

DYANDI : FOR THE DEFENSE OF MOUNT APO

The six Lumad tribes in Mt. Apo (Bagobo, Ubo, Ata, Manobo, K'lagan and Kaolo), comprising approximately 460,000 individuals celebrated a Dyandi, a peace pact for the protection of the sacred mountain.

The peace pact was the culmination of the long and protracted struggle of the indigenous people's desire for self-determination.

On May 9, 1936, the Philippine Commonwealth government, under Proclamation No. 39, proclaimed Mt. Apo as National Park Reservation. The law however did not consider the presence and the right of the indigenous people who dwell in the area since time immemorial. Another severe blow to the ancestral domain claim of the community came with the entry of the Philippine National Oil Company (PNOC) for the construction of a geothermal plant.

The said project of the PNOC caused destruction to their ancestral lands, the desecration of their of their cultural heritage and sacred places of worship, the dislocation of several residents and the destruction of wildlife, forests

lakes and rivers. Vapor from the geothermal wells is the cause of respiratory diseases to the people living within the vicinity. The operation caused destruction to the people within its vicinity and a threat to Mt. Apo's ecological balance.

A petition to President Aquino was signed by the leaders of the six tribes in Mt. Apo last October 27, 1988, reiterating their struggle and

asking the government for its support. Whether the petition could be given due course will depend upon the President's openness and sincerity.

The DYANDI is a sign (or a warning) that despite a long and bitter struggle, the indigenous peoples of Mt. Apo are united in their stand to guard against encroachment.



2ND PARALEGAL TRAINING

The second summer paralegal training was held in Manila which was participated in by law students from Ateneo de Manila University, University of Santo Tomas and Far Eastern University.

The topic of the said training are laws which affect tribal Filipinos, focusing on human rights. It is divided into two subjects, namely basic knowledge on laws and legislations which affect cultural communities and skills which focus mainly on documentation of cases and metalegal tactics (i.e. assembly, petition, pickets and rallies).

Furthermore, students will go into exposure trips to the Hanunuo and Iraya Mangyan areas in Mindoro and to the Aeta communities in Tarlac.

PALAWAN CONSULTATION

The Palawan Consultation held last April 22 - 23, 1989 at Iraan, Aborlan, Palawan, discussed some key issues regarding Palawan indigenous people's struggle towards self-determination. Close to two hundred participants attended the meeting.

The said Consultation was attended by the Bageral, who are officers of the Masiri Campo, considered as head of all leaders of the Tagbanwa and Palawan tribes. The first day consisted mainly of consultations and documentations regarding the tribes' grievances.

A dialogue with the Government agencies was held during the second day. The Department of Environment

and Natural Resources (DENR), Department of Social Welfare and Development (DSWD), Office for Southern Cultural Communities (OSCC) and the Department of Agriculture (DA) participated in the dialogue.

Other non-governmental organizations (NGO) were also present such as PANLIPI, Episcopal Commission for Tribal Filipinos (ECTF), Haribon Foundation and Technology for Peasants Foundation Inc.

The consultation was facilitated by Fr. Armando Limsa of the Tribal Filipinos Apostolate (TFA) of the vicariate of Puerto Princesa City.

KALATAS

PANLIPI

TANGGAPANG PANLIGAL NG KATUTUBONG FILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



VOL.2 NO.4

26 APRIL 1989

CORDILLERA DAY CELEBRATION

The Cordillera Day, celebrated last April 24, 1989, drew more than a thousand delegates from different indigenous peoples, non-governmental organizations, foreigners and other sectors.

The delegates from the 5 provinces of the Cordillera (Mt. Province, Kalinga-Apayao, Abra, Benguet, Ifugao) were likewise present. Lorenzo "Erin" Tanada III, read the speech of Senator Joseph Estrada, who was not able to attend the affair.

Sen. Estrada's speech focused mainly on the plight of the tribal Filipinos in the Cordillera. He reiterated that the root cause of the Cordillera peoples' anxiety is their fight for their ancestral lands. He admired Macliing Dulag for his relentless fight for ancestral homeland and self-determination.

The Senator criticised the Organic Act because it fails to effectively decentralize the governmental powers to the local government. He cited his experience as town Mayor of San Juan to prove on how damaging it is to have his hands tied by the National government, hence preventing him to effectively implement meaningful and relevant projects.

He concluded his speech by reiterating that there could only be true regional autonomy if all the regions of the country will be given their own share for self-determination in order to harness more initiative from the people.

In another statement, the Cordillera People's Alliance (CPA) expressed its 5-point proposals in order to ensure Regional Autonomy in the Cordillera. These are (1) The right of the Cordillera People to their Ancestral Domain and to the management of the surface and subsurface resources contained therein; (2) The right of the Cordillera people to freely

determine their own legislative, administrative and judiciary system appropriate to their existing socio-political structure; (3) Due respect and recognition for the indigenous socio-political structure, and providing for the protection of, and the development of the Cordillera culture; taking concrete measures to correct past discriminatory practices against the Cordillera people; (4) Proper representation of the majority of Cordillera people to the national government, thereby promoting their just participation with the rest of the Filipinos in national level of policy-making; and (5) The right of the Cordillera people to chart their economic destiny according to their needs, practices and abilities, and free from the dictates of vested interests. They also affirmed that any document on autonomy which fails to embody all the five proposals constitute merely as only mouthing grand rhetorics.

The CPA deplored the government's advocacy of the virtues of "self-governance" when there is no

mechanism of guaranteeing or enforcing such virtues. They also doubted the government's sincerity when it banned foreign military installations since the US bases have no signs of being removed in 1992.

Furthermore, the Organic Act remains silent on the existence of "unjust land laws such as PD 705 and PD 410".

The said Organic Act provided for a 50% retention of all revenues and taxes for the local government and a compromise between a presidential and a parliamentary form of government was reached.

The CPA statement also condemned the numerous Human Rights Violations (HRVs) in their region. Such HRV's includes salvaging, arrests, tortures and detention of suspected rebels, human rights (HR) workers and other members of cause oriented institutions.

Finally, notwithstanding the presence of so many problems, the CPA still moved to continue championing the rights of the Cordillera People.



CPA: at the forefront of the movement for genuine autonomy

CPA photo file

HIGHLAND AGRICULTURAL DEVELOPMENT PROJECT

Similar with the Central Cordillera Agricultural Programme, the Highland Agricultural Development Project (HADP) is also a foreign-assisted project presently being undertaken by the administration of President Aquino in the Cordillera. But this time, the estimated cost of the project which is more or less P 565 million is funded mainly by the Asian Development Bank (ADB) and the International Fund for Agricultural Development.

Originally, the HADP is an offshoot of an agreement for technical assistance signed between the Philippine government and the ADB in 1983. It formally started its operations in 1987 and is aimed at selected communities in Mountain Province and Benguet.

As designed, the project will include communal irrigation system, road construction and rehabilitation, agricultural support services, agricultural marketing and storage, and feasibility study.

