household, sources of income, kinds of market prices for commodities sold, role of women and children in income generation, other relevant socio-economic data.

3. Report on the resource inventory consisting of maps showing claims to ancestral domains, estimates of sustainable yield harvest of forest products, identification of possible agro-forestry sites, identification of potential cash crops, identification of alternative community energy resources, identification of opportunities for eco-tourism.

4. Operational community resource based enterprises. Manual of operations for resource based enterprises, identification, introduction and development of products, generation of feasibility and business plan, establishment and improvement of market access, establishment of credit facility. Skills building among the communities for managing the enterprises.

6. *Id.*

7. For an extensive disquisition on the geograghy of Sibuyan, see EVELIO B. JAVIER EDUCATION, INC., MT. GUITING-GUITING: ESTABLISHING A PROTECTED AREA WITH PEOPLE PARTICIPATION, REPORT SUBMITTED TO THE FOUNDATION FOR PHILIPPINE ENVIRONMENT (1994).

8. Mount Guiting-Guiting's biodiversity resources is very rich. During a recently concluded floral inventory by the National Museum, it was found that the area registered 1,551 species of plants in one hectare, the highest in the world. Teakwood is found in large numbers. It has a good share of faunal endemic species. The recorded endemic fauna include four still un-described rodents, one underscribed fruit bat of the genus *Haplonycteris*. One other species, *Nyctimene rabori*, which is considered to be endangered is also found in the area. There are 10 recorded species of fruit bats and 131 recorded bird species. There

island. The northeastern ridge of the mountain has a series of jagged peaks that led to its name of "Guiting-guiting" which means "saw tooth" in the vernacular. The northwestern part of the island rises to another peak, Mt. Nailog.

Many rivers accent the steep topography of the island. The rivers draining the largest watersheds are the Cantingas in San Fernando, the Lumbang River in Cajidiocan and the Pawala and Pato-o Rivers in Magdiwang. Many rivers have very steep banks, so that heavy rains result in a dramatic rise in their water levels. Further, as Sibuyan Island is surrounded by deep sea, it is isolated from neighboring islands even during period of low sea levels.

A. Socio-Economic Features

In 1990, the population of Sibuyan was estimated to be 45,423. This is distributed among the three municipalities: San Fernando with 17,768 scattered in 12 barangays, Cajidiocan with 17,250 in 14 barangays and Magdiwang with 10,405 in 9 barangays. This comprises roughly 20% of the population of Romblon Province.

Presently, each municipality has elementary and secondary schools. A total of 30 elementary schools and 6 high schools are located in the island. Due to lack of collegiate educational facilities in the island, the youth seek higher education elsewhere, primarily Manila, Romblon, and Odiongan on Tablas Island.

The main source of livelihood of the people is agriculture, followed by livestock raising, commerce and fishing. Due to its vast forest reserves, vine trading is one of the thriving industry. Home grown industries are limited to small-scale enterprises like basket weaving and furniture making.

B. The People

About 90% of Sibuyan residents were born in the Island. Immigrants have come mainly from the neighboring islands of Romblon, Tablas, Masbate, Panay and Marinduque. Emigration from Sibuyan to urban centers in Luzon is common among young adults, particularly those who want to obtain college degrees.

Members of Indigenous Cultural Communities (ICCs) are found in Barangay Lumbang Weste, Cambajao, and Danao in Cajidiocan and in Barangay Taclobo, Agtiwa and Mabolo in San Fernando. Since these

is a distinct avifauna community in the mossy forest zone, which is composed of *poliocephalus* and *Zosterops montana*.

communities find themselves within or close to the forest, thus manifesting strong dependence on it, they possess intimate knowledge about the forest.

C. Land Use

Sibuyan Island is composed of two sixth class municipalities (Magdiwang and Cajidiocan) and a fifth class municipality, San Fernando. The forest covers around 75% of the total land area. Coconuts, corn, riceland and patches of banana and other fruit trees comprise 14% while grassland, shrubs and pasture land 9.6%. The remaining area is wetland, built-up and residential areas, and other land for miscellaneous use.

III. THE *Tagabukid* OF SIBUYAN

Within and along the rugged terrain, the established ICCs of Sibuyan maintain their distinctive identity, culture and traditions within the context of their relationship with the land, the forest and their physical environment.

According to latest estimates, the population of such communities in Sibuyan Island total to about 4,000, distributed along the fringes of the Cantingas River that dissects the island from its headwaters in Cajidiocan and meanders through the recesses of Mt. Guiting-guiting and Mt. Conico as it empties into the sea through San Fernando.

Most of the Indigenous People (IP) populations are in the barangays and sitios of Haguimit, Guin-alan, Panaguintingan, Kabuylanan, Cambihang, Alibagon, Sinapawan and Dawo of Cajidiocan and in barangays/sitios of Azagra, Guintac-an, Layag, Panangkalan, Parao, Canjalon, Agtiwa and Taclobo in the town of San Fernando. Among the entire IP population of the island, only the IP communities of Barangay Agttiwa in San Fernando do not belong to a contiguous domain with the rest, being far apart and separated from the main group of IP in the island. Their domain encompasses the two municipalities of Cajidiocan and San Fernando.

A. Ethnicity and Origin

The Island of Sibuyan is the native land of indigenous people who call themselves the *Tagabukid*, which means 'mountain people,' or 'people by and from the mountain.' Physically, the *Tagabukid* are medium built, slit-eyed with high nose-bridge and most of them have fairly elongated face with dark brown eyes. Some of them sport curly hair while their skin color varies from reddish brown to dark brown. Observations seem to indicate that the *Tagabukid* are predominantly of Indonesian type with slight admixture of Negrito and Chinese blood.

Documentary proof of Ancestral Domain Claims cites historical reference to the IPs of Sibuyan as evidenced by Spanish accounts in the

eighteenth century (1700), recording a considerable population of mountain dwellers along the mountain ranges of the Sibuyan Island.⁹ At present, a majority of the *Tagabukid* reside in sitio Layag, Barangay Taclobo and Sitio Guintac-an, Barangay Agtiwa in the Municipality of San Fernando and in Sitio Kabuylanan, Barangay Cambajao, Sitio Haguimit, Barangay Lumbang Weste in the municipality of Cajidiocan.

B. Language and Dialect

The Sibuyan *Tagabukid* still speak their original "Bisaya-Bukidnon" dialect which is a combination of Sugbuanon, Aklanon and a strain of some Tagalog vocabularies. This dialect is still used by the *Tagabukid* as their *Lingua Franca* in communicating among each other. While younger generation of *Tagabukid* relate openly with lowlanders using the latter's language, the elders still use their distinct dialect which is not readily understood by the lowlanders.

According to the *Tagabukid* elders, their peoples resided in the mountain even before the Spanish colonization. Their keen consciousness of belonging to a group who ascribe unto themselves self-identity arising from their shared qualities, common ancestry, history, cultural traditions and language define their ethnicity as *Tagabukid*.

The lowlanders identify them as "Mangyan, Mangyas, Manguid," to the consternation of the *Tagabukid* since such terms have derogatory implications, i.e., being illiterate, unclean, liar and sometimes criminals.

9. See SAN BEDA SEMINARY, ORDER OF SAINT AGUSTIN RECOLETOS. *Sinopsis: Historica de la Provincia de S. Nicolas de Tolentino delas Islas Felipinas (1700) 502-503 (1925)*, cited in KABANG KALIKASAN NG PILIPINAS, DOCUMENTARY EVIDENCE OF ANCESTRAL DOMAINS OF THE *Tagabukid* (1998) [hereinafter DOCUMENTARY EVIDENCE].

... based on frequent accounts by the locals of the island, a large number of infidels inhabits the mountains of the Island of Sibuyan coming from the most part in the island of Mindoro. These accounts relate that a great number of them, said infidels, together with their women and children, lived for a long time in this island around the steep slopes of the mountains. There, they lived a nomadic life that they were accustomed to in the mountains of Mindoro, now they went down to be with the Christians.

