



Conflict Resolution: Philippine Style

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ABSTRACT

The peace practices of Ifugao, Kalinga, Talaandig, Itneg, Tiruray, Maranao, and Mamanua were discussed and the formal process codified into five stages. Special emphasis was placed on the importance of the mediators of the peace process. Corporate Social Responsibility is a common concern of corporations that hold themselves accountable citizens of their community. The company secured the safety of their plan, by creating a zone of friendship where executives and their families learned to share the benefits of civilized life with their lowliest employee, bringing hope and faith to a troubled community.

Hacenderos in Bacolod were not troubled as Hacienda Luisita where the farmer beneficiaries did not have to buy their stock options. Hacienda Luisita farmers lost their jobs through mechanization of the farm and therefore, lost also their option to purchase stocks. The compassion of the owners in Bacolod is matched by the gratitude of the farmers. Justice has to be sought first, before peace can be achieved. In this case the agreement when the land was bought through government loans was for the land to be resold at cost to the farmers after 10 years. That was in the 60s, 50 years ago. The farmers still do not have their land.

Towards July, 2008 a MOA on the Ancestral Domain was reached by the peace panel a day before the SONA of President Arroyo. The local government officials were up in arms against the agreement while the MILF started their violent protest against the protesters. The very constitutionality of the agreement was questioned. Finally, the government chose to distance itself from the agreement. Trust in the negotiating body was not established. Hidden agenda was suspected. Consultation was allegedly not done for the agreement to be acceptable, and finally, Malacañang had to distance itself from the agreement.

I. Conflict Resolution in Indigenous Communities

Baring the breasts was one of the strategies used to protest against the construction of Chico Dam (1974) and to protest against companies who advertise infant formula (June 20, 2007). These are indigenous ways of staging a protest.

Similarly, to settle differences the eldest sons who were in their early teens, were exchanged between warring tribes. The boys were temporarily adopted by the elders of the opposing tribes and raised as their own to ensure peace. While the children were in the homes of the warring tribe, they did not dare attack each other for fear that their sons would be in harms' way.¹

In Kaingan-Nagakan-Manggok area, the principal crimes were sorcery, adultery, theft, and murder, accusation against an innocent person of a crime, manslaughter, rape of a married woman, arson and incest. The minor crimes include insult, slander, false accusation, or rape of a girl.

From the literature we find the following issues, resolution and considerations. (See page 93)

The *Kalinga peace pact* is familiarly known today as *bodong*. This is essentially when elders of the tribes get together to resolve a conflict situation. The elders must be accepted by both the aggrieved and the offending party as representatives to the peace pact. Its development is related to the establishment of the Spanish military road from Abra to the Chico valleys in the Cordillera constructed in nineteenth century which led to growth in interregional travel and trade.

Bodong is still held in current times, to help resolve interpersonal conflicts involving family members as well as across families. We found two interviewee² who participated in this indigenous practice to mitigate long drawn out court cases between family members involving child custody. They emphasized the importance of the qualifications of the mediators in the conflict. These chosen mediators must be respected by both parties to be effective. In cases where retribution must be given to the aggrieved party one should donate the sum to a charitable organization to break the cycle of conflict. The principle being, *it is not right to benefit financially from the conflict resolution* in order that the families involved may attain peace and harmony.

Talaandig

Talaandig is one of the tribes nestled at the foot of Mt. Kinasalapi, a part of Mt. Kitanglad Range in the Province of Bukidnon. For the purpose of its preservation, the national government declared Mt. Kitanglad, a protected area. Corollary to this, the National Museum was tasked to document the plant diversity of the mountain for the Philippine Plant Inventory Project (PPIP), a joint project with the Botanical Research Institute of Texas.

All was well, were it not for the conflict that occurred between the research group of National Museum³ and the *Talaandig* tribe. Prior to their field study in Mt. Kitanglad, the National Museum research team failed to clearly communicate with leaders of the tribe and authorities of the local government their intentions. *Talaandigs* consider Mt. Kitanglad as a religious site and part of their cultural territory. It is also a source of their food, medicine, and livelihood. A sacred site to them, one may enter the vicinity only after having undergone a cleansing ritual. Violation of this practice means corresponding penalties and sanctions prescribed by *Talaandig* tradition.⁴

Consequently, with lack of coordination and courtesy in the research activities of the National Museum team, the *Talaandigs* held their entry and collection of Mt. Kitanglad botanical specimens a violation of their customary traditions. Their presence and their research activities were perceived by the *Talaandigs* as a transgression of their home and territory. More acute than that, this was taken as a “blatant disregard for the *Talaandig*'s mountain guardian spirit, a violation of their sense of personhood, of their psyches, of their sense of community.” Viewed as outsiders, the team was apprehended and the specimens they collected were confiscated.⁵

Moreover, the tribe also insisted on holding a *Peace Ritual to appease the mountain guardian spirits*. For *Talaandig*, this ritual is necessary because they believe that the spirits will send a calamity, if the ritual is not done. In their failure to be vigilant, the *Talaandigs* considered the transgression a fault of their tribe and anticipates punishment from the spirits. Retribution was executed to repair the strained relationship between the *Talaandigs* and the mountain dwelling spirits.

At 12:00 noon of 12 August 1995, the Peace Ritual was celebrated and with a feast, the tribal anxiety ended. There are lessons learned from this conflict.