The HADP aims to intensify the production of existing crops, to contribute to agricultural diversification and to increase farm incomes.

However the Cordillera Resource Center noted some relevant matters overlooked by its implementors. One of these is the failure to make a due consultation with farmers or the representatives of their organiza-

tions in the affected areas. The paper also said that even municipal mayors expressed the absence of consultation from them during the planning stage of the project. If there were consultations that were made, these were selective, which in effect would bring the danger of local political patronage in the choice and implementation of specific projects to the detriment of the interests of the poor majority, the paper added.

A development project to be truly responsive and effective to the needs of the people necessitates consultation with its target beneficiaries and their active participation. The HADP however, the paper said, did neither of the two.

One of the objectives of the HADP is to increase farm incomes for all the farmers and producers. The CRC said that this will be far from realistic because the type of techno-packages being introduced promotes the use of high yielding hybrid varieties which demand expensive farm inputs, mainly commercially prepared fertilizers. Farmers would surely realize very little or no income at all considering the higher production costs they spend to buy farm inputs, they added.

The Cordillera subsistence sector is more in dire need of assistance than any other sector in the Cordillera agricultural economy,

yet, all of the covered barangays and municipalities of the project documents are heavy producers of commercial vegetable crops. The paper believed that the subsistence farmers have been by-passed by the HADP and gave more emphasis in vegetable production which will strengthen commercial gardening in the Cordillera despite all its attendant ills and weaknesses.

The HADP in one of its project reports seemed to ignore the positive aspects of the indigenous people's culture in the advancement of agricultural production. For one, it failed to consider "ub-ubbo" (community cooperation) in the construction of irrigation systems, foot bridges and the like. Aside from that, the project does not give full consideration of the traditional production practices of the people, despite studies confirming that such traditional production practices are ecologically sound and balanced, even without the use of chemicals, fertilizers and pesticides.

As a conclusion the CRC said, that the entity it is representing and other related agencies are not opposed to foreign-assisted projects. Only that any foreign-funded project must be commenced upon proper and due consultation and with active participation of all Cordillera communities in order to bring about lasting and equal development for all Igorots.

LAGONGLONG REPORT

Twenty nine (29) representatives from various organizations and institutions of the Human Rights Coordinating Body (HRCB) of Cagayan de Oro City participated in a fact-finding and relief and medical mission to Kabulawan, Lagonglong, Misamis Oriental last January 20, 1989. The Tanggapang Panligal Ng Katutubong Pilipino (PAKLIP), one of the participating agencies, was represented by Attorney Beverly S. Musni, Panlipi's Legal Officer for Central Mindanao.

Personal interviews conducted by the participants from the residents in the area showed facts corroborating previous reports gathered by the HRCB before the fact-finding mission. On November 16, 1988, at around 4:30 p.m., elements from the 9th IB PA strafed the houses of Tomas Jamon and Jaime Jamon resulting in the killing of

Carmelita Jamon and the wounding of his son George, aged 1 1/2 years old. After the strafing, Jaime was arrested and forcibly taken to the 9th IB PA detachment in Lumbo, Lagonglong, with hands both tied. There he was allegedly interrogated by a certain Captain Isagani Ariston together with ten soldiers. He was allegedly forced to execute an affidavit stating that Carmelita and George were caught in the crossfire in an encounter between the military and the NPA rebels.

The residents interviewed also revealed two cases of "salvaging" or summary executions committed on the persons of one Leopoldo Agcopra, reportedly having a malignant mental illness and a certain Wilson Dayanon, suspected by the military to be an NPA. The first incident took place in Roa-roa, Unagos on

November 18, 1988 while the second happened on December 3, 1988 in Sitio Talahiran, both in Lagonglong.

On November 16, 1988, around 110 families were allegedly forced by troopers from the 9th IB PA to evacuate from their occupied areas.

As a result of the forced evacuation, community health workers who joined the mission noticed the deteriorating health condition of the evacuees. Check-ups were conducted and medicines and other relief goods were distributed. But as to the general health situation in Lagonglong, the fact-finding mission noted the lack of proper environmental sanitation, poor health condition especially among children and the aged and the apathy of government health service officials in the area.

KALATAS



TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



VOL. 2 No. 3

20 March 1989

CORDILLERA PROGRAMS ASSAILED

CENTRAL CORDILLERA AGRICULTURAL PROGRAM

Last June 1988, representatives from the Philippine government and the European Community, the world's largest trading bloc composed of twelve (12) European countries signed an agreement signalling the start for the implementation of the Central Cordillera Agricultural Programme or CECAP.

The CECAP, which is mainly funded by the European Community, is a package of aid for a series of small projects in the Cordillera covering twenty two (22) municipalities in five selected project zones, namely: Ifugao, Kalinga-Apayao, Mountain Province, Abra and Nueva Vizcaya. The project will include infrastructure, agriculture and community resource development which will be under the joint supervision of the National Irrigation Authority, the Department of Public Works and Highways, the Department of Agriculture and the Department of Environment and Natural Resources.

However, the programme has been criticized in a primer prepared by the Cordillera Resource Center, a non-governmental information agency in the Cordillera region, which pointed out its defects and the dangers it posed to the farmers and residents in the affected areas. As the main thrust of the programme is the massive and increased production of cash crops which need expensive chemical inputs such as pesticides and fertilizers as well as imported seeds, the paper said that the programme would make the farmers poorer and more dependent on credit-lending institutions. The programme will primarily benefit multinational

chemical companies such as Bayer, Hoechst, Shell and Union Carbide which are the main suppliers of expensive agricultural inputs, the paper added. Notably, Bayer, Hoechst and Shell companies are based and owned by nationals of countries belonging to the European Community.

The paper also pointed out that everytime "development" projects are introduced in the Cordilleras, the residents complain of the increasing military presence in their respective areas. The paper said that the Cordillera people have expressed their fear that the CECAP is no different from previous projects like Cellophil Resources Corporations and the Chico Dams project which resulted in the displacement of tribal communities and murder of tribal chieftain Mac-liing Dulag. Although, representatives from the Department of Agriculture and the European Community have promised that it will not happen with CECAP, there are no written safeguards against it, the paper said.

The programme also includes a scheme for the tribal communities to lease the lands which they consider as parts of their ancestral domain from the Department of Environment and Natural Resources. However, the paper view this as a direct attack on the Cordillera people's vested rights to their ancestral lands. It said that the Cordillera people will be pressured to legally give up all claims to their ancestral lands due to this scheme. The people do not have to give up their rights to their lands in the name of "development" or in order to protect the environment, it added.