C. Cultural Practices ¹⁰

The *Tagabukid* culture is basically rooted in an integrated lifestyle that maintains harmonious relationship among man, nature, land and environment. They use and manage resources in accordance with Indigenous Knowledge, Systems and Practices (IKSP).

1. Planting and Harvesting

Like many other indigenous peoples, the *Tagabukid* perceive nature as governed by spirits whom they should appease and respect. Consequently, the *Tagabukid* perform rituals offering gifts to the spirits before planting in their swidden farms. These gifts normally include *Tanglad* and *Bagakay* for plentiful harvest; *Lagimlim* leaves for protection against pest and destructive animals; *Pinya* for bigger grains; *Dulaw-Lampuyan* and powdered charcoal for faster ripening of palay and *Palong* for prevention of pests.

During planting, the *Tagabukid* perform *Kabatingan*, a ceremony where men and women alternately sing in answer to one another similar to the *Ambahan* of the *Mangyans* of Mindoro. When planting is done, another ritual called *Tugna-an* is conducted to ensure good and lasting harvest. In this ceremony, seven (7) layers of 7 stones or a total of 49 stones are placed in the center of the field, and a cross, together with a *Tabono* (Shell), is planted in the middle.

During the harvest season, a *Pamag-o* (thanksgiving for good harvest) is celebrated. In the *Pamag-o* the community gathers in one place, and shares among themselves the first harvested crops. They feast on harvest consisting of rice, fresh water fish, shrimps, crabs and tuba. In the post harvest period, a *Tahaw* is performed. The *Tahaw* is the offering of newly harvested rice and wine to the *Kalag* (spirit of dead relatives).

2. Social Practices

During courtship, the *Tagabukid* male must undertake a *Panga-gad* in the woman's household. *Panga-gad* would require the helping in the household chores and/or the farm of the parents of his prospective wife. The length of time of the *Panga-gad* varies, depending on the evaluation of the performance of the suitor. Accordingly, it may last for two (2) years before the marriage.

10. For a complete description of their cultural practices, see TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO OR THE LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS (PANLIPI), FINAL REPORT: A STUDY ON THE LIFE AND ASPIRATIONS OF THE *Tagabukid*, THE INDIGENOUS PEOPLES IN SIBUYAN ISLAND PROVINCE OF ROMBLON (1997).

After the completion of the *Panga-gad*, the prospective groom and his parents go to the house of the *Tigbabayi* (Priest) for the *Pamalayi* (marriage arrangement). The prospective groom is required to bring pigs, chicken, wine (tuba) and tobacco as present to the parents of the prospective bride. At the *pamalayi*, the parents of the prospective bride usually ask for *Pangayo* (dowry) which involves, ordinarily, a house with specified size and measurement. The house is not to be used by the newly wedded couple but by the woman's parents. On one hand, if the house is not built exactly according to its specified measurement, the marriage will be a *Payos* (failure). On the other hand, if the *Pangayo* is met, the *Ponsyon* (marriage feast) will proceed.

3. Health Related Practices: The *Manugbulong*

In dealing with sickness, the *Tagabukid* rely on their traditional doctor – the *Manugbulong*. The *Manugbulong* is knowledgeable on the use of indigenous medicines derived from herbs and forest plants. The *Manugbulong* also officiates a ritual called *Biyawan* to cure certain types of illness. In the *Biyawan*, offering of food, wine and tobacco are made to the spirits to implore them to cure the sick.

A *Platera*, or traditional therapist, is called upon to assist pregnant women to deliver babies. Like the *Manugbulong*, he or she uses herbal and forest plants in assisting the delivery of children. He sharpens bamboo to be used to cut the umbilical cord, makes a concoction of guava leaves to stop bleeding, and boils *Agong-ong* leaves to be drunk by the mother to prevent a relapse and/or gas pain.

D. Arts and Crafts

Prior to the Spanish era, most, if not all, of the materials used by the *Tagabukid* for their implements, clothing, dwelling, and housing were taken or gathered from the forest. Presently, they utilize household implements bought from the town markets and stores.

The standard house of the *Tagabukid* is a four-walled-one-room dwelling house raised about one meter from the ground using a *bilog* (hardwood) posts. Cogon or *luway* (rattan) leaves, or sometimes *lubi* leaves or coconut leaves, is used for roofing. *Luway* leaves and bark of trees are preferred for walling purposes; *patong* (bamboo) and *bangā* (palm tree) for flooring.

Older *Tagabukid* wear g-strings made of *Panit* (bark) from *Duyay-og* tree or *Birang* (abaca fibers). The women use *buli* (palm tree) leaves for their skirts.

The *Tagabukid* have their own songs called *Banggian* and *Kabatingan*. These songs are sung to entertain themselves during planting, courtship and other social gatherings such as the *ponsyon* during wedding ceremonies. They

have their own dance called *Kayutang*. The dance is performed during social occasions where it is accompanied by a percussion instrument called *kayutang*, which is made of two pieces of Amonpon wood. One piece is about one foot in length and the other about 10 inches long. These two rectangular pieces of wood are expertly banged against each other while rotating the pieces at the same time, producing a resonant and poignant sound peculiar to a gong.

E. Political Structure

Among the *Tagabukid*, leadership and authority are on two levels, the internal and external. Leaders on both levels must possess leadership qualities. The *Tagabukid* have identified these qualities as: the capacity to unite the people, capacity to uphold the laws governing the community along with consistent performance of duties, respect for the community, having no vices and being affable and accommodating, and lastly, being God-fearing.

Composed of prominent elders from various groups in their respective settlement clusters, the traditional leaders are the authorities as regards the welfare of the entire community. The elders' main tasks concern the settlement of conflicts and maintenance of harmonious co-existence among various kin groups with the neighboring sitios. On some important community matters, they can intervene on marital and family conflicts as well as inter-family feud. In fact, the most important role of elders is the authority over family and marital conflicts. Other roles of traditional leaders include healing and performing rituals.

External leaders are those chosen to represent them in organizations outside their community, such as the Local Government Organization and the Non-Government Organizations (NGO). These chosen leaders are literate, usually young men known to have experience outside the community. The external leaders are usually descendants of the kin group of the traditional leaders. In some instances, the appointment can be transferred by virtue of marriage to the kin group of traditional leaders.

F. Inroads of Acculturation

The *Tagabukid* oral history marks the entry of the Church and Christian religion, and introduction of education as agents of transformation. Traditional practices and beliefs were modified. The *Tagabukid* have ambivalently exercised persisting traditional ways inconsistent with the new order of Christian beliefs.

Community elders recall that during the Spanish period *Tagabukid* families were forced to settle in the lowlands to give *Tugpa* (forced labor) in the same way as lowland families. *Tagabukid* families opted to settle in inaccessible areas within the mountains instead of resettling in the poblacion.

On the other hand, lowlanders who refuse to perform *Tugpa* left the poblacion to settle in the mountains. Lowlanders integration into mountain communities resulted in their inculturation into the *Tagabukid's* way of life. Meanwhile, the latter assimilated certain cultural elements brought by the lowlanders and adopted it to suit local conditions. Prolonged contact resulted to intermarriages; hence, bringing forth generations of *Tagabukid* from mixed marriages. Lowlanders marrying *Tagabukid* are assimilated and considered as one only if they have lived among them for a long period of time.

There exists a select few families of lowlanders whose rights over the *Tagabukid* domains are tolerated and recognized by the *Tagabukid* themselves. These families have come to possess the lands through direct purchase or, as pioneers in those areas, have considered themselves as *Tagabukid*. Original *Tagabukid* distinguish themselves from these select families as *Tagabukid* being *panoblion nga duta* while the latter are *Tagabukid* who only has use rights or have purchased lands from the original settlers.

IV. THE *Tagabukid* ANCESTRAL DOMAINS¹¹

The ancestral domain of the *Tagabukid* occupies an area of about 12,000 hectares and straddles the mountain ranges of Mt. Sibuyan and Mt. Guiting-guiting, within the municipalities of Cajidiocan and San Fernando, Island of Sibuyan, Romblon Province.