First lesson; *understanding the essence of shared goals*; communicating with our own mountain guardian spirit. Both parties had one goal; the preservation of Mt. Kitanglad. They both saw themselves as guardians of the mountains. However, the intention of the researchers was unclear to the tribe.

Second lesson was *understanding the local sensibilities*; moving beyond our own belief system, our own mountain guardian spirit.

Dr. Amoroso being the local contact person was expected to do the ground work for the visits. Since he had a working relationship with the tribe, he thought it was not necessary to introduce the team to the tribe's leadership. He also did not inform the local government and the provincial office of DENR.

The third lesson was *assuming social responsibility and accountability*; symbolic payment to right the wrong.

Mt. Kitanglad is the sacred altar of the *Talaandig* tribe. A cleansing ritual was required for those who go up the mountain. The tribe decided that a community peace ritual should be done to restore what was broken in their laws to appease the spirits who can send calamities.

Itneg

The word *Itneg* may have been derived from the word '*iti uneg*', meaning '*the interior*'. *Itneg* has come to be used synonymously with '*Tinguian*', a word used to refer to all *hill tribes* in areas of Zambales, Bohol, Basilan, and Mindanao. The term was later used to exclusively refer to the mountain dwelling people of Abra, Ilocos Sur, and Ilocos Norte.⁶

Kadawyan, as the totality of *Itneg's* traditional normative system remains pervasive in *Itneg's* life. The customary leadership of *lakay* and the sanctions for the violation of *kadawyan* serves as instrument for social order just as effectively as the law and government in *Itneg* society today.

Islamic laws on murder, theft, and sex crimes

Filipino Muslims, as with other Muslims in the world are governed by the Koran on matters of religion and morality. However, Filipino Muslims in the Philippines are not subject to criminal laws of Islam. As citizens of the Philippines, they are subject to the laws of this country. They also have the option of letting the Shiria family relations law apply.

As provided by the Koran, compromise is encouraged in cases of murder. This crime may be extinguished by an act of remission from the brother or relatives of the victim, or by granting compensation or other kinds of retribution to the victim's brother. In contrast to this, the Rules of Court of the Philippines considers murder as a public crime. An offer of compromise by the accused may be taken as an implied admission of guilt. Even if the offended party agreed to an amicable settlement, the prosecution could not be compromised and prosecution shall be executed.⁸

*Tiruray*⁹

According to *Tiruray* morality the most important thing is to maintain respect for the other person. And it follows that one cannot respect the person without respecting their rights. So stealing is very bad. It will surely cause a bad *fedew* which literally means *heart*. In its extended sense, *fedew* could mean one's state of mind or rational feelings. If you really need something you can ask. *Tirurays* are kind and they will share. But if you take without asking, it means you don't respect the other person. Wiping one's feet before entering a home is another sign of respect for the occupants of the home. Any violation in this regard makes you think that the owner of the home does not care for his home.

Sharing is emphasized in this culture where bad consequences of selfishness are anticipated by the community, even in their folklore. But the sharing is presumed to be upon the request of someone in need in order to be granted.

There are ways to avoid revenge killings usually by talking to the elders of both parties to settle the matter peacefully. Otherwise revenge killings have been observed to go on over years across generations for serious offences; like the unfaithfulness of wives or dispute over land. Usually it entails the return of the bride price or some such accommodation.

*Maranao*¹⁰

Conflict resolution in four villages/communities of Marawi¹¹ from 1973 to 1979 was a process with two basic stages. First, *the choice of mode of settlement*, and second, *the application of such a choice*. Basic considerations include the interplay of different factors that led to the selection and application of a mode of settlement, the dynamics in the process of shifting from one mode of settlement to another, and the process of resolving conflicts according to the selected modes of settlement.¹²

The nature of offence committed is the primary determinant of the mode of resolution. All grave offences require the use of *taritib-igma* regardless of kinship ties involved. In this type of dispute, the go-between/ or members of *Maranao* tradition/court and kinship networks involved, only temper the tendency of offended party. In cases of slight injuries, *taritib-igma* is also applied in the absence of a go-between.

In the application of the mode of dispute settlement, kinship ties do not guarantee the use of the 'law of kinsmen' and the reduction of the demanded fine for settlement. However, settlement is easier when kinship is invoked during the settlement process. As regards the role of *go-between*, reciprocity of aid and services that exists between him and the offended party reduces the fine. In the absence of reciprocal aid, two alternatives are left to the offender; either, to accede to the fine demanded or, to prepare for a feud.

Mamanua

The *Mamanuas* is a type of Philippine *Negrito*, found in Mindanao. The typical *Mamanuan* family is monogamous and lives in single family huts.¹³ *Mamanuans* avoid endogamic¹⁴ marriages (inbreeding) so their men search their partners outside of the local group.¹⁵ A headman is chosen according to his hunting prowess and leadership qualities. However, grievances are first reported to his wife.