The most notable danger posed by the programme, the paper argued, is that it will only undermine tribal people's organizations and spawn divisions among the various indigenous groups in the region. It said that by giving the Philippine government P 362 million to spend for the programme, the European Community gives the government agencies involved massive power and influence which can be used to divide existing people's organizations, to bribe community leaders and to buy off popular protests and demands. At present, there are no clear guidelines or standards for CECAP projects which means that the government agencies will have the exclusive powers to implement the programme and to choose which communities and organizations can be involved. The agencies will tend to favor groups which agree with government plans and policies, even if these are fully supported by the people. The CECAP may create divisions and discriminations among the Cordillera people, the paper said.

Due to these defects and dangers posed by the CECAP, the paper opined that the Cordillera people will not be the true beneficiaries of the programme but multinational companies and local contractors and the wealthier members of the Cordillera communities. It ended by stating that for a development project to be truly responsive to the needs of the Cordillera people, due consultation with those directly affected must be made.

TFA ENJOINS DENR ON AD DELINEATION

IVATAN AD PROTECTED

A memorandum dated 3 January 1989 was issued by Department of Environment and Natural Resources (DENR) Secretary Fulgencio S. Factoran, Jr. to the DENR Undersecretary for Field Operations, all DENR Regional Executive Directors and the Director of the Special Concerns Office, regarding the identification and delineation of ancestral land claims.

Secretary Factoran issued the memorandum after members of the various Tribal Filipino Apostolates (TFAs) working in the different areas of tribal Filipinos signified

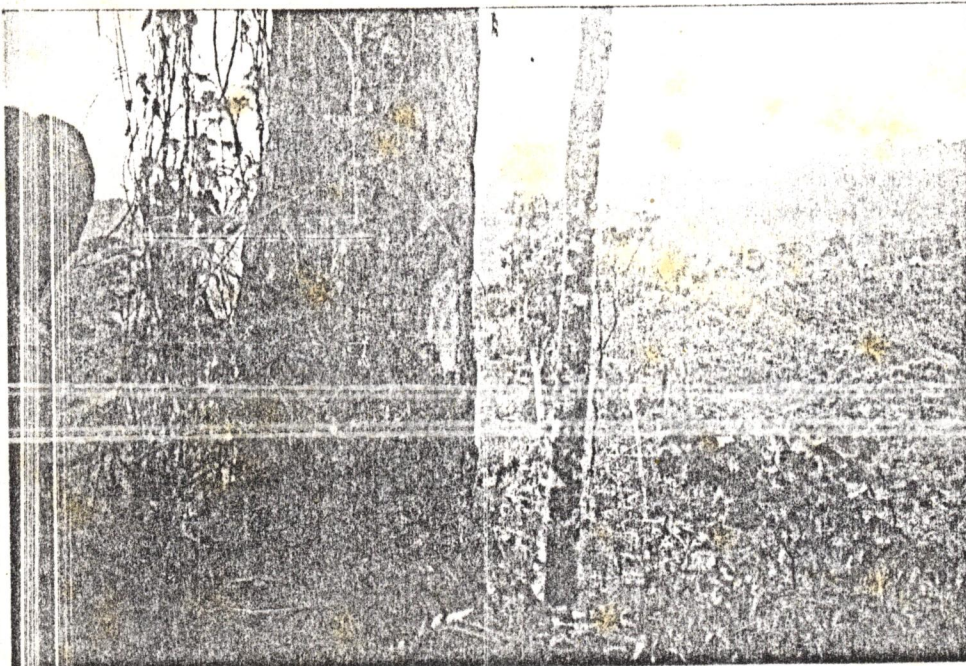
their willingness to help and coordinate with the DENR in the survey of ancestral lands.

To make the proposed survey of ancestral lands orderly and systematic, the DENR Special Concerns Office was instructed to furnish all regional directors the list of members of the TFAs in their respective region who will help them in the conduct of the survey. The respective offices concerned were also told to coordinate with the various dioceses to help in the determination of the areas occupied by the different tribal groups.

Department of Environment and Natural Resources Undersecretary for Field Operations Victor O. Ramos transmitted a radio message on 28 December 1988 to the DENR Regional Executive Director of Region 2 based in Tuguegarao, Cagayan instructing him to suspend the on-going Basco Reforestation Program.

Undersecretary Ramos was prompted to issue the suspension order upon complaints he received from the Ivatans that the project was undertaken without due consultation from them and within their ancestral lands.

Due to this alleged encroachment of ancestral domain and because of the persistent demands of the Ivatans, the Undersecretary ordered the suspension of the program until this is fully clarified. The Undersecretary also instructed the regional director that if the situation warrants or necessary, the program must be revised to ensure that ancestral land rights are not violated.



Tree marks establishing the boundaries of the Ancestral Domain of the Palawano tribe

STATUTES

Declaration of the World Conference to Combat Racism and Racial Discrimination (1978)
(A/CONF.92/40, United Nations Publication, Sales No. E.79.XIV.2, chap.II)

" 21. The Conference ... recognizes the special relationship of indigenous peoples to their land and stresses that their land, land rights and natural resources should not be taken away from them,"

CULTURAL EXCHANGE

Eight (8) tribal leaders from the Lubos Na Alyansa Ng Katutubong Ayta Sa Sambales (LAKAS) undertook an exposure trip to Iraya-Mangyan communities in Puerto Galera, Oriental Mindoro from February 19 to 24.

The purpose of the trip is to orient the Aeta leaders on the weaving skills of Iraya-Mangyans which will pave the way for the cultural exchange between the two indigenous groups.

This is the initial step jointly undertaken by the Department of Environment and Natural Resources (DENR), the Tanggawang Panligal Ng Katutubong Pilipino (Panlipi) and the Center for Rural Organization and Support Services (CROSS) to bind unity and cooperation among diverse indigenous groups.

KALATAS PANLIPI
Published by
The Publication Desk
Tanggawang Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makti, MFI
1200 Philippines

KALATAS



TANGGAPANG PANLIGAL NG KATUTUBONG FILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



Volume 2 No. 2

25 February 1989

MINING CO. INTRUDES INTO MANGYAN LANDS

About one hundred (100) tribal families belonging to Buhid tribe occupying the Mangyan communities of Tauga Daka and Tauga Diit have been adversely affected due to the sudden intrusion of a mining concession inside their ancestral domain.

Saon Fucoy, a Mangyan tribal leader, confirmed this report after a mining firm engaged in the exploration of Barite have expanded its operations in the areas earlier mentioned. According to him, the people in the area have been apprehensive since the

intrusion of the mining firm in their ancestral domain. Some have even entertained the idea that they will be summarily expelled from the lands they have been in possession a long time ago. This situation is further aggravated by their lack of knowledge of the identity of the owner of the mining firm. If destruction is done to our properties, farms and other belongings due to the operations of that mining concession, who will be responsible for such and from whom do we get compensation, Saon Fucoy argued.

Not far from the areas occupied by the Buhid tribe, the Bangan tribe composed of more or less thirty (30) families inhabiting the tribal communities of Alid and Ugun Ligma were also reportedly affected due to expansions of another mining company engaged in the exploration of copper minerals. Tribal leaders from the Sadik Habanan Foundation, Inc. are trying to establish the identity of the concessionaires who both started operations last January.