The domain is within the island's interior, and rests mostly on the backbone of the mountain range traversing eastern Sibuyan. The range is in a north to south direction, marked by river systems running through the *Tagabukid* lands. One of the rivers, the Cantingas, separates the domain's eastern portion from the central range of Guiting-guiting and the smaller western portion.

The northern part of the domain can be described as undulating to moderately sloping in contrast to the rugged topography and higher elevations of the southern half. Access into the upland communities in the north is easier due to the existence of paved roads halfway into the interior like the one in the Lumbang area. In contradistinction, entry to the southern interior communities generally starts with a short hike on level ground followed by a lengthy ascent as slopes originate closer to the coast.

A. Physical Identification

The *Tagabukid* use natural physical features such as streams, waterfalls, rock formations, caves and other natural formations along with traditional sacred grounds as markers over its domains. They refer to these landmarks with

11. To get a more extensive description, see DOCUMENTARY EVIDENCE, *supra* note 7.

names passed on to them by their ancestors. A review of the etymology of place names reveals a long conceived notion of distinct biophysical attributes of the different parts of the domain. Some of these come from the shape of peaks, abundance of certain species, or the sound they distinctly hear in a particular area. Certain places derive their names from some specific events in their long history. More commonly, the events are those collectively experienced such as calamities or fatal accidents.

Physical features and name referencing constitute a handy tool for the *Tagabukid* in identifying places. This form of indexing indicates attachment to their territory and signifies their knowledge of the different biophysical attributes of the same.

B. Land Use

Three general land use types are found within the domain, namely: the *sitios* (settlements), *uma* (farm lots) and the *kaguyangan* (forests). The houses occupy only a small portion of the landscape of the *Tagabukid*. Immediate surroundings are devoted to ornamental plants, root crops, vegetable, and fruit trees for household consumption.

As evidenced by the extent of the cleared forests for swidden farms, the *Tagabukid* can be described as a farming people. This is supported by the census survey results indicating a significant percentage of the population practice *paguma* (farming) as the main activity in the domain.

Ownership is by virtue of who initiated the clearing, inherited from ancestors or accumulated by purchase or barter.

C. Settlement Patterns

Upland settlements usually occur in clusters of three or more houses they call sitio. They are commonly situated along a water source, named after the nearest or most important among them. Separated by *Tagudtad* (ridge), the *sitios* are a component of a larger structure or grouping. Normally, *sitios* of one grouping are situated in such manner as to form a group of interconnected *sitios* which rely on a common watershed for water and food and common access trails leading to the *ilawod* (lowland or coastal settlements) where fuel and salt are available. The groupings are normally named after the central sitio or the main river of the watershed near these *sitios*.

The watershed divides, splits, and forms the boundaries between groups of *sitios*. In this connection, the high ridges deter active interaction between their settlements as shown by seldom-used trails connecting the various settlements.

D. Subsistence Patterns

1. Swidden Farming

The *Tagabukid* depend on swidden cultivation of *duma* (tubers) for their day-to-day sustenance. A variety of *duma* particularly, *balinghoy* (Cassava), *kamote* (sweet potato), *gabi* (taro), and *bondo* (yam) comprise the staple food of the *Tagabukid*. Rice and Corn are supplement crops grown alternately with *duma* in the *uma* (cultivated land). Practice of inter-cropping and overlapping of cycles of tubers, corn rice and vegetables secure the household food supply.

Gabi and *bondo* are regularly sold to the town market to provide income sufficient to purchase basic household needs such as soap, salt, kerosene and box of matches. Banana and seasonal fruits are also sold to augment household income. *Nito* gathering and plate-making are alternative sources of income for select families. Traditional rice varieties planted in rainfed swidden farms include the *tapuy* (red grain), *lubang* (brown rice), *pulahin* (red rice), *pandan*, *Sto. Nino*, *batukan* and *guis*.

In the Paima-Layag settlement cluster, susceptibility of rice varieties to pests and bird infestation deter the *Tagabukid* to cultivate rice. Rice cultivation was substituted with a wild growth of edible legumes locally referred to as *tapilan*. The *Tagabukid* prefer the *tapilan* to rice cultivation because it regenerates and does not deplete soil fertility.

2. Hunting

The *kaguyangan* within the *Tagabukid* domain provide ample grounds for *pangayam* (hunting). Traditional hunting techniques of stalking wild animals with the use of *bangkaw* (spear) or subduing it by hand are modified with the use of snare and pit traps. Each settlement cluster has its own hunting zone. Hunters from another settlement are permitted to utilize the *kaguyangan* of the adjacent settlement. However, the settler's authority over its territory is respected and *ergohan* (verbal agreement) still is conducted during chance encounters of hunters from the two territories to establish the area respective hunters will utilize.

Hunting is frequently done by *alalanganay* – a group of five men. Each member has a specific task assigned that is usually a member's forte. The hunters make the traps themselves. The *sundang* (bolo) is the most common implement in making the different traps. The traps come in various designs and a specific trap is intended for a particular game and which is then left in the *kaguyangan*.

3. Harvest of Riverine Resources

Harvesting of riverine resources may be done by hand, through the use of homemade shooting implements, by traps or by application of a poisonous mixture or gill nets. The *Tagabukid* hunt during the night with the help of improvised tools like a waterproof flashlight and goggles, and homemade flippers for easier diving in deep water. They have prohibited the use of poison because it kills not only the fish but the water as well.

V. DELINEATION OF THE *Tagabukid* ANCESTRAL DOMAIN

The *Tagabukid* have long struggled for the recognition of their rights as Sibuyan's indigenous peoples. They hold their lands as their own by virtue of time immemorial possession. The concept of securing their ownership to their domains was spurred by series of attempts since the 1950s to displace them from their lands.

In the 1950s, government attempts to populate Sibuyan resulted in the migration of lowland populations into their domains. This led the ICCs to secure titles as a means of protecting their domains. The concept of titling was introduced to them in the 1960s as the modern means of protecting their heritage. However, the titling process through the Torrens system was never realized because the lands were classified, albeit erroneously, by the government as non-alienable and disposable public lands.

In the 1980s, the government introduced the concept of 'social forestry.' The *Tagabukid* were persuaded, enticed and sometimes coerced into submitting to the Integrated Social Forestry Program or ISF. This was not acceptable to them because the forest officers restricted their landholdings to a few hectares. While the forestry law exempted them from restrictions on the use of forest resources, foresters prevented their access to their traditional resources.

It was only in the late 1990s that they found expression of their concept of native title first in the provisions of the Department of Environment and Natural Resources (DENR) Department Order No. 2, series of 1993 (DAO2),¹² and subsequently in the provisions of the Indigenous Peoples' Rights Act (IPRA).¹³

The *Tagabukid's* initiation into the process of working for the formal recognition of their rights to their ancestral domains came through the Biodiversity Conservation Project of the Kabang Kalikasan ng Pilipinas or KKP. This paved the way to the delineation of the domains through multi-

sectoral collaboration including at least four non-government organizations led by PANLIPI as the legal consultant of KKP for the project component on IPs and three local government units. In line with this, several activities have been undertaken towards the delineation of the *Tagabukid* Ancestral Domain.

A. Initiating Convergence

The *Tagabukid* experience in delineating their ancestral domains points out four essential elements in initiating convergence. These are: (1) Consultations and Consensus Building, an open transparent process towards building consensus on particular issues and plans or projects. In the experience of the *Tagabukid*, the consultations were also forums for politicalization and empowerment; (2) Role definition, a clear delineation of functions, responsibilities and accountabilities among the stakeholders. In the case of the *Tagabukid* experience, the roles were defined during joint planning sessions and were written as Memorandum of Understanding and or Terms of Reference; (3) Program Complementation -- convergence involves parties with independent programs. Convergence lies in harnessing synergies among the different programs so that it strategically leads to common goals and objectives; and (4) Joint Implementation -- convergence is manifest in the effective implementation of the agreements reached.

1. Consultations and Consensus Building

Convergence lies in harnessing synergies among different programs which strategically leads to the achievement of common goals and objectives. Within this context, the value of consultations and consensus building towards the forging of common goals and objectives cannot be overemphasized. Consultations and consensus building provide opportunities for the stakeholders to gain awareness of their situation, articulate their goals, decide what to do, plan and work together towards achieving their goals.