In *Mamanuan* society, a woman may become headwoman. A medicine man or a shaman may also hold the position of a headman. A headman or headwoman consults older members of the group to arrive at final decisions in matters concerning the whole group. He also administers the punishment for those who have committed crimes. The crime is reported to civil authorities whenever headman is unable to resolve it.¹⁶

The *Mamanuas* are a people who value sharing greatly. They have communal houses which commonly belong to the families who helped in the construction. When they go hunting, the catch is shared with those who participated in the hunt. Strangers may partake in their meals when he or she is accepted as friends by the locals. In this way, *Mamanuas* ensure that no individual or family, belonging to their community goes hungry.¹⁷

The *bodong* is an indigenous governance institution that originated in Kalinga and is still practiced today. Due to the movements of people, it is also practiced and/or adapted today in many parts of Abra, Eastern Mountain Province, Apayao, as well as in Cagayan and Isabela. *Bodong* literally means peace pact, and it came into being as an offshoot of the practice of head hunting in Kalinga in the early years. It was primarily institutionalized to avoid the occurrence of criminality and for the maintenance of peace between villages. Also, it was (and still is) a system for establishing and maintaining relationships and alliances between villages and is therefore not limited to conflict resolution as is the common notion. The *bodong* is a bilateral agreement between two villages.

Practitioners of the *bodong* maintain that this system has proven to be effective in resolving conflict and maintaining peace as shown by the very low number of cases filed in court in the provinces. Crimes are mostly settled in the villages using the *bodong*. However, there are people who want to stop *bodong* as it is viewed as an "impediment" to the government's legal processes in the settlement of cases and in the maintenance of peace.

The terms and conditions of the *bodong* are expressed in an unwritten contract, the *pagta*. (Present day *pagtas*, however, are in written form). It contains details of the scope of the villages' *bogis/bugis* or domain, *bugis* membership, as well as terms of punishments for offenses and crimes that may be committed. The *pagta* is very meaningful to people in *binodngan* areas. It is proof of a village's claim to a territory, since the *bugis* is fully defined in the *pagta*.

Other forms of peace pact

There are variations of the *bodong* in the Cordillera. In northern and eastern Bontoc, it is referred to as *pechen*. In Ifugao, the peace pact is called *hidit* and *biyo* is the term for the *pagta*. The mediator is called *munkalon* and the one who performs rituals is called *mumbaki*. It is similar to *bodong* in the sense that if a person enters the *hidit*, the person is obliged to respect other parties in the agreement and do what has been agreed upon in the *hidit* process.

The prevailing basis for the peace pact is *respect between and among individuals* in villages. It is taboo to utter bad words against one another. If this happens, a person is fined. Rules governing moral values and property are similar in many parts of Mountain Province, Kalinga, and Abra. This is because of the 19 municipalities of Abra, 17 were originally from Kalinga and Mountain Province.

In terms of the qualifications of a *bodong* holder, it is usually based on financial capacity. He (or she) must have the means to feed guests at a feast (butcher an animal) as well as the guts to confront the other tribe if there is a violation.

In viewing *bodong* in these progressive times, the changes in the way it is practiced are based on adjustments to the changing conditions or situations. The *pagta* may no longer be applicable in a time where there are other rules. A murder cannot be settled with another murder, for example. Now, courts prosecute murder cases. So under these situations, there is a need to revise and amend the *pagta* and address issues based on current conditions.

As an indication of changing times, child labour is now punishable by law. Before, in *Ifugao* for example, there was no concept of child labour as there was no concept of “formal” school. Children help at home and in the farm. Now, it is considered child labour if a child is made to work and not sent to school. In the Cordillera, children have tasks, like gathering firewood. Moreover, making children work in the farm is part of the socialization process, teaching children the value of work and living.

Other examples of changes in the practice of the peace pact are as follows:

- **Murder**
Before, if Tribe A kills someone from Tribe B, the *bodong* holder will retaliate and kill the offender. Now, the *bodong* holder uses his position to negotiate without resorting to killing the offender.
- **Theft**
The *bodong* holder is responsible to make sure that the offender is found. The entire tribe is called upon to search from among them who the thief is. They ask for a month or two, to find the thief and in the process they partner with government.
- **Multilateral agreements**
There were recent instances when a *pagta* was developed multilaterally to address a problem common to more than two tribes. The first case of a multilateral *pagta* was when *bodong* holders confederated to fight a common enemy, Cellophil, and oppose the building of the Chico Dam. The dam if built would inundate entire villages. The controversial Chico Dam issue was the driving force for an innovation in the creation of a multilateral *pagta*.
- **The role of women in the peace pact process** has become more evident as more women participate in the settlement of issues. For example, a woman got tired of the unending arguments of the men, so she eventually declared herself as the *pagta* holder which worked for the settlement of a conflict between two communities in Kalinga.

Several agencies have emerged in relation to the peace pact process in the Cordillera. One is the *Kalinga Bodong Congress* (KBC), which is an agency that is responsible for the documentation of the processes of the peace pact institution and the codification of the law of the *bodong*. Currently, the KBC is composed of 1,000 Kalinga and Abra *bodong* holders. The KBC continues to revise *pagta* provisions that are no longer implementable.

Another is the *Cordillera Bodong Administration* (CBA) which was formed based on the provisions of EO 220 (Creation of an autonomous Cordillera region). EO 220 recognized and applied in the *binodngan* areas, but the scope of the CBA was expanded in places that were not originally *bodong* areas, such as areas in Benguet where people settled. The advocacy of the CBA is mainly autonomy.

A common procedure is followed by most tribes, in almost all areas:

1st Stage *Sipat* or *Warang* Peace overture, unilateral ceasefire

The tribe that seeks to make peace with its enemy sends a token in the form of a spear, a bolo, an axe, or any weapon made of iron. In doing so, it also declares a unilateral ceasefire.

2nd Stage *Allasiw* Exchange of tokens, bilateral ceasefire

If the enemy tribe accepts the token, this means they are willing to negotiate a peace pact. When they send back a similar token, it makes the ceasefire, bilateral.