PALAWANO ANCESTRAL DOMAIN DELINEATED

February 9, 1989 is a historic moment for the Palawano tribe occupying the hinterlands of Narra, Palawan. It was during that time when the the struggle of the Palawanos for the identification and delineation of their ancestral land claims was finally realized. It was a time when their sacrifices for the defense of their ancestral abode was initially compensated. The surveys made under the initiative of the Palawanos themselves covered the areas of Aramaywan and Ipilan, both located in Narra after their numerous petitions and demands for the delineation of their ancestral domain was finally granted by the local Department of Environment and Natural Resources office.

In the community of Aramaywan,

an area of approximately 1,000 hectares were surveyed by the tribal occupants headed by tribal leader Sapin Ragun for the benefit of fifty (50) tribal families. In Ipilan community, an area of more or less 800 hectares were surveyed by members of Nagsurutu Mga Palawano at Bukid it Balintik, a community-based organization of Palawanos.

After the completion of the survey, they will be issued with certificates evidencing the extent and scope of their ancestral lands. But for the majority of the Palawano tribe, with or without a certificate of title, they are of the opinion that they are entitled to the vested ownership of ancestral lands they have inherited from their past ancestors.

PANLIPI SUMMER PARA-LEGAL SEMINAR

The Tanggapang Panligal Ng Katutubong Pilipino (PANLIPI) will sponsor a summer para-legal seminar regarding legal rights of indigenous Filipinos and their application in the defense of ancestral domain, coming second week of April this year at Laguna, Los Banos.

Participants of the seminar will come from law students of various Metro Manila law schools and selected community workers. After their completion of the seminar, the participants will be sent to the different indigenous areas to conduct trainings of similar nature among tribal leaders.

This will be the second para-legal seminar offered by Paulipi since its founding and it constitutes one of the components of its para-legal services to tribal Filipinos.

ment and Natural Resources approved the segregation and delineation of the Manobo ancestral domain. At present, a Land Classification Survey Team has been assigned to the area to do the task of classifying and segregating the Manobo ancestral lands from the PICOP reserve forest area.

TANDIK SITUATIONER



The Mansaka-Mandaya tribe, an indigenous peoples group inhabiting the upland areas of Tandik, Tandawan and New Bataan in Davao province, is in danger of losing their ancestral domain!

This was reported in an initial report prepared jointly by the Apostolate for Cultural Communities, Justice and Peace Alay Kapwa, both of the Diocese of Tagum and the Task Force Detainees of the Philippines, Tagum Unit after a series of interviews with tribal leaders from the area. According to the report, the Apex Mining Corporation reportedly owned by the Puyat family is posing a serious threat to the existence of the tribal Filipinos in the area by its unhampered expansion and exploitation of gold deposits in Tandik and timber in Mt. Manluya.

The mining firm began its intrusion in the area through Palok, a mountain village inhabited by the Mansakas initially by means of a saturation drive of locally-hired vigilante groups that started on July 1988. Since then, the Mansaka people who are known for their peace-loving nature have been living under a constant threat of being summarily ejected from their ancestral lands. From Jan. to June 1988, Apex reportedly fielded goons

in full battle gears to the tunnels of the local miners (abanteros) who first discovered the existence of gold ores in the area. As a result, most local tunnel owners were forced to abandon their operation out of fear resulting to the dismissal of workers most of whom belong to the Mansaka-Mandaya tribe. Identification cards were also reportedly distributed to local abanteros and even to non-miners such as the farmers, as their "safe conduct pass" in going in and coming out of Tandik. Obviously, no persons are allowed into the area without identification cards and the Mansaka natives who have been in the area even before the entry of Apex also reported that they were forced to wear identification cards to avoid harassment from the hired goons.

Admission gates were also reportedly established around the area and every person had to pass a narrow passage with sentries and German Shepherd dogs behind the fence. The natives complained that due to the fencing, the dogs and the gates, their free movement in the area have been curtailed and lessened. "Our paths between our farms and our homes have been blocked by the Apex. If we go over the fence, our lives would be in

danger because the goons will shoot us. So we have to endure long distance and the rugged terrain to pass the gates wherever our farms are located", they stated.

Due to these incursions thru militarization, the Mansakas demanded to have a dialogue with the Apex management. On May 20, 1988 Apex held a consultation with the tribal people in the area but to the surprise of the latter, the management did not talk about agreements regarding their entrance in their ancestral lands but about small-scale mining and small skills of tunneling and lumbering.

At present, there is an atmosphere of division among the people in the area regarding the tensed situation between the inhabitants and the mining corporation. There are settlers (Visayans) who expressed in the consultation-meeting that while their farms are bound to be destroyed they cannot do anything. Some have finally gave up their lands in Tandik after having received meager sums from Apex. But for the Mansaka-Mandaya natives, their general consensus and strong stance is "to defend our ancestral domain".

STATUTES

Sec. 15. Topography - No land of the public domain eighteen percent (18%) in slope or over shall be classified as alienable and disposable, nor any forest land fifty per cent (50%) in slope or over, as grazing land.

Sec. 15, par. 1
PD 705

KALATAS PANLIPIN
Published by the
Publication Desk
Tanggapanig Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makati, MM
1200 Philippines

KALATAS

PANLIPI

TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



Vol. 1 No.13

19 December 1988

LUBASAN DEMANDS FOR AD RECOGNITION

The Lumadnong Bugkot sa Agusan ug Surigao Alang sa Kalingkawasan (LUBASAN), an alliance of five major indigenous groups from Agusan and Surigao provinces, formally submitted their petitions for the recognition of ancestral domain rights to respective government agencies last November 28-29, 1988 through a ten-datu delegation to Manila.

In their joint resolution addressed to President Corazon C. Aquino, DENR Secretary Fulgencio Factoran, Senator Joseph E. Estrada and Congressman William Claver, they demanded the government to :

- 1) Create a Commission on Ancestral Domain,
- 2) Fully recognize and protect the right of tribal Filipinos to their ancestral domain,
- 3) Respect and recognize their indigenous laws and traditions especially in the aspects of property ownership and relations,
- 4) Respect and recognize their right to self-determination,
- 5) Revoke all laws and policies which are inconsistent with their demand for the recognition of their vested ownership rights to their ancestral domain,
- 6) Provide adequate social services for the tribal communities,
- 7) Investigate all logging concessions in their areas and cancel portions thereof which encroach on ancestral domain,
- 8) Review and stop the government's total war-policy which has created adverse effects in the peace and tranquility of indigenous cultural communities, including the use of tribals as CHDF, CAFGU and other paramilitary units.