Towards initiating convergence for the delineation of ancestral domains of the *Tagabukid*, PANLIPI held the first consultation among the indigenous peoples of Sibuyan on August 2-4, 1997. The consultations purported to identify the best tenurial option available and acceptable to the IPs in so far as recognition of their ownership over their ancestral domains is concerned. This realized the objective of allowing the IPs to more fully participate in their own development. NGO representatives and local government unit officials were invited to the consultation in order to develop a strong collaboration between the communities and the agencies working for development of the peoples and the island itself and the survey of the

12. Department of Environment and Natural Resources Administrative Order 2, Identification, Delineation and Recognition of Ancestral Domain (1993).

13. R.A. 8371.

ancestral domains of the *Tagabukid* was assisted by a host of NGOs implementing the delineation program.¹⁴

14. Two consultations were held, one in San Fernando and another in Cajidiocan. A total of 139 participants attended the consultations, among them 105 indigenous peoples, 6 local government officials including the Mayor of San Fernando, the Vice Mayor, Sanggunian members and Barangay Captains, and 28 representatives from at least 3 NGOs.

The participants of the consultations were informed of the different land tenure instruments provided under different set of laws and issuances including DENR Department Order No. 2, series of 1993, "Mandating the Identification, Delineation and Recognition of the Rights of Indigenous Peoples to their Ancestral Domains"; Integrated Social Forestry and related Tenurial Instruments such as the Certificate of Stewardship Contracts (CSC) and the Certificate of Community Forest Stewardship (CCFS); Forest Land Management Agreements (FLMA); National Integrated Protected Areas Act or NIPAS Act; Proclamation 746 Declaring as Protected Area a Certain Parcel of Public Domain to be known as the Mt. Guiting-Guiting Natural Park, and Public Land Act particularly provisions regarding cadastral surveys.

The consultations served as venues for airing complaints, clarifying issues, and building consensus. Participants were made aware of their rights and were provided a host of options to choose from.

During the Open Forum, the tribal chieftain from Layag voiced out his concern on the inability of government agencies, particularly the DENR in processing their land titles despite having undergone cadastral survey almost two decades ago.

An IP resident of sitio Guintac-an, Barangay Agtiwa expressed opposition to DENR's imposition of the reforestation contract because most of the IPs have been displaced from their lands and those who remain were prohibited from clearing land for swidden farms. The IP expressed concern that the government is giving more attention to trees than to the lives of their children.

One participant from Sitio Parao, Barangay Mabini presented a sketch map and sought advice on how to secure his ownership over this land which he bought from a lowlander, alleging that such sale was not in writing.

Epiñanio Regla of Panaguintingan raised his fear that the IPs might be ejected from their ancestral domains once the NIPAS law is fully implemented. His fears were based on the provision that beyond the buffer zone, no human activity is allowed in the forest area. He claimed that in some areas of the forests, the IPs have been engaged in sustainable extraction for centuries and they have not depleted the resource.

Antonio Rio of Cambijang voiced out his concern about "land grabbing" incidents in the area victimizing unsuspecting members of the indigenous peoples. Some of the cases are disguised in the form of ISE Agreements or Reforestation Contracts. In these cases, the IPs were eased out of their landholding and the trees planted were given to other persons.

After thorough consultations and discussions with the tribal elders and members of the *Tagabukid*, including long hours of questions and clarifications made during the open forum, it was unanimously decided that the entire IP community of Sibuyan Island shall avail of the provisions of A.O. 2, series of 1993, without prejudice to availment of other privileges under other land tenure instruments already issued to some IPs.¹⁵

Consultations with participating agencies and institutions involved were also called intermittently during the duration of the delineation and resource management planning process. It was usual for the involved agencies to meet before any activity, to level off and agree on the implementation of whatever planned activity is to be undertaken.

Community assemblies¹⁶ were also held to keep the community updated on the status of their petition for delineation, to thresh out issues pertinent to the application for CADT and other sources of conflict. Community assemblies provided opportunities for the people to understand programs, laws and policies that affected their rights.

All throughout the delineation and resource management planning process, linkages with government agencies and the LGUs were nurtured through consultations and consensus building with them. The underlying assumption in the process was that their involvement would put them in a better position to continue assisting the communities after the accomplishment of the delineation and resource management planning process.

2. Role Definition

A central element in forging convergence is the definition of roles, responsibilities and accountabilities. This will avoid inter/ intra organization dynamics, which might lead to confusion and conflicts that stall the process of cooperation. All collaborating agencies are responsible for efficiently and effectively carrying out the formulated tasks. Thus, tasks and responsibilities

Proceso Diego and Ramon Regala of Kabuy-lanan and Haguimit, respectively, expressed their disappointment over government's inability to deliver basic services to the community including health, education and infrastructure, credit facilities. They also expressed frustration over the lack of market protection for indigenous products resulting to the indigenous peoples falling prey to unscrupulous businessmen.

15. Kabang Kalikasan ng Pilipinas, A Review of the Applicability of Current Tenurial Instruments: PANLIPI's Consultation Among the *Tagabukid*, the Indigenous Peoples' of Sibuyan, Island, Romblon. (undated and unpublished manuscript) (on file with the author).
16. These were held from October to November 1999.

should be distributed equitably according to the individual institution's capabilities, interests and institutional dispositions.

In the experience of the *Tagabukid*, all the agencies involved in the delineation of ancestral domains agreed to perform functions and roles pertinent to their competence.

PANLIPI, being a legal NGO, had the responsibility of providing legal resources and assistance to the *Tagabukid* in the delineation of their ancestral domains and liaison work between the *Tagabukid*, government, and LGUs. Likewise on account of its extensive experience in working with indigenous peoples (15 years), PANLIPI also had the responsibility for creating culture-sensitive approaches to IP organizational development.

AnthroWatch, being an NGO comprised of anthropologists, was called upon to do the census of indigenous peoples, work on the genealogy, conduct cultural mapping and assist in establishing and collecting proofs of time immemorial possession to substantiate the petition for delineation of ancestral domains and recognition of ancestral domain rights of the *Tagabukid*.¹⁷

In accordance with the principle of self-delineation, and pursuant to the IPRA Implementing Rules and Regulations on the formation of Team of Facilitators for Delineation, the *Tagabukid* formed their own Ancestral Domain Committees. The members of the Ancestral Domain committee were all *Tagabukid* who were selected by the communities themselves, based on criteria that they all agreed upon.

3. Program Complementation

Convergence can hardly be called such if it only involves one agency whether government or non-government. A basic element in convergence is to look at the institutional setting seriously and develop principled working relations with other institutional players.

NGOs, local government units and government offices must have a mutually accepted understanding of each other's role, particularly what each is supposed to do in order to effectively serve their target communities. The players must have a clear target group orientation if they are to achieve the particular results for target groups and target communities. Even if the

17. For the full report, see ANTHROWATCH, PROCESS DOCUMENTATION RESEARCH (1999). In August 1998, AnthroWatch was commissioned by the KKP to assist in the ancestral domain delineation project in Sibuyan. Specifically, AnthroWatch was tasked to undertake the following: assist PANLIPI with IPRA Orientation and in the formation of committees for delineation; assist in the preparation of indicative maps; conduct a census of all IP areas in Sibuyan; and cultural mapping and ethnographic studies on all IP areas in Sibuyan.

resources of the government are usually much wider, the institutional partner agencies must have equal representation in the decision-making structure of the task force, committee or what ever organizational expression the convergence may take.

Plans with clear targets are a major instrument to spell out action plans and structure goals that have been set through the collaboration of participating agencies.

The Indigenous Peoples had a very important role in enabling program implementation and role definition. For the survey the indigenous peoples themselves facilitated the formation of facilitation teams. In a workshop conducted in February 1999, the *Tagabukid* decided set up delineation teams and assigned NGO facilitators for each delineation team who were tasked to properly manage the delineation of the ancestral domains. The Team Facilitators were composed of representatives from the NCIP.