3rd Stage *Sildip*, *Sunglip*, *Singlip*, *Hurchip* or *Simsim* Peace talks

Aided by mediators, the leaders of the two tribes meet to negotiate. It is then mutually understood that peaceful relations now obtain, that a *bodong* has come into existence, even though its terms have not yet been formally laid down.

4th Stage *Inom* or *Lonok Bodong* formalization and celebration

The terms of the *bodong* are formally laid down in a *pagta*. A big celebration is held. Before a *pagta* celebration ends, tribal leaders share *basi*, a sugarcane wine, to formalize the commencement of their *bodong*.

Afterwards *Dolnat* Renewal

A *bodong* is renewed after a period of dormancy or when a violation of *pagta* occurs, but has not yet resulted in the resumption of tribal hostilities.

Also *Galigad* Transfer

Responsibility for a *bodong* is formally transferred from one person to another. This usually takes place upon the death of the original or previous *bodong* holder.

In Bontoc, the *ator* is practically disintegrating due to inroads in commercialization. Today, leadership is in the hands of the educated and economically able. Older members of the *ator* are dying and the younger generation, educated and moneyed, in Bontoc, are taking over. Women are becoming a strong force in conflict resolution dealing with contemporary conflicts that are not settled by the *ator*. Elected officials are also taking up their role in settling conflicts.

Silent Big Killer: Clan Wars

Norman Aquino, reports that clan wars or *rido*¹⁸ was the silent, big killer in Mindanao. These wars have terrible consequences on economic development. People cannot plan for long-term growth; insecurity of possessions makes investments hard to attract and the actual destruction of property in the course of fighting can be devastating to the region's welfare.¹⁹ *Rido* can potentially cause wider armed conflict and could make peace settlements harder to enforce. *Rido* is commonly known as family and clan feuds that can escalate from individual to kin members through retaliation that may affect non-kin allies or friends. It may last a lifetime or continue from one generation to the next.

Clan wars are not specific to Mindanao. They also happen in indigenous communities in the Cordillera region. *Rido* is triggered by disputes over land, politics, crime, resources and businesses, marriage concerns and debts. Some clan wars started over a game of basketball. *Rido* is aggravated when families form alliances with other families, the proliferation of firearms, affiliation with government or rebel forces and the general absence of law enforcers and government courts. Clan conflicts usually displace people and result in the destruction of properties.

Ofelia Durante²⁰ claims *rido* can only be resolved through the concerted efforts of various sectors of society by using a multi-pronged approach. Local governments should be encouraged to form councils composed of respected leaders in the community to settle conflicts. In all the provinces surveyed,²¹ people are very poor, armed conflicts occur regularly, governance is a problem, and basic services are inadequately provided. Government and Moro Islamic Liberation Front should undertake joint action against *rido*.

Ahboud Syed Lingga of the Institute of Bangsamoro Studies (IBS) noted that while individual *ridos* may not be big, 'in totality, the effects of *rido* on people are quite great.' Mindanao Anthropology Consortium, Research Institute for Mindanao Culture, Xavier University²² surveyed feuding families and clans in nine Mindanao provinces, and said that the oldest of the *rido* cases happened in Lanao del Norte in 1930. It was followed by a case in Sulu that began between 1936 and 1940. Family feuds in other provinces existed prior to the 1950s. About 45% of the clan wars started only recently --from 2001 to 2005.

"Of the total family and clan feuds covered in the survey, 61% are still unresolved and are currently ongoing. Only 38% has been resolved while a few (1.1%) are recurrent cases. Estimated casualties from *rido* aggregated to 3,895 deaths, 3,647 wounded persons, 2,119 transfers of residences and 59 persons imprisoned. The highest number of deaths was recorded in Sulu at 1,519, which is about 39% of the total. On the other hand, the highest number of persons wounded was noted in Sultan Kudarat at 1,882 or about 52% of the total. Transfers of residences in Lanao del Norte was the highest at 41.1%, followed by Sultan Kudarat at 40.5%."

TAF²³'s Mr. Steven Rood noted in discussions of the conflict in Mindanao, it had been suggested that the reason clan conflict is more prevalent there than elsewhere in the country is because the state provides less security in these areas. Of course, pride, honor or *maratabat* can also explain the perpetuation of conflict.

Myla Leguro²⁴ reports working with two IP tribes in Mindanao, the *Manuvu* and *Subanen*, they are strengthening their cultural identities; documenting and mainstreaming their customary laws, governance and conflict resolution practices and mechanisms; protecting and promoting their ancestral domain areas; advocating for opposition to dam and mining projects; support for livelihood opportunities and increasing the IP voice in the peace process discussions. An action framework has been formulated that will direct change from strengthening the IP as a person, to strengthening the tribe, to strengthening inter-tribe cooperation and strengthening the *Lumads* as a people.

From the *Manuvu*' we learn that they exchange marriageable men among villages as a mechanism for inter-village relationship. As younger males then, they must leave their homes to live in another village. "Strangers" to this new place, these young men are supposed to be treated well by the host village so that the same could be done to their own boys who likewise undergo the same course. This reciprocal exchange of feeding and caring for their boys serves as a check and balance that facilitate interrelationships between villages and becomes an instrument for minimizing feud. Also this way, the formation of a greater society is achieved, the boys serving as agents²⁵ of inter-village connections and alliance.