In an interview made during their visit in Manila last month, the LUBASAN datos said they were hoping the government would initiate favorable action on their just demands. After two dialogues in Butuan City with government officials have failed to come up with concrete solutions to their

pressing problems, Datu Malinoglinog said they have decided to personally address their demands to the national government. Aside from that, he said, the regional government offices are not acting upon the petitions they have submitted to the latter. Now, that we have personally come here in Manila to present our demands, we can test if the Aquino administration is really sincere in its promises to alleviate the plight of tribal Filipinos as will be shown later on how it will act on our just demands, he said.

The tribal leaders also reported to Senator Estrada on the alleged human rights violations committed by the military on various cultural communities, particularly on the bombings of Higaonon communities. Senator Estrada agreed to send a Senatorial Investigative Committee to investigate and make a report on the matter.

Although they know that they themselves are and will be the principal moving force in the attainment of ancestral domain rights, the datos were optimistic that the government would take positive action on their demands.

SCOMADS PETITION

The Steering Committee for Manobo Ancestral Domains Segregation (SCOMADS), a working group composed of Manobo tribal leaders, are about to succeed in their struggle for the segregation of their ancestral lands from the forest reserve declared by the Paper Industries Corporation of the Philippines (PICOP).

The Manobos who have long been occupants of ancestral lands located in Trento, Agusan del Sur, accused the PICOP of encroaching on their ancestral domain. In numerous written and oral testimonies attested by tribal leaders and elders, they claimed that they inherited said lands from their ancestors and great-grandparents even before the entry of PICOP in their occupied areas. They said that before PICOP established a paper industry in their area, no one else had ever molested nor questioned their possession of the ancestral lands. But since the entry of PICOP, they stated, we have been from time to time up to the present harrassed by forest guards and forest rangers who destroy and cut down the improvements we introduced therein.

Also, early this year, more than 50 family members of the Manobo community were arrested, detained and charged by PICOP of violation of Sec. 69 of the Revised Forestry Code which prohibits "unlawful occupation or destruction of forest lands". How can they accuse us of "unlawful occupation" when we have occupied our lands since time immemorial?, they stated.

Due to such encroachment on their ancestral domain, the Manobos decided to segregate the areas they are occupying in order to stop further incursions and expansion of the said paper industry. As an initial step, they filed a petition for the segregation of their ancestral lands from PICOP-occupied areas to the Office of the President, basing their petition in accordance with the "subject to private rights" provision under Presidential Decree No. 59 dated August 4, 1966. Said decree is also the basis for PICOP occupation of the area. But, according to natives, they have better rights than the owners of PICOP since their occupation of the lands precedes that of PICOP.

Finding their petition with merit, the Office of the President through the Department of Environ-

BELAUANS STRUGGLE TO REMAIN NUCLEAR-FREE

In 1979, the people of Belau (Palau), a group of tiny islands in Southeast Pacific received world-wide attention when they ratified the first anti-nuclear constitution over the objections of the US ambassador to Micronesia. The constitution prohibits the storage of nuclear materials in the islands and such nuclear-free provision can be overturned only by 75% vote in a referendum by the Belauan people.

The US which is occupying the islands through a UN trusteeship agreement objected to the ratification of the anti-nuclear constitution. In a paper by the Third World Network, it accused the US of not complying with the obligation mandated by the trust to prepare the territory (Belau) for self-government and for the Belauans to exercise the right of self-determination. It added, the US is constantly pressuring the Belauan government to delete the nuclear-free provision in their constitution.

The US was interested only in the strategic value of the islands as an alternative location of its bases should the two US military bases in the Philippines are pulled out, the paper claimed.

As an initial move, the US proposed the "Compact of Free Association" treaty with the Belauan government. This would replace the trusteeship status of Belau into a new political relationship, with the US granting limited sovereignty and substantial American aid to the territory. In return, Belau would grant the US 50 years right to naval ports and vast tracts of lands for military bases. Aside from that, the compact contains clauses allowing nuclear vessels into Belauan territory in violation of the anti-nuclear Belauan constitution. Through a series of economic pressures, the Belauan

government was forced to sign the treaty with the US in 1982.

Knowing that the treaty clearly violated the Belauan constitution, the US pressured the Belauan government to delete the anti-nuclear provision so that the compact would be effective. Washington initiated 10 referenda to amend the constitution but all of these failed to get the 75% vote of approval by the Belauans.

However, on 4 Aug. 1987, the Belauan legislature amended the constitution by replacing the 75% vote of approval with a simple majority. This was made possible through the pressures exerted by Pres. Lazarus Salii, who was claimed by the Third World Network as a US puppet and architect of the compact when he was still an ambassador to the US. Subsequently in 21 Aug. 1987, a referendum was held which passed the compact by a simple majority.

But the Belauans contested the legality of the August 4 amendment of their constitution by the Belauan legislature. They claimed that no petition was made to amend the constitution by either the voters or the legislature members. This is a flagrant violation of the constitution because it requires a petition before any amendments, they said.

While the legal battle wages on, another more deadly war is taking place. Presently, Belauans who publicly oppose the compact or file legal suits against it are being threatened or murdered. On the night of 7 Sept. 1987, the home of Gabriela Ngimang, one of the women plaintiffs against the compact was bombed. On the same night, gunmen shot dead the father of Roman Bedor whom they mistook as the latter. Bedor, a lawyer and anti-nuclear activist is also a strong opponent of the compact.

Also, the judge who is handling the case resigned as a result of threats made on his life.

LUBASAN DELEGATION

Ten datus from the Iliganon, Manobo, Banwaon, Talaandig, and Manuwa tribes of Northeastern Mindanao are expected to arrive in Manila on 27 November 1988 for talks with government officials.

The delegation was an offshoot of the aborted dialogue held last October 23 in Butuan City that was sponsored by the Lundhong Bugkot sa Agusan-Surigao Alang sa Kalingkawasan, a federation of the five major indigenous groups.

The visit was suggested and sponsored by the PANLIPI in order for the tribal groups to properly address their legitimate demands and petitions to the government agencies concerned.

The datus will visit the following government offices: House of Senate, House of Representatives, Department of Environment and Natural Resources, and the Office of the Chief Executive.

KALATAS PANLIPI
Published by the
Publication Desk
Tanggapang Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makati
Metro Manila, 1200 Philippines

statutes

Principle 14

The indigenous peoples have the right to receive education in their own language or to establish their own educational institutions. The languages of the indigenous peoples are to be respected by the State in all dealings between the indigenous people and the State on the basis of equality and non-discrimination.

WORLD COUNCIL OF INDIGENOUS PEOPLES (1985)
(E/CN.4/Sub.2/1985/22, annex III)

KALATAS

PANLIPI

TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



Vol. 1 No.12

21 November 1988

MACOL REPORT

From September 5- 10, 1988, a total of 67 participants from various non-governmental organizations devoted to the cause of human rights, and organized sectors and concerned individuals participated in a fact-finding study mission organized by the United Church of Christ in the Philippines (UCCP) South Cotabato District Conference (SCDC).