4. Joint Implementation

In order for convergence to be effective, it must have organizational expression. Thus, the formation of task forces, committees or coalitions is encouraged and commitments were exacted from all those involved. This shows that it is not necessary to have an all encompassing vision, mission or goal. The focus can be limited provided that there is a clear understanding and commitment on the part of the agencies involved in the process of regular assessment, drawing of lessons and collective action.¹⁸

18. PANLIPI-KKP, ACTUAL PERIMETER SURVEY OF THE ANCESTRAL DOMAIN OF THE *Tagabukid/SIBUYAN-MANGYAN* (2000). The Joint implementation was through:

Orientation and Planning by the Team of Facilitators was conducted in Sibuyan from March 10-11, 2000. The Orientation was attended by members of the AD committee, representatives from KKP, AnthroWatch, PANLIPI, Mr. Rosaura Hernandez of NCIP and a representative from the Office of the Mayor of San Fernando. The team came up with a strategy and detailed plan for the actual survey of the ancestral domains. The strategy was to divide the team of facilitators into two to shorten the survey time; and to mobilize all IPs in the actual conduct of the survey. This means that members of the communities will participate in the actual survey of ancestral domain area where their residential areas, farms, hunting grounds are located. All concerned government agencies/units will be invited as members of the survey team and to participate in the actual conduct thereof. Also included in the strategy is the conduct of GPS training for selected members of the Team of Facilitators. The GPS Training was scheduled on May 3-5, 2000.

On May 9, 2000, the team of facilitators proceeded to Guntac-an. and from the farthest point of the ancestral domains, the teams conducted the survey going at opposite direction to later meet at a converging point to complete the survey.

The actual survey of the ancestral domains of the *Tagabukid* was undertaken by a Team of Facilitators composed of the Ancestral Domain Committee members at community cluster and island wide levels, representatives from the NGOs including PANLIPI, KKP and AnthroWatch, the NCIP through its Provincial Officer and the Local Government Units through their Municipal Development Officers. Although not formally with the Facilitators team, the Protected Area Supervisor of DENR was also involved in the survey.

B. Process of Convergence

In the specific experience of the *Tagabukid*, the process of convergence in the delineation of ancestral domains involved a series of activities including: (1) Orientation of Stakeholders on Fundamental Rights; (2) Mutual Orientation of Goals and Objectives; (3) Understanding of Indigenous Customary Laws/ Framework; (4) Forging Agreements on Terms of Convergence; and (5) Joint Monitoring and Evaluation.

1. Orientation of Stakeholders on Fundamental Rights

A rights-based approach to development is a key element to the achievement of a long-term and effective eradication of poverty that can spur a real democratic peoples' participation in effecting changes in society. This approach typically focuses on the elimination of unequal access to law, to basic services, land, housing. Raising awareness of human rights amongst disadvantaged groups so that they can claim their constitutional/human rights is an important part of this approach to development. It has been

An evaluation was held to draw lessons and guide the next survey in other areas. On the positive side, the participation of the communities were overwhelming; the IPs came in droves and were in high spirits. On the negative side, poor communication system and lack of safety devices or gadgets for the survey team was identified. The functions of the support groups were thus redefined to meet contingencies such as food preparation, trouble-shooting and updating of census. The team of facilitators reconvened on May 16 in Haguimit for the survey of the bigger ancestral domain. Mr. Rosauo Hernandez of NCIP Sibuyan participated in that survey. This time, the team of facilitators were more confident, armed with the lessons drawn from the experience in Guntac-an. In the process of the survey, community meetings and consultations were conducted to clarify matters on rights and boundaries. These consultations enriched the knowledge of the survey team and resolved tears in the minds of some IP leaders.

It took eleven days to finish the survey. The two teams met at Barangay Panangkalan, San Fernando where they conducted an evaluation of the whole process.

wisely said that human development is essential to realizing human rights and human rights are essential for full development.

In order for convergence to occur and be effective, the partners must be able to negotiate on an equitable basis. Equality and non-discrimination are requisites. Following this, the process of convergence in the case of the delineation of the ancestral domains of the *Tagabukid* was premised on a full discussion and deliberation of fundamental rights of the indigenous peoples, mainly, the Indigenous Peoples' Rights Act.¹⁹ Hence, a series of workshops were conducted which resulted in the adoption of a Resolution for the Delineation of their Ancestral Domains²⁰ and other workshop results. Subsequently, an Orientation Seminar on IPRA followed suit.²¹

19. A seminar workshop on Indigenous Peoples Rights was conducted by PANLIPI among the *Tagabukid* on December 8-9, 1997 at Lumbang Weste, Cajidiocan. Forty participants attended the workshop. The participants included representatives of the Local Government Units, and NGOs in the area and the key IP elders and leaders. The seminar was comprised of series of workshops intended to make the participants analyze their situation, articulate what they think their rights are and affirm these rights through discussions and deliberations on the Indigenous Peoples Rights Act.

20. Resolution for the Delineation, Recognition and Formal Issuance of Title over Ancestral Domains of the *Tagabukid* in Sibuyan (December 9, 1997) (on file with the author). The text of the Resolution states:

Kaming mga Tagabukid sa Isla ng Sibuyan, Lalawigan ng Romblon na ngayoy nagtitipuntin dito sa Barangay Lubang Weste, at matapos ng aming masuing pag-aaral ng aming kalagayan ay nagpapahayag na:

SAPAGKAT kaming mga Tagabukid ay likas na katutubo dito sa isla ng Sibuyan at dito na naninirahan magmula pa noong panahong kayang maabot ng ala-ala;

SAPAGKAT kami bilang mga katutubo dito sa isla ng Sibuyan ay sadyang may karapatan sa aming lupain/ lupang ninuno;

SAPAGKAT kami ay may natatanging sariling kultura, sariling kalinangan, sariling gawi at paniniwala; at

SAPAGKAT alinsunod sa mga nabanggit naming katayuan, katangian at karapatan, kaming mga Tagabukid sa isla ng Sibuyan, sa aming sariling pagpapalagay at gayundin sa pagpapalagay ng iba, ay nabibilang sa Katutubong Pilipino.

At kung gayon, sa araw na ito ay aming pinagtibay na:

Una, tukuyin, sukatin at imapa ang saklaw at hangganan ng aming lupaing/ lupang ninuno alinsunod sa principio ng sariling pagsukat at pagmamapa.

Pangalawa, hilingin na aprubahan ng pamahalaan at gawaran ng katibayan ng titulo and iminapa naming lupaing/ lupang ninuno alinsunod sa itinatadhana ng Republic Act 8371 of Indigenous Peoples' Rights Act.

As a consequence of these activities, more IP leaders emerged. These leaders are now members of different committees such as Ancestral Domain, Forest Protection and Networking Committees. Inter-IP dispute cases are likewise settled using indigenous justice system. With such step, trust in their own justice system is regained.²²

Pangato, hilingin ang tulong ng pamahalaan, mga organisayong di-gobyerno (NGO) at mga pribadong sektor para sa: Kalsada, tulay, paaralan, medikal, pantang, serbisyong teknikal at mga proyektong pangkabuhayan.

Pinagkaisan ngayong ika-9 ng Disyembre 1997 sa Barangay Lumbang Weste, Cajidiocan, Isla ng Sibuyan, Lalawigan ng Rombon.

Mga. Lagda

21. The seminar was held in Sibuyan on August 27 – 31, 1998. The seminar was conducted for four clusters of IP communities in the following areas: Lumbang Weste and Cambajao in Cajidiocan and Taclobo and Agtiwa in San Fernando. A total of 295 adults indigenous persons were able to participate in the cluster seminar/workshops and at least 100 children were present. Also present were LGU representatives including the Sangguniang Bayan members of the municipality of Cajidiocan (Hon. Carlos Rios, Jr), Association of Barangay Council President (Hon. George Ramos), Barangay officers of Taclobo and Agtiwa, namely Brgy. Capatain Perferio Montera and Kagawad Joe Romero.