The *Teduray* declare confidently that in choosing their political leaders, election is not appropriate. Since the majority of the tribe are illiterate, the process of selecting a leader is through discussion and leaders were chosen on the basis of their **skills and expertise**. They look for people who can lead the community, who are articulate, who do not show favouritism, who know customary law, who are patient and have a superb memory. These are the major considerations in the choice of a leader. And once chosen, **they are leaders for life**. If someone is ordained to be a leader by inheritance he has to develop these qualities in order to fit into his preordained position.

Kefedewan and *Tiyawan* are the conflict resolution mechanisms of the community to maintain interpersonal harmony and peace, to align individual and communal behaviour with the *Kitab Kaedatan* (customary laws) parties in disputes are led to a win-win settlement with the restoration of peaceful relation in the end.

II. Corporate Social Responsibility and Conflict Resolution

Many corporations have included corporate social responsibility in their core values through which they promise to conduct their business, not only without doing harm to their environment, but also to behave as responsible citizens. For some companies this means doing community relations work and funding projects that directly benefit their community, or help communities that have become victims of calamities.

The Philippines is disaster prone area visited by nineteen to twenty storms every year, laying waste agricultural fields and wreaking havoc to poor farmers' lives. The small farms could have been more successful if access to capital enabled them to sustain their production. Big land owners have not been so burdened because they have the necessary resources to sustain their costs; machinery, fertilizers, training for new technology, etc...These are all very expensive, but for a farm to produce we need these resources.

Stock Options and Profit Sharing

With the advent of Comprehensive Land Reform big haciendas were broken up into smaller units with the tenants getting a share of the land they tilled. Workers in some haciendas have chosen to remain and work for their land lord. Hacienda Luisita and haciendas in Negros Occidental were among those affected by the implementation of CARP. At Hacienda Luisita stock options were sold to the farmers/tenants. Since tenants or farm hands are poor they still do not own the stocks as they do not have money to buy their stocks. The most recent issue of the farmers was they did not get a share of the commercialization of the land near the Highway at Hacienda Luisita. They did not own the stocks so they did not get their share.

The land at Hacienda Luisita was bought using government loans presumably to give to the tenant farmers their land in ten years at cost. This never happened. The Cojuangcos reclassified the land to residential and commercial and they mechanized the hacienda itself, so that the tenant farmers were retrenched and given retirement benefits. Once retired, they also lose their option to buy stocks. The one third ownership of the Hacienda which was to be the farmers. Shares have shrunk from its original size. Government loans were facilitated because they were supposed to sell the land at cost to the farmers afterwards. They never did. Instead they went for the stock option which farmers had to pay for.

At a hacienda in Cadis, Negros Occidental, stock options were given to the farmers knowing that the farmers had very little money to buy the stocks for themselves. The workers are paid minimum wages and got their stock options for free. This meant they still had their regular salaries and at the end of every year they received some dividends from their stocks with the company. The compassion of the land owners is repaid by the workers with gratitude and appreciation and so far *there is far less labor unrest in the Negros haciendas by comparison to Hacienda Luisita*. Profit sharing through stock dividends gives farm workers a better life through free land for homes, a chapel and a day care also provided by the land owner. Recently the owner²⁶ built a market place for the community. In another case the land is owned by a cooperative of the farmer beneficiaries and in another they are retained by a company which is owned by the owners and the workers.

There is no peace unless justice is first established. The violent strikes at Hacienda Luisita are understandable, because there was a breach of contract between the land owners, the farm workers and the government. Unless government and the owners keep their end of the bargain, this dispute will never be resolved.

The principle that those who have more should bear more of the burden applies here. So far Hacienda Luisita has had serious labor problems and violence erupted consistently, while haciendas in Negros Occidental are relatively peaceful and working well. The land owners still manage the land, providing the needed capital for the machinery and technology necessary to make the land productive, and the farm hands share in the profit through the stock options they own.

As late as November 2006 the Supreme Court has ruled that Hacienda Luisita's stock option should push ahead. CARP has almost bowed out of the picture, but recently it requested for another ten years extension. Several issues remain unanswered; how was money spent --over 30 billion from the Marcos bank deposits from Switzerland-- and thousands of farmer beneficiaries (350,000 hectares) have sold their land, making CARP a mockery.

Another 160 billion pesos is needed for the extension of the CARP for ten years but some are thinking of limiting it to another five years. The expenses for 20 years have not yet been accounted for.²⁷

ComRel at Phinma

A proactive response to destabilization in the Philippines was initiated by Phinma at Norzagaray, Bulacan in the 1980s. Cement companies were being targeted for terrorist activities in Mindanao so the company decided to start a *ComRel* project at their Norzagaray cement plant.

Companies have started to realize that social responsibility and helping their immediate surrounding community is important to maintain their security and profitability. In the 1980s rebels were very active in the Philippines. This was the time of the Marcos dictatorship, business was very sluggish, people were losing hope, and everyone was saying, 'we shall be like Argentina'.

Many companies were sabotaged by rebel groups. And opposition to the dictatorship was growing. Cement companies with overhead lifts for their raw materials were particularly worried because a single bomb would set the company back many millions of pesos for reconstruction. Moreover, the entrance to this company was one long highway that is relatively unpopulated. A hold-up along this highway would set the company back by several millions as all trucks coming back to the compound were laden with cash from the sale of the cement they produced.