This move was a reaction to reports received by the Conference that their churches in the mountain villages of Malapatan municipality were on the verge of collapsing. The first report received was that there were tribal UCCP congregations who did not conduct worship services anymore. Some church members no longer carry the name of the United Church of Christ. The second report was that a number of their tribal church members, mostly B'laans, were arrested and detained by government troopers.

On August 15, 1988, the Conference received the most shocking report. Two of their deacons were reported extra-judicially executed and buried in a common shallow grave.

The reported incidents drew varied reactions from the Conference so the SCDC decided to launch the study tour.

The area covered by the Study Mission is Sitio Macol, a mountain village of Barangay Upper Suyan, Malapatan, inhabited by more or less forty families belonging to the B'laan tribe.

Results of the mission showed that the recent military operation conducted from August 10 to September 7, 1988 adversely disrupted the churchlife of the tribals. Church members were intimidated to abandon the local churches as a result of the military's campaign that the UCCP is allegedly among the the communist fronts or communist-infiltrated church. Many of the church members as a consequence, transferred to "ultra-fundamentalist-conservative" denominations

allegedly supported by the military and which have their own version of preaching the way to "salvation". The tribals reported to the Study Mission that soldiers were not only combatants but also acted as religious preachers. They said, tribals were made to believe by the soldiers-turned-preachers, that to attain peace, one must take arms and kill the "enemies of the state".

During and after the military operation, church leaders secured themselves to avoid harassment from the military done in a manner called "humble invitation for interview". Local lay preachers and leaders of the church who are "invited" were either arrested or executed, the mission reported. On August 11, 1988, two deacons of the Macol church were reported "salvaged" allegedly by elements of the 37th IB PA. The victims were identified as Dot Malngan, a father

of two children and Masulong Igad who has three children.

Aside from those human rights violations reported as a result of the military operation, the mission also reported on the displacement of families and damage to properties. Some 34 B'laan families and residents of Sitio Macol abandoned their homes and left their livelihood unattended for fear of being caught in the crossfire between the military and the rebels. Moreover, there was no report of B'laans ever evacuated to town centers. Residents also reported to the mission that properties worth P7,000.00 were allegedly destroyed by elements of the military and the local CHDF.

Due to this alarming situation, the participants of the mission made recommendations for the Aquino government to immediately investigate the reported Human Rights violations in Sitio Macol and to punish the perpetrators, invoking the provisions of Protocol 2 Additional to the Geneva Convention and the 1986 Phil. Constitution's Bill of Rights.

TRIBALS HELD

Three members of the Higaonon tribe were arrested without charge by military personnel belonging to the 30th IB PA last 30 October 1988 in Buenavista, Agusan del Norte.

This was reported in a letter dated November 9, 1988 sent to various news tabloids by the Silingang Dapit sa Sidlakang Mindanao, a regional non-governmental entity advocating for tribal Filipino rights.

The three, Lando Lanapan, Datu Maolin-olin and Datu Maligoyan were returning from Davao City where they attended the Lumad Mindanaw Congress, when they were arrested. The jeepney in which they were travelling was stopped along the National Highway at the Jamboree Site in Buenavista. After being forced from the jeepney at gunpoint, the three were taken to the headquarters of the 30th IB PA, the letter said.

One of the passengers, a certain Toto Maputi, reported the

abduction to Lanapan's wife, Emma. The same day, Ms. Lanapan sought assistance from Buenavista parish priest Ben Begunia. They went immediately to the headquarters to investigate the arrest and its circumstances but a Major Ibot denied the three were being held there, the letter stated. On the following day (Oct. 31), a Captain Cardino admitted having them in custody and promised Lanapan's release on November 2. Lanapan however was released only on November 4.

Lanapan reported that on the first day of their detention, they were questioned around the clock and not given food. A kit from the Lumad Mindanaw Congress was also confiscated from us, he said. He also said that the guards performed skits for them about how they are going to be killed.

As of November 9, Datus Maolin-olin and Maligoyan were still being detained, the letter said.

SENATE HEARING

Senator Joseph E. Estrada chaired a committee hearing held last 20 September 1988 at the Department of Finance Building concerning pending bills and issues relevant to the interests of indigenous cultural communities.

Principal speakers included Fr. Raymundo Hilot of the Episcopal Commission on Tribal Filipinos (ECTF), Prof. Owen Lynch of the UP College of Law, Director Esteban Bautista of the UP Law Center, Director Jose B. Lopez of the OSOC and Atty. Modesto Andong of ONOC.

The center of discussion was focused on pending Senate Bill Number 735 which seeks to codify existing customary laws on land possession and ownership of various indigenous tribes. Fr. Hilot manifested his opposition against the planned codification saying that such would adversely affect if not destroy the culture, customs and traditions inherent in various indigenous groups. He added that the codification would render the customary laws inflexible and in-adaptable to changing conditions. He observed that the measure would pin down the indigenous people to one perspective only, hence, it would only hinder their total development. He suggested that a plain research be made and the facts and data gathered be for academic purposes.

Professor Lynch also expressed his opposition to the codification. He said the move would in effect obliterate existing customary laws. He explained that customary laws are dynamic and evolutionary, hence,

it is impractical to codify them because this would only create a gap to its evolutionary development. He instead suggested that the government recognize their right to ancestral domain.

Director Chairman Bautista proposed that the UP Law Center make the task of collating and gathering data on customary laws. Although it appeared that he is in favor of codification, he said it will only be for the purpose that their Christian brothers will understand and be more tolerable to them.

Director Lopez also expressed his concern for the codification. He felt that the move would benefit the indigenous people because it would give them "equal rights" as that enjoyed by their Christian brothers. Atty. Andong of ONOC, on the other hand, agreed with the observations of Fr. Hilot and said he favors a research for academic purposes, not for legal codification.

At the end of the hearing, Mercy Ferrer of TABAK reported on the result of their fact-finding mission on the reported Surigao Bombing. Senator Estrada who is also the Chairman of the Senate Committee on Cultural Communities, showed his concern by requesting her to furnish him copies of documented evidence for the Secretary of National Defense in order for the latter to act on the matter. Director Lopez of the OSOC confirmed the bombings and said his office has sent rice and other relief goods to the area.

technological experiments. They claimed that they are the ones suffering from such adventurist scheme to the extent that they are deprived of their right to live in their occupied areas.

Among the issues raised are: 1) Displacement of a number of ethnic families living within the occupied areas, 2) Ecological destruction, 3) Cultural dissociation, 4) Low compensation for crop damages, 5) Insufficiency of water supply, 6) Absence of consultation with residents and local officials on future production plans.

They also blamed the government-owned entity for the destruction committed on their indigenous and ethnic heritage. "Due to the inroads made by the PNOC into our sanctimonious domain, our centuries-old cultural pattern has been blatantly raptured", they said.

They further denounced the dumping of geothermal wastes by the PNOC into the two main waterways, the Matingao and Marbol rivers. These, they said, have caused pollution to the two waterways so that we have been deprived of sources of potable water to drink.