At the Cluster Seminar-Workshops, the IPRA provisions were discussed thoroughly by PANLIPI Lawyers, and participants' queries were adequately responded to. Some of the salient questions pertained to ownership of the land, use of the land, obligations and responsibilities, and governance are:

Pertaining to ownership of the land- If title is issued to the tribe, who will keep the title? Under the collective scheme of titling, will it still be possible to secure individual titles? Can the IPs continue to occupy lands they presently possess? How will land distribution be effected within the domains?

Pertaining to use of the land: Will Swidden Farming continue?

Pertaining to obligations and responsibilities: Will the IPs pay real estate taxes? Can lands within the CADT be sold? Encumbered to third persons? Transferred among the heirs.

Pertaining to Governance. Can the establishment of a Tribal Barangay be immediately pursued?

Continuous information dissemination on the IPRA and other laws protecting and promoting the rights of IPs have made the *Tagabukid* more conscious and resolute in defending their rights to their ancestral domains. During a NIPAP public hearing on the proposed Mt. Guiting-guiting protected area, about 90 IPs coming from the different communities in Sibuyan participated, surprising the organizers not only because of their numbers but because of their preparedness and boldness in asserting their view and opinions.

22. PANLIPI-KKP, Results of Community Validation of ADSDPP (October 2000) (unpublished document)(on file with the author).

2. Mutual Orientation of Goals and Objectives

The goal of convergence in the particular case of the *Tagabukid* is to bring about a situation where people participate more fully in their own development so that environmental, economic and socio-political development can also come about in the island of Sibuyan. This can only happen if the government, people's organizations, institutions synchronize their acts; otherwise efforts will be disjointed and contradictory results may occur. Agencies and institutions working together must do so to achieve particular results for the target group, in this case the indigenous peoples. NGOs and GOs involved must have a mutually acceptable understanding of each role to enhance or deliver to the target community. NGO and GO interaction should not mean condoning each other's weakness. They should have a mutually supportive but critical attitude towards each other.

3. Understanding Indigenous Customary Laws/ Framework

The Indigenous Peoples' survival in the mainstream system hinges on the continuous operation of their own system. The loss of such system does not only mean the loss of freedom but also of life. Thus, strategies to promote indigenous peoples' rights must not only protect the individual, but an entire system. It is within this context that convergence in the case of the *Tagabukid's* experience is seen to have succeeded.

Working for a possible interface between the IP's existing customary laws and conflict resolution processes and the mainstream legal system, steps towards the codification of existing customary laws of the Sibuyan Mangyan *Tagabukid* was undertaken by PANLIPI and KKP in 2001.

Partial results of the codification includes traditional laws and rules on: Persons and Family Relations including the solemnization of marriages, rituals, filial relationship of parents, siblings and blood relatives; Property Relations including succession, transfer, resolution of boundary disputes, acquisition of farm animals and their young, ownership of plants and produce, ownership of non-timber forest products and game resulting from hunting; and criminal offenses and penalties including theft, physical injuries, family disputes resulting to injury to any of the spouses, destruction of standing crops and animals, and acts disturbing the peace and tranquility such as constant drunkenness and abandonment of spouse and children.

The research on customary laws of the Sibuyan Mangyan *Tagabukid* yielded a very rich history of their life as a people. Through oral tradition their socio-political structures, social, economic and property relations and even their own penal system was retrieved. As a result of the research, the *Tagabukid* became more appreciative of their customary laws and are now in

the process of re-establishing the same. In fact, they have reverted to calling their chieftain, by the original term, *ulo*.²³

4. Forging Agreements on Terms of Convergence

Participating agencies have to agree on key result areas, which should have not only a quantitative but qualitative impact. All partners must have a stake in and own the program, at least partially. Instruments like permanent leveling off, identifying and adjusting roles and functions and regular teambuilding workshops for sharing information sharing are essential.

5. Joint Monitoring and Evaluation

Annual plans with clear targets are a major instrument to spell out action plans and structure goal-oriented collaboration among participating agencies in the process of convergence. In the experience of the *Tagabukid*, the participating agencies have set a yearly meeting or period of time to assess the overall results of their action and decide whether or not and how to continue. Reports of these annual meetings are furnished the participating agencies, which in turn fit their terms of reference for the forth coming year on that basis.

C. Activities That Ensure Effective Convergence

1. Building Capacities: Paralegal Training Seminar and Paralegal Clinics

Effective convergence rests upon community involvement in the process. Community involvement starts with the collaboration of the community to survey their situation, identify problems and analyze priority needs. Based on this information the community can draw up framework plans and call on various agencies for assistance.

A basic strategy that would ensure effective convergence is to enable the parties to the convergence to negotiate on equitable basis. This necessitates capability-building activities that would give them the skill and confidence needed to negotiate on that basis.

In the delineation of the *Tagabukid* ancestral domains, a series of paralegal seminars and setting-up paralegal clinics provided the indigenous peoples the capability to negotiate their own interest within the larger society, primarily with the local government officials of Sibuyan, the government officials of agencies with projects affecting their domains, the NGOs dealing with them and the international community.

23. See PANLIPI-KKP, FINAL REPORT (2001) [hereinafter FINAL REPORT].

The basic strategy in the legal capacity building is in the form of developmental legal aid designed to help the IPs become aware of the cause of their situation and to organize and mobilize themselves to overcome these causes. However, it must be stressed that heightened awareness of problems does not suffice. It should be coupled with the awareness of possessing the power to act. The paralegal training courses conducted by PANLIPI²⁴ among the *Tagabukid* had these objectives.

Legal clinics, where the PANLIPI lawyers conducted consultation sessions with the paralegals to assist them in the performance of their paralegal functions and to have a venue for continuing skills training, were also had. As a result of continuous legal clinics, the *Tagabukid* paralegals were able to help in conflict resolution. Due to the active campaign of the IP paralegals against illegal activities within their ancestral domains, some local government officials learned to ask permission from the IP leaders whenever they needed some forest products.²⁵

2. Uniting for Progress

To achieve effective convergence, the institutional partners must have a clear target group orientation. Agencies and institutions working together must do so in the hope of achieving particular results for the target community. Institutional strengthening of the NGOs and GOs involved cannot be

24. On September 27-29, 1998 PANLIPI conducted a Paralegal Training Course for the IP Leaders in Sibuyan. Thirteen leaders were selected to attend the training. Discussion during the training included the concept of Developmental Legal Assistance, the Philippine System of Government, the Katarungan Pambarangay Procedures, and procedures at civil and criminal courts as well as administrative bodies. Discussions on strategies for defending rights including meta-legal strategies were likewise discussed and analyzed. As a result of the training, a Paralegal Volunteer Group was formed, and a system for coordination and follow up agreed upon.

For easy access and proper coordination for all paralegal volunteers in the Island of Sibuyan who are widely dispersed in the three municipalities, the paralegal volunteers established a system of coordinating with each other by appointing coordinators. Overall Coordination was assigned to Epifanio Regla. Domenciano Ornopia was chosen to coordinate for Magdiwang, Epifanio Regla for Cajidiocan, Ruben Relacio for Cambajao and Gabino Rollon for the municipality of San Fernando.

Advanced Paralegal Training was given by PANLIPI to the volunteers on December 6-8, 1999. The volunteers were appraised on criminal procedures and its case flow, Civil Procedures and its case flow, Administrative Procedures and its case flow, Judicial Pleadings, Various Tenurial Instruments, and IP Rights under IPRA.

25. See FINAL REPORT, *supra* note 16.

divorced from improved and tangible services and benefits for local communities which the institutional strengthening ideally brings about.²⁶

In the experience of the *Tagabukid*, the LGU orientation conducted by PANLIPI with the municipal officers of Magdiwang, Cajidiocan and San Fernando contributed to greater awareness and sensitivity of the Local Government Units to the lifestyles, needs and aspirations of the IPs, paving the way for better relationships and efforts at uniting for progress.²⁷

3. Social Dialogue

The backbone of social dialogue is strong organizations. Encouraging peoples' organizations to develop is a key component of social dialogue, which in turn is a necessary activity for convergence to occur and be effective. Organizing efforts must lead to autonomous and sustainable peoples' organizations. These organizations must be encouraged to collaborate with the other institutions in society. NGOs should not make claims of exclusiveness or directly or indirectly impose restrictions on the PO's initiative to federate or work together with others.²⁸

26. SIAD Organizing Committee, SIAD Tool Box, A Collection of Operational Pointers and Instruments for Sustainable Integrated Area Development (undated and unpublished manuscript) (on file with the author).