The cement company decided to work with the community around the company compound. Most of these people were families and friends of company employees anyway. Helping the community would indirectly help their employees. Little huts were scattered around the community to give room for the production of the cement paper bags that the company needs to package their product. The endeavour proved particularly beneficial for the company whose safety was insured by the *zone of friendship* they developed around the company compound. The community benefited by having livelihood opportunities and educational options for their children.

Sharing water with the community members was the first real partnership between the company and the community. The company provided pipes, cement and hollow blocks, while the community provided the labor to enable the *patubig* project to begin. When the water impounding structure was in place the company provided the water for the community.

As soon as it was finished the whole community started to bloom. Vegetable gardens proliferated, animals were raised for food, pig pens and chickens were housed around the homes in the *zone of friendship*. Life suddenly became more prosperous for everyone. Homes were improved as the community earned more. Bare cement floors were tiled and home extension projects were sprouting all over.

The success of the *ComRel* Project was due to the commitment of everyone from the top executives and their spouses to the lowliest employee, everyone was involved with *ComRel*. We saw one community moving together to create a working relationship among themselves.

III. Strategies for managing conflict

Current violent situation

With the advent of September 11, 2001 increased vigilance on terrorist activity and war on countries that have given safe havens to terrorist groups became more prominent. Global consciousness is desensitized to daily accounts of violence from the coalition forces as well as the retaliation of the radical Muslim fundamentalists. We cannot help, but try to look for innovative ways of dealing with conflict.

Peace education workshops have proliferated. They teach techniques of managing conflict through *improved communication and role playing* for better understanding of the circumstances of the other person to enhance empathy and respect. But all these techniques are cognitive in nature, we are trying to dig deeper into our cultural experiences to find more innovative ways of handling conflict situations.

A couple of days before the President's SONA²⁸ a breakthrough was announced in the peace process with the MILF. Agreement was supposedly reached on the ancestral domain issue which was the stumbling block for the Peace Process in Malaysia where Malaysia served as mediator. But local leaders in the region complained that they have not been consulted. Some even questioned the constitutionality of granting such broad powers to a rebel group. Some viewed the MOA-AD as a way of forcing a constitutional amendment for the extension of the President's term. Here again, the issue of trust and credibility of the leaders behind the agreement was the stumbling block to the Peace Process. Legal issues of constitutionality were raised. And later the Supreme en banc ruled that the agreement was unconstitutional on October 14, 2008; so it was abandoned by the Government.

Why is there a need for a peace process with the MILF?²⁹

There is no alternative solution to end the 35-year old Mindanao conflict but to address the very root of the Bangsamoro problem through the peace process. The Department of National Defense estimated the cost of war for the period 1970-1996 at P73 billion. This estimate is confirmed by the 2005 Philippine Human Development Report which noted that the long-drawn conflict in Mindanao from the years 1970 to 2001 costs between P5-7.5 billion a year. The World Bank in 2002 calculated the economic cost of a never-ending conflict in Mindanao at P30 million daily or P10 billion each year. These estimates do not include the cost of war with the New People's Army (NPA) in Mindanao.

During the period of armed hostilities from the 1970s up to 1996 alone, around 120,000 lives have perished (50% MNLF, 30% AFP, 20% civilian). In terms of displacement, the 2005 Philippine Human Development Report estimated an aggregate number of 1,135,000 persons displaced due to armed hostilities in Mindanao during the period 2000-2004. The war resulted to the diaspora of around one-fifth to one-third of major Moro ethnic groups who now live outside their ancestral homelands. The Armed Forces and Social Welfare Department estimate that one in every five rebels is below 18 years old. In 2005 Philippine Human Development Report noted that life expectancy in the 5 provinces of the ARMM is the lowest in the country. These figures do not even include the cost of foregone investments, loss or destruction of property, and other non-quantifiable, but equally important ill effects of war such as hatred, prejudice, resentment and discrimination.

From the Archbishop of Cotabato, +Orlando B. Quevedo, O.M.I.³⁰:

"...the MOA-AD, no matter how one looks at it, is a remarkable document. It is a very serious attempt to balance national sovereignty and Bangsamoro aspirations for self-determination and freedom." For this reason, he believes that the MOA-AD can bring lasting peace.

"The document should be read in the light of Bangsamoro history. This history is not one that our Spanish and Filipino Christian historians have developed. Bangsamoro history has largely been one of oral tradition and only in the last 400 years, do we see that history written, but not from their point of view."

"But it is from the largely unfamiliar side of Philippine history that is also true and indisputable that the concepts of ancestral domain and a Bangsamoro homeland should be understood. *The MOA-AD document returns to that concept as a basis for lasting peace.* On the other hand, the document is also remarkable from the angle of what Mindanao is today. Through successive waves of migration and public laws, the face of the population as well as of territories has changed. In less than 50 years beginning with the 1930s, Christians now outnumber Muslims in the land once under the sway and influence of Muslim Sultans. The document recognizes this fact. And it is to the credit of the MILF that its vision today carries on the vision of its late Chairman, Hashim Salamat. He said that his vision for the Bangsamoro people is framed in consideration of present realities." The document speaks about the ARMM territory as the core of the Bangsamoro Juridical Entity. This territory is much less than the original Bangsamoro homeland.

Perhaps, concepts need to be clearer. They could have been done in future steps of the peace process as both parties move towards a Comprehensive Pact. The peace process could have continued even after it is signed. With *good will, patience and wisdom --- and consultation ---* such further steps would have resolved substantive questions.