In view of these grim realities, they have petitioned the DENR, the Department of Health, the Provincial Government and the Municipality of Cotabato to investigate the PNOC activities in their area in order to prevent further damages. As a response, the PNOC initiated a dialogue with the residents in the area last September 5, 1988. In a letter by Mario C. Berbano, Manager, PNOC Environmental Management division to Mr. Jaime Guayco, head of the Ecological Committee, he believed that the PNOC have already sufficiently clarified and properly addressed the issues raised in that open letter.

PLANT ANNOYS TF

Critical issues regarding the continuous operations of Mount Apo Geothermal Plant in Kidapawan, Cotabato were raised by members of the Ecological Committee, a non-governmental local entity concerned with the maintenance of proper ecological balance in the area. The issues arose when a group of tribal Filipinos (Lunads) complained that they are adversely affected by the plant since it began operating one year ago.

In their open letter dated 3 August 1988, they charged the state-run Philippine National Oil Company (PNOC) for the gradual destruction of Mount Apo's virginal forests and other natural resources. According to them, PNOC's occupation of 10.6 hectares on the Kidapawan, Cotabato side of Mount Apo, has virtually transformed the once-Lunad (native) sanctuary into a platform wherein it (PNOC) could mount its

KALATAS PANLIPI
Published by the
Publication Desk
Tanggapang Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makati
Metro Manila, 1200 Philippines

The State recognizes and promotes the rights of the indigenous cultural communities within the framework of national unity and development.

Kinikilala at itinataguyod ng Estado ang mga karapatan ng mga katutubong pamayanang kultural sa loob ng balangkas ng pambansang pagkakaisa at pag-unlad.

Sec. 22, Article II, Constitution
of the Republic of the Philippines.

KALATAS

PANLIPI

TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO
(LEGAL ASSISTANCE CENTER FOR INDIGENOUS FILIPINOS)

UNIT 5, SALUD APARTMENTS, 3243 ZAPOTE ST., MAKATI



Vol. 1 No. 11

Official Newsbulletin

October 19, 1988

PINAGKAISANG LAKAS PARA SA TRIBU.

"Habiin Ang Ating Lakas Para sa mga Karapatan ng Tribong Pilipino".

Ito ang napiling tema ng pulong na dinaluhan ng iba't ibang organisasyong nagsusulong ng mga karapatan at kagalingan ng katutubong Pilipino noong 15 Oktubre 1988 sa Museo Ayala, Makati. Ang naturang pulong ay mula sa pamamahala ng Kalipunan ng Katutubong Mamamayan ng Pilipinas (KAMP) at ng Tunay na Alyansa ng Bayan Alay sa Katutubo (TABAK).

Mga pangunahing tagapagsalita ay sina Senador Joseph Estrada, Congressmen William Claver at Greg Andolana. Bilang Taga-pangulo ng Komite ng Cultural Communities sa Senado, inilahad ni Senador Estrada ang pangkasalukuyang kalagayan ng mga katutubong Pilipino, lalung-lalo na sa usapin ng pagmamay-ari ng lupa. Sinabi niya na bukod pa sa tahasang pagkakait sa kanila ng mga lupang ninuno, ang mga batas ng estado ay lubha ring walang pagmamalasakit sa mga katutubo. Inilina niya ang mga di-makatarungang nilalaman ng Doktrinang Regalya, Philippine Commission Act Blng. 718, Public Lands Act, at 1974 Ancestral Lands Decree na pawang sumasalungat sa karapatan ng mga katutubo sa lupang

ninuno. "Kung walang paggalang ang mga batas ng estado sa mga karapatan ng mga katutubo, paano natin silang aasahang sundin ang mga batas ng gobyerno", ang huli niyang tugon.

Nagpahayag din ng pagsuporta si Congressman Greg Andolana sa pakikibaka ng mga katutubo para sa karapatang maka-tao. Bilang Taga-pangulo ng House Committee sa Karapatang Pantao, ipinahayag niya na gagawa siya ng kagyat na aksyon para matigil ang diumanong pambomba at operasyong militar sa mga tirahan at taniman ng tribung Higaonon sa Surigao. Ayon sa kanya, ang mga probisyon sa Saligang Batas tungkol sa Karapatang Pantao ay di kumikilala sa diskriminasyon. Kristiyano man o katutubo ay may pare-parehong karapatan na di dapat niyuyurakan ninumaman, pagtatapos niya.

Nagpalabas din ng "slide presentation" tungkol sa pamumuhay, pakikibaka at suliranin ng mga tribung Pilipino. At ang panghuli ay ang pagpapakita ng suporta ng mga dumalong organisasyon sa pamamagitan pagpipirma ng isang petisyon na tanda ng pagkakaisa at pakikiisa.

LUMAD CONGRESS

"To serve as a vehicle of strong bond of solidarity among the diverse indigenous people of Mindanao".

This is the theme of the Second Congress Meeting of Lumad Mindanaw since it was formally organized in 1986 through the concerted effort of the Lumad people themselves. The congress will be held this coming October 26 to November 1, 1988 at Victorio's Beach Resort, Talomo District,

Davao City.

The congress will focus on the evaluation and assesment of the organization's thrust and objectives.

Participating organizations are expected to make support statements for the success of the congress. Invitation letters have been likewise forwarded by the Lumad Mindanaw Secretariate to various NGO's throughout the country.

MANOBOS VISIT MANILA

Eight (8) datus belonging to the Aromanon Manobo tribe concluded their four-day visit in Manila from October 10 to 13 1988. The datus led by Timuay Lumao Palao were accompanied by Claire Evert of the Mennonite Central Committee to the various government agencies and to the Office of the President.

On the first day of the visit, they had an audience with DENR officials concerning their claim on ancestral domain. They objected to the unhampered cutting down of trees of big logging companies on their ancestral abode. They requested the DENR officials to strictly enforce environmental measures for the protection and preservation of ancestral wealth. Forester Joey Austria, Chief of the Indigenous Community Affairs Division agreed to send a team to investigate the matter.

During their visit to Malacanang, they urged the President to proclaim by way of executive order the area they are inhabiting as a settlement project for the Aromanon Manobos. They said that their tribe have been inhabiting the area a long time ago so it is but logical to have it legally titled under their ownership. They claimed that other people who do not belong to their tribe have been invading their area and constructing permanent houses. "Nanganganib na po ang aming pangkabuhayan dahil marami pong estranghero ang nandirito na tunitira sa aming pook", they said.

The datus also talked to Senators Joseph Estrada and Wigberto Tanada regarding their petitions for the upliftment of their livelihood, housing, health and education to the government agencies concerned. They requested the two senators to urge the heads of the different agencies to grant their petitions. Tanada committed he will sponsor a livelihood project especially for them by the year 1989.

REMOINTADOS DEFY THE DAM

" Sa lupa naguumala ang buong kabuhayan namin. Ipagkait ninyo sa main ang aming lupang ninuno, para na ring inagaw ninyo sa amin ang karapatan namin mabuhay ".