27. The team of PANLIPI, KKP and AnthroWatch conducted a series of orientation with LGU officials of Magdiwang, Cajidiocan and San Fernando. The topics discussed included the IPRA Law and updates on the Mt. Guiting-guiting Biodiversity Conservation Project. Most of the questions were on the issue of overlapping claims, illegal activities within the domains and services needed by IPs. There was a very productive discussion.

The series of LGU Orientation on IPRA and KKP Mt. Guiting-guiting project had been fruitful. The top officials and Sanggunian members at the municipal level have signified their support for the Sibuyan Mangyan *Tagabukid*. The LGUs were open to look into the ADSDPP for possible harmonization with the municipal development plan.

28. FINAL REPORT, *supra* note 23. In the case of the *Tagabukid* experience, the need to organize came directly from a realization by the people that more effective social dialogue can occur if they can efficiently manage their ranks. The need for a Sibuyan-wide IP organization was felt way back in year 2000 at the time of the actual delineation/ survey of the ancestral domain of the Sibuyan Mangyan *Tagabukid*. During that time, many tasks and activities arose that needed to be addressed in a more comprehensive manner. Therefore, close coordination and monitoring had to be done. A committee was organized to perform such function. When the ADSDPP was completed additional committees were constituted to perform various tasks.

The Inauguration of the CADT-Wide organization was attended by the NCIP, and local government officials, including barangay captains, the newly elected

Consultative mechanisms at different levels are major and key instruments for social dialogue to occur and bring about effective convergence. In the case of the *Tagabukid* experience, consultations occurred in many levels: community, municipal, among NGOs and participating agencies. Moreover, in the case of the *Tagabukid* the consultations were also venues for politicalization and empowerment. Paralegal training which focused on enlightening the IPs on their rights provided the confidence that the IPs needed for negotiation on equitable basis with other stakeholders.

VI. ANCESTRAL DOMAINS SUSTAINABLE DEVELOPMENT AND PROTECTION PLAN (ADSDPP)

The Indigenous peoples have a right to freely pursue their economic, social, political and cultural development. This right is enshrined in the Constitution of the Philippines²⁹ and is mandated under the Indigenous Peoples Rights Act.³⁰ To this end, the Implementing Rules and Regulations of IPRA operationalize the IP's right to manage and develop ancestral domain.³¹

mayor of San Fernando, its vice-mayor and members of the Sanggunian. The affair was attended by 117 leaders and members of the *Tagabukid*.

In June 2001, PANLIPI, together with KKP facilitated the actual formation of the CADT/Sibuyan wide IP Organization called the Asosasyon ng Tribong Sibuyan Mangyan *Tagabukid*, Inc (ATSMT). The first set of officers were elected at the IP Assembly. The ATSMT council consists of 15 members elected at the Congress and all the 7 *Ulos* (Chieftains) would serve as a policy-making body of the organization between the general membership meeting or congress. After the formal formation of ATSMT, it was officially registered with the SEC. The formation of ATSMT is timely and very significant because of the present situation in the island of Sibuyan. First, the IP have to deal with continuous illegal logging by some unscrupulous lowlanders inside their ancestral domain but which the IPs are being being for. Second, the issue of overlapping areas of the ancestral domains and the protected area as proposed by DENR, NIPAP and PAMB; Third, the intrusion of several interest groups inside the ancestral domains; fourth, development programs by private and by government such as the mini hydro dam which did not get their Free and Prior Informed Consent, and lastly, the need for effective implementation of the ADSDPP.

29. PHIL CONST. art. XII, § 5 & art. XIV, § 17.

30. R.A. 8371, § 2.

31. National Commission on Indigenous Peoples Administrative Order 1, Implementing Rules and Regulations of R.A. 8371, Rule XIII, Part II (1998).

Section 1: Right to Manage and Develop Ancestral Domains. The ICCs/IPs shall have the right to freely pursue their economic, social, political and cultural development. In the exercise of this right, the ICCs/IPs shall formulate and pursue their own plans for the sustainable management and development of the land and natural resources as well as human resources within their ancestral

domains based on their indigenous knowledge systems and practices and on the principle of self determination. Such plans may be consolidated into an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) which shall be the basis of the Five Year Master Plan defined under these Rules and Regulations.

Section 2: Preparation and Adoption of Ancestral Domains Sustainable Development and Protection Plans (ADSDPP). With the assistance of NCIP, the ICCs/IPs concerned shall prepare their own ADSDPP in accordance with their customary practices, laws and traditions. The ADSDPP shall contain the following basic information:

Manner by which the ICCs/IPs will protect their domains

Kind or type of development programs adopted and decided by the ICCs/IPs in relation to livelihood, education, infrastructure, self-governance, environment, natural resources, 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 members of the concerned ICCs/IP community.

All ADSDPP shall be disseminated among community members in any mode of expression appropriate to the customs and traditions of the ICCs/IPs including but not limited to, writings in their own language, oral interactions, visual arts and analogous modes.

The ICCs/IPs shall submit to the municipal and provincial government unit having territorial and political jurisdiction over them their ADSDPP in order for the said LGU to adopt and incorporate the same in the Municipal Development Plan, Municipal Annual Investment Plan, Provincial Development Plan and Provincial Annual Investment Plan.

Section 3: Basic Steps in the Formulation of ADSDPP. For purposes of ensuring the authenticity and effectiveness of the plan, the community members, through their PO and/or Council of Elders, and with the assistance of NCIP shall follow the following basic steps in the formulation process;

Information Dissemination: The Council of Elders/ Leaders, with the assistance of NCIP, shall conduct intensive information dissemination on the Indigenous Peoples Rights Act among the community members. For the purpose of information dissemination, the NCIP may engage the services of an authorized NGO or IPO.

Baseline Survey. The Council of Elders/ Leaders with the assistance of 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 concerns. For the purpose of the baseline survey, the NCIP may engage the services of an authorized NGO or IPO.

Development Needs Assessment. The Council of Elders/Leaders, with the assistance of NCIP, shall conduct workshops in every village within the ancestral domain to determine the will of the community members regarding

While the preparation of Ancestral Domains Sustainable Development and Protection Plan (ADSDPP) is not provided for in the IPRA, but only in the Implementing Rules thereof, experience of other communities has shown that the process facilitates negotiation, mobilization of resources and social cohesion.

A. Preliminary steps

The preparation of the *Tagabukid* ADSDPP, like the delineation process, was a result of consultations and consensus building among the indigenous peoples. Pursuant thereto, ADSDPP Orientation Programs were conducted.³² Positive results ensued. During an Orientation Workshop, the

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.

Formulation of Ancestral Domains Sustainable Development and Protection Plan (ADSDPP). The concerned ICC/IPs, through its IPO and/or Council of Elders and with the assistance of NCIP, shall formulate its Ancestral Domain Sustainable Development and Protection Plan.

Validation of ADSDPP. With the assistance of NCIP, the IPO and/or Council of Elders shall conduct assemblies among the ICC/IP members for validation and approval of the ADSDPP.

Submission of the ADSDPP to the NCIP. Upon validation and approval, the IP and/or Council of Elders shall submit the ADSDPP to the NCIP for their information and concurrence. The ADSDPP shall form part of the data base on ICC/IP communities in the country, in relation to development projects, programs and activities within the ancestral domain, which the NCIP is mandated to establish.

Conversion of Ancestral Domain Management Plans (ADMP) to Ancestral Domain Sustainable Development and Protection Plans (ADSDPP). ICCs/IP communities have the option to convert or modify their existing Ancestral Domains Management Plans prepared and completed pursuant to DENR DAO96-34 into the Ancestral Domains Sustainable Development and Protection Plan in accordance with these rules.