There is certainly the imperative of educating all the various constituencies and stakeholders as to the contents (concepts and principles, territory, resources, and governance) of the MOA-AD, their bases in history and in law, the steps still to be taken, the recognition of mutual rights, as well as the mutual sacrifices needed by both peoples, Bangsamoro and non-Bangsamoro. A certain injustice to the Bangsamoro people is not a concept that is easily understood by the non-Bangsamoro, much less accepted.

Here as before the party who has *more is expected to give more*. But the local leaders did not trust the negotiating panel and even suspected an underlying political agenda for the Government so the Peace Process was doomed to fail. To the dismay of the people living there, violence erupted again in Mindanao.

There are no limits to the variations in the search for mediators for managing conflict. Usually the mediator is someone senior who is respected by the two competing parties. Among the *Manuvu* tribes no one is permitted to arbitrate unless the certain conditions are met. First, in the absence of a *datu* or tribal council member, an elder of the community who is well respected and knowledgeable of the customary law is permitted to settle simple cases. Secondly, in a marital dispute, a relative can intervene to resolve the case instead of a non-relative.

If the conflict is serious and if it involves non-*Lumads* among the *Mamanua* communities, the barangay captain is normally requested to resolve the problem. Usually the *Talaandig datos* do not allow anyone to settle disputes in the community without proper authority, except in family feuds that cannot be resolved by parents or close relatives.

We can also learn from other countries like, the *Dagara* of North Ghana (Pul, 2002), the role of elders in conflict resolution is premised on seniority in age which confers the right of arbitrator on people. Usually the most senior male member around is expected to assume the responsibility of restoring peace through arbitration and mediation, creating a council of elders. Elders evaluate the stories and ask questions to verify assertions made by the parties.

The clans are usually paired in a joking relationship with a person. The primary function of this relationship is peacemaking. In times of serious conflicts one's joking partner will be called in as *mediator* or *pacifier* to turn an embittering situation into a humorous one and make people laugh over an otherwise distressful situation. This is to remind the parties that no matter how hurt they are, it is not the end of life. *Dagara* emphasize that conflicts can drain communal resources, and therefore, there is a collective responsibility for the restoration of peace. The notion is that we are all responsible for ensuring balance in the community and we have a responsibility for the prevention and management of conflict and crime.

The peace they aim for is not temporary, but it is the peace that lasts and becomes a matter of their everyday lives. From inner peace grows a family of values that brings contentment and happiness to our life. A verse from the Holy Koran states "Obey Allah and His messenger, and fall into no disputes, lest ye lose heart and your power depart; and be patient and persevering for Allah is with those who patiently persevere." (Daturanong, 2005).

IV. Conclusions

Rethinking the meaning of peace

We need to rethink the meaning of peace as the absence of violence, or peace as the maintenance of peace and order. The pursuit of stability and relatively safe social and political order are the primary objectives of peace. Since this approach is focused on the absence of violent conflict or war, this approach is referred to as "negative peace". This idea of a "negative peace" needs to be complemented by the idea of a "positive peace" which refers to the presence of non-exploitative and just relationships. The latter prevents violent conflict and also points the way towards resolving conflict.

The foundation of peace is justice. Unless justice is restored, we cannot have peace. We see this as an imperative in the Hacienda Luisita's case and in the Muslim problem in Mindanao. Some adjustment to address the restoration of justice needs to be done before the road to peace can be forged.

Assefa (1993) sees peace as the transformation of conflict laden and destructive interactions into more cooperative and constructive relationships. This understanding equates peace with conflict transformation and resolution. In other words, peace is a philosophy, a paradigm with its own precepts to discern, understand, analyze, and regulate all human relationships, in order to create an integrated, holistic and humane social order.

It is toward the achievement of peace that all human efforts must be sincerely diverted (Siyidain, 1994, p.164). The prophet's tradition shuns the use of violence and calls for restraint. Such teaching is clear in the *Hadith*. Forgiveness and amnesty are viewed as the best reaction to anger and conflict.

REFERENCES

- Abdullah, Intuas M. 1982. *Dispute settlement among Maranao: Case study of conflict resolution in Marawi*. Unpublished Thesis, University of the Philippines.
- Abdullah, Mama-o. D. 1977. Islamic laws on murder, theft and sex crimes: A comparative study. *Mindanao Journal* 3 (3-4): 197-203.
- Baradas, David B. 1977. Maranao law: A study of conflict and its resolution in a multicentric power system. *Mindanao Journal* 3 (3-4):187-195.
- Balanon, Thor, Ed. 2003. *Teaching peace, human rights and conflict resolution: Training manual and teaching manual*. Manila: UPCIDS PST and the British Council.
- Barton, Roy Franklin . 1969. *Ifugao Law*. Berkeley and Los Angeles: University of California Press.
- Bangit, R.M. 2004. *Tribal War and Peace Pacts a primer of the Binodngan People's Organization*. Center for Cordillera Peoples' Concerns and Cordillera Peoples Alliance, Trans.
- Buat, Musib .1977. Filipino Muslim society's administration of justice. *Mindanao Journal* 3 (3-4):81-107.
- Dozier, Edward P. 1967. *The Kalinga of Northern Luzon, Philippines*. New York, Holt, Rinehart and Winston.
- Dumagat, Fay.L. 1995. *Itneg (Tinggian) justice and conflict resolution*. Quezon City: University of the Philippines.
- Durante, O.O., N.T. Gomez, E.O. Sevilla, & H. Manego. 2005. Management of clan conflict and Rido among the Tausug, Magindanao, Maranao, Sama and Yakan tribes. *Notre Dame Journal XXXII* (4):35-66.
- Garcia, Edmundo and C. G. Hernandez. 1989. Waging peace in the Philippines. *Proceedings of the 1988 International Conference on Conflict Resolution*. Quezon City: Ateneo Center for Integrative and Development Studies.
- Hernandez, Fernando and G. J. Hernandez. (1999). *The Muslim world*. Quezon City: University of the Philippines, ISMED.
- Jamiri, Radzma .J. 2006. The Shari'ah law on women issues in Basilan, Sulu, and Tawi-Tawi. *Notre Dame Journal, XXXII* (5):89-122.
- Jenks, Albert Ernest. 1905. *The Bontok Igorot*. Manila: Bureau of Public Printing.
- Jocano, Landa F. 1969. *The traditional world of MALITBOG*. Quezon City: Community Development Research Council, University of the Philippines.