32. PANLIPI, together with the *Tagabukid*, initiated the programs in February 2000. Two orientation programs were held, one in Lumbang Weste, Cajidiocan and another at Guintac-an, Agtiwa, San Fernando. At total of 118 *Tagabukid* participated in the orientation. The Provincial Officer of NCIP also participated in the Orientation Workshop. This ADSDPP Orientation Program resulted in the setting up of the organization structure of the ancestral domain committee; the organization of survey teams to assist in the delineation; and identification of delegates to the NIPAP hearing.

A subsequent orientation was held in March 2000 for the two other *Tagabukid* clusters of Taclob and Cambajao. 102 adults participated in the orientation and

IPRA was thoroughly discussed including pertinent provisions of its IRR. The role of NCIP in formulation of ADSDPP was also discussed. Moreover, the establishment of an Ancestral Domains (AD) committee within the community level was suggested by the participants themselves to widen the opportunity for community involvement in this important issue. It has been agreed that existing paralegal volunteers and tribal elders and leaders shall not head the AD committee but may only act as advisers thereto. Likewise, the participants suggested that no two AD committee members shall come from the same clan, in this way other potential community leaders may be able to take responsibility.

The community orientation also resulted to the formation of community based survey teams to assist in the formal delineation of the ancestral domains. Finally, as regards the identification of delegates to the NIPAS hearing, 81 participants were identified to represent the IPs in a dialogue with the NIPAS on the issue of overlapping areas between the ancestral domains and the NIPAS area.

This orientation workshop did not only achieve the formation of AD committees for the two clusters. It also paved the way for the finalization of plan for the formal delineation of the ancestral domains pursuant to the Memorandum of Understanding signed with the NCIP in December 1999.

B. *The Process of Convergence*

The ADSDPP of the *Tagabukid* was formulated through a series of community consultations at local community clusters and a Sibuyan-wide workshop.³³ After its formulation, the ADSDPP were presented and explained to community members.³⁴

C. *Guiding Principles for Co-management*

In 2001, PANLIPI facilitated an orientation seminar on Ancestral Domain Protected Area and Co-Management Framework. The purpose of the orientation was to determine the terms and conditions of the *Tagabukid* if every they would enter into any joint undertaking for the development and/or management of their ancestral domains encompassing the declared protected area.

about 55 children were present. The Provincial Officer of NCIP as well as representatives from AnthroWatch and KKP also attended the orientation.

33. It was held in August 2000 in Lumbang Weste and participated in by Council of Elders, Leaders, AD Committee member and IP Paralegals.
34. A validation workshop was held from October 10-11, 2000 at Lumbang Weste. The NCIP Provincial Director attended this validation workshop.

The result of this orientation was the first draft of the Co-Management Framework which defined the guiding principles and core values foremost of which was the recognition and respect for the rights as a people; that the co-management plan should be in accordance with their ADSDPP and customary laws and must adhere to development priorities identified by the IP themselves; and must strictly observe and follow the whole process of Free and Prior Informed Consent principle. In addition to this, they were most willing to harmonize the different laws and policies affecting them such as that of the IPRA and NIPAS Act without compromising their basic human rights.³⁵

In planning the management and development of their ancestral domains, the Sibuyan Mangyan *Tagabukid* observed the Constitution,³⁶ the IPRA, the NIPAS Act,³⁷ international treaties and covenants such as the United Nations Draft Declaration on the Rights of Indigenous Peoples³⁸ and International Labor Organization Convention No: 169.³⁹ The principles which guided them were: (1) full recognition and respect for IP rights; (2) co-management in accordance with full recognition and respect of the IP as the real owners of their ancestral domains; (3) separate and independent co-management plan for protected areas within the domain from those outside the domain; (4) compliance with the Sibuyan Mangyan *Tagabukid*'s ADSDPP and their customary laws and traditions; and (5) free and prior informed consent of the Sibuyan Mangyan *Tagabukid*.

In the case of the *Tagabukid*, the Asosasyon ng Tribong Sibuyan Mangyan *Tagabukid* (ATSMT), was given the authority to select/ hire, as well as fire/ remove personnel, staff and experts as indicated in the co-management plan. Further, transparency in all transactions and policies of the Co-management plan was required. Furthermore, all Funds and income that shall be derived from the Co-Management Plan will be deposited in a joint account with equal signatories and will be jointly managed and shared by the concerned parties in accordance with the terms and conditions set and agreed by both parties. No income generating activities will be included in the co-management plan for the ancestral domain protected areas. The Sibuyan Mangyan *Tagabukid* through the ATSMT will have the sole authority in the control of entry of non-IPs inside the ancestral domains.

35. See FINAL REPORT, *supra* note 23.

36. PHIL. CONST. art. XIII, § 6. & art. 12, § 6.

37. Republic Act 7586, An Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining its Scope and Coverage, and for other Purposes (1992).

38. U.N. Doc.E/CN.4/Sub.2/1994/Add I (1994).

39. 72 ILO Off. Bull. 59 (1991).

The ATSMT may deputize IP members to act as Ancestral Domain Protected Area Guards.

More importantly, indigenous justice system and customary laws will be strictly observed and implemented inside the ancestral domains. Notwithstanding this, the transfer of technology and skills to the Sibuyan Mangyan *Tagabukid* was to be facilitated. In addition, the parties adopted policies regarding the equipment and facilities acquired by the co-management plan.

It must be noted that the ATSMT has the right to suspend, revoke or disengage in the co-management agreement if, through their evaluation and assessment, they find a violation in any of the provisions of the Memorandum of Agreement since one must be signed by both parties after thorough deliberations in accordance with the principle of free and prior informed consent. The ATSMT council including the chieftains and representatives of the NGO selected by ATSMT will act as the interim Ancestral Domain Protected Areas Management Board.

VII. CONTINUING CHALLENGES AND RISKS

A. Political and vested interest

Current social realities in the island do not present an ideal environment for respect and recognition of IP rights over ancestral domains. Traditional politics maintains and protects, if not expands, the individual business interest of the elite. There is still a need to stress indigenous peoples development over other private goals and personal aggrandizement.

There is a need to pool together all the development players in the area toward a common thrust for sustainable development that respects the rights of indigenous peoples. Antagonistic interests and efforts of the players often lead to destruction, degradation and further marginalization of both the people and the area resources. Quite noticeably in Sibuyan, illegal activities in the forest areas are being maintained and supported by influential business interests.

The creation of effective mechanisms, structures and systems that can push for convergence and collaboration towards mutually acceptable development agenda including the recognition of the rights of the indigenous peoples to their domains must be a priority measure. Continuously encouraging and building self-reliant indigenous peoples organizations such as the ATSMT must be consciously carried out. Establishing commercial linkages such as micro enterprises is also crucial. Business interests, however, must be tempered by a social conscience and fair distribution of profit and benefits.

B. Changes in Political Leadership and Agenda and Lack of Political Will

One of the key risks in maintaining and promoting the gains of collaborative effort to recognize the rights of Indigenous Peoples to their domains and thus foster more sustainable development in the island of Sibuyan is the change of political leadership and thus political agenda.

Currently, the new leadership has become very cautious in its dealings with the Indigenous Peoples. Many government agencies also contribute to making Indigenous Peoples rights inoperative. The manifest lack of political will to implement IPRA, even within the provincial office of the NCIP, is evidence of this fact. In this light it, may be advisable to establish formal and meaningful partnership with the local government unit (LGU) through project management offices that can continue to work despite the change in leadership or political agenda.

VIII. CONCLUSION

The delineation of ancestral domains is a very important aspect of enforcing respect for ancestral domain rights. The need for delineating ancestral domains as a priority activity towards recognition of land and resource rights of indigenous peoples cannot be overemphasized. Until the land boundaries of the domains are clearly established, conflicts will continue to occur.

While the delineation of ancestral domains is a decision to be taken by the indigenous peoples voluntarily, its importance in the process of enforcing rights must be amply explained to them. Responsible organizations such as the NCIP on the part of government and the IP advocates and supporters must be able to orient the Indigenous Peoples on the various tenurial instruments they may avail of to establish ownership and secure their possession of the lands and resources. This would lead to a self-delineation process that ensures the correct delimitation of their territories.