- Kadill, Alano T. 2006. Bangsamoro women's social organizations in southern Mindanao (1968-2005). *Notre Dame Journal*, XXXII (5):1-88.
- Maceda, Marcelino. 1964. *The culture of Mamanua (As compared with other Negritos of Southeast Asia)*. Cebu City: San Carlos Publications.
- Manuel, Arsenio E. 1973. *Manuvu' social organization*. Quezon City: Community Development Research Council, University of the Philippines.
- Perez, Josephine. 2004. *A peaceful conflict resolution experience of the tribe in Southern Philippines*. Paper prepared and presented for SEACSN Conference 2004.
- Prill-Brett, June. 1997. *Preliminary perspectives on local territorial boundaries and resource control*. Cordillera Studies Center (CSC) Working Paper 06.
- Prill-Brett, June. 1995. *A survey of Cordillera indigenous political institutions*. Cordillera Studies Center (CSC) Working Paper 05.
- Prill-Brett, June. 2004. *Ibaloy customary law on natural resources*. Cordillera Studies Center (CSC) Working Paper 19.
- Prill-Brett, June. 2006. *Tribal war, customary law and legal pluralism in the Cordillera, Northern Philippines*. Cordillera Studies Center (CSC) Working Paper 31.
- Quevedo, Orlando. B. 2008. MOA-AD in the MILF-GRP Peace Process.
- Rood, Steven. and A. L. Casambre. 2004. *State policy, indigenous community practice and sustainability in the Cordillera, Northern Philippines*. Cordillera Studies Center (CSC) Working Paper 23.
- Russel, Susan D. 1989. Informal credit and commodity trade in Benguet, upland Luzon. *Cordillera Monograph* 03.
- Saleeby, Najeeb Mitry. 2005. Laws of the Moros. *Notre Dame Journal*, XXXII (4):1-34.
- Sali, Ardan. (2008). *A Primer on the Memorandum of Agreement on Ancestral Domain*.
- Schlegel, Stuart A. 1970. *Tiruray justice*. Quezon City: Ateneo de Manila University.
- Sinsuat, Mama S. 1977. Filipino Muslim Society's Administration of Justice. *Mindanao Journal*, 3 (3-4):77-80.
- Sodusta, Jesucita. 1983. *Jamoyawon ritual. A territorial concept*. Quezon City: University of the Philippines Press.
- Tapang, Ben P. 1985. Innovation and social change: The Ibaloy cattle enterprise in Benguet. *Social Science Monograph Series* 5.

Table 1. Issue, resolution and considerations

Conflict/Issue	Resolution	Considerations
Divorce: caused by cruelty and incompatibility. Divorce may be made by mutual consent or may be demanded by an injured party.	<i>Gibu or Hudhud</i> indemnity to banish anguish of divorce <i>Monbaga</i> a go between is necessary in all civil transaction of importance	<i>Hudhud Indemnity</i> For the wealthy P8.00; for the middle class P-4.85 and for the very poor P1.00.
Polygamy: legal for men who are very wealthy and gifted with valor.	The first wife is of higher class than succeeding wives; her children have inheritance rights to all the property their father had at a time of the taking of other wives. If the second wife is recognized, then her children are recognized as legitimate.	A heavy payment must be made to the first wife and her kin. May amount to 500 pesos.
Adultery: according to <i>Ifugao</i> law, if a man commits a <i>scandalous</i> sexual intercourse, he is guilty of adultery	In case of a widow, both she and the man for second marriage are responsible for the <i>gibu</i> payment; if second husband fails to pay, the widow would be responsible for payment.	Payment of <i>gibu luktap</i> , the fine in cases of adultery.
In criminal cases when the accused denies guilt, in disputes over doubtful ownership of property, disputes over boundary lines between fields.	1. <i>Ordeals or trials</i> : challenge may come from the accuser or accused. Refusal to challenge means a loss in the case, and victory to the challenger. If accused is unscathed after ordeal, he may collect a fine from the accuser. 2. <i>Panuyu</i> : if two people accuse each other, both are tried by ordeal. If both are scathed, both are responsible for indemnity to the injured person; if only one is scathed, he pays indemnity to the injured, and to one whom he accused.	Hot water ordeal : a pebble is dropped into a pot of boiling water and accused must, without undue haste reach and pick the pebble, to retrieve it. Hot bolo test : The hands of the two parties are placed side by side and the <i>monkalun</i> lowers a hot knife on their hands. The guilty will burn more seriously than the innocent.