One furious Remontado leader made these declarations in support of their defiance against the construction of the Kaliwa-Kanan Dam (Laliban) which threaten to flood and wipe out all of their ancestral lands.

The dam is actually a part of the Lungsod Silangan Project of Imelda Marcos which started in 1981 covering a huge area of about 3,600 has. or seven barangays of Tanay, Rizal.

For fear of losing their ancestral domain in the name of "development", they started their campaign to oppose the construction way back in 1983. Particularly, they directed their opposition

against the Metropolitan Waterworks and Sewerage System (MWSS) which is the proponent of the project. According to the leaders in the area, MWSS personnel approached them beforehand and promised to relocate them, to pay compensation for their properties damaged including moral damages. But the construction was stopped in 1985 presumably due to lack of government funds. It resumed again in 1987 under the Aquino administration but this time MWSS policies regarding their compensation were radically changed.

In a memorandum issued by MWSS Administrator Luis V.Z. Sison dated March 8, 1988, the MWSS prescribed rules regarding the manner and amount of compensation by the government. For every inhabitant at the age of 60 and above, a compen-

sation of P5,000.00 in the form of BUY-OUT is paid. This in effect would deprive the person who received the amount the right to be relocated. Leaders of the area also claimed that only 40 % of the total amount were paid to persons who chose to be relocated. Aside from that, they claimed that the relocation sites reserved for them (San Ysiro and Famy) are below par than the human standard of a relocation site.

Because of these developments they resorted to different means to assert the following demands: 1) sufficient payment of their properties based on the computation and appraisal of the owner 2) definite relocation area with sufficient means of livelihood 3) lands granted to them in the relocation area must be in accordance with the area provided in the Agrarian Reform Law.

MANOBOS STRUGGLE TO REGAIN ANCESTRAL LANDS

For twenty-seven years, the Manobo tribe of Barangay Katindu, Magpet, North Cotabato has been unlawfully ejected from their ancestral lands. Notwithstanding, the indigenous people have not lost hope. At present, they are persistently struggling to redeem back the lands that have been deprived from them.

This is the situation confronted today by the Manobos led by Datu Mambiling Ansabu. A court battle is looming between the Manobos and Former Magpet Mayor Augusto Gana in pursuance of a landgrabbing case filed against the latter.

It all started when the former Mayor and his wife was given by Datu Mansing Ansabu, father of Datu Mambiling, the right to lease about 40 has. in Katindu occupied by the Manobos. The Manobos have considered the area as a part of their ancestral domain since time immemorial. But sometime in 1968, after the death of Datu Mansing, the Ganas with the aid of armed men expanded their occupation and fenced an area of 3,000 has. including the occupied and cultivated portion of the Manobos. Datu Mambiling claimed in his petition that they were forced to seek refuge in the forestal area when Mayor Gana through his private armies bulldozed and burned all of their houses. He also added that

throughout the 27 years in their struggle to bring back their ancestral domain, 29 Manobos have been allegedly killed by armed groups identified with the former Mayor. Due to such outrageous attack on their persons and properties, the local chieftain said, they were forced to fight back and use armed struggle as a means to stop all incursions on their ancestral domain. There was even a time, he added, that the military branded him and his followers as "bandits". This, he claimed, was a "divide and rule" tactic employed by the influential Mayor to confuse the public that their cause is not legitimate.

Early last year, Datu Mambiling surrendered to the military upon the appeal of the religious sector. He was however arrested on June 25 last year and

charged for alleged criminal offenses. He is now released under the custody of Fr. Peter Geremia, Tribal Filipino Coordinator of the Diocese of Kidapawan. But according to a letter of Fr. Geremia, the people led by Datu Mambiling have manifested that they are still pursuing the case against the former Mayor.

KALATAS PANLIPI
Published by the
Publication Desk
Tanggapang Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makati
Metro Manila, 1200 Philippines

statutes

The State shall apply the principles of Agrarian Reform or Stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.

Sec. 6, Article XIII, Constitution of
the Republic of the Philippines

KALAYTAS PANLIPI

Official Newsbulletin

TANCAPIANG PANLIGAL NG KATUTUBONG PILIPINO (PANLIPI)

Vol. 1 No. 10

September 22, 1988



MANKAYAN FACT-FINDING

A fact-finding mission was sponsored by the Cordillera Environmental Concerns Committee (CECC) last September 15 to 17 to investigate the alleged adverse effects of the Lepanto Drying Plant located in Mankayan, Benguet Province.

Participants of the mission mostly from NGOs (non-governmental organizations) visited the areas of Paco, Culalo, Cabitin and the Lepanto Drying Plant. It was actually a response to the public clamor of the Kankana-ey ethnolinguistic group who are directly affected by the plant, to conduct a fact-finding inquiry.

In the year 1983, the Lepanto Drying Plant was constructed and since then, the people in the area had claimed it caused harmful effects to their environment. A few years ago, they petitioned the Lepanto Consolidated Mining Company to stop the operations of the drying plant. The government in turn directed the National Power Corporation (NPC) to investigate but the NPC reported that the plant is not causing any harm.

So the people have renewed their petition. With the assistance of the CECC, they organized a fact-finding team whose members were from the NGOs, media and two mining

engineers. Results of the mission showed that the drying plant is emitting toxic wastes harmful to the surrounding environment. One of the mining engineers who conducted soil, water and plant analyses commented that disproportional degrees above the normal level were observed for every analysis. He theorized that the plant is probably causing adverse effects to the plants, animals and inhabitants of the area. These strengthen the claims of the local leaders that the continued operation of the plant is a primary contributory factor to the alarming increase of bronchitis, pneumonia and primary complex among the people in the area. Preliminary interviews obtained from the farmers in the area also revealed that fruit-bearing trees and vegetables are no longer as productive as they were when the plant was not yet in operation. Cattles were also reported to be urinating blood and pregnant cows were said to have aborted.

At present, leaders from the area are planning to set up an information drive to expose said alarming situation in the area and eventually to mount a campaign for the closure of the drying plant.

BILLS INTRODUCED FOR INDIGENOUS PEOPLES

Two bills affecting the indigenous peoples were introduced last August 18, 1988 by Senator Joseph E. Estrada.

Senate Bill No. 734 seeks to create a Council of Indigenous Cultural Communities to advise the Chief Executive on policies affecting these communities. Senate Bill No. 736 aims to consult and involve the cultural communities in the utilization and development of natural resources located within their ancestral domain. The bill was drafted by PANLIPI after numerous discussions and consultations with various indigenous groups throughout the country.

The two bills were premised on constitutional provisions providing the promotion of the rights and welfare of the indigenous people.

In the House of Representatives, several congressmen headed by Congressman Gualberto B. Lumarig introduced House Bill No. 5664 creating a Department of Ethnic Affairs. The authors believed that such a specialized entity is needed to bring government services to indigenous people and to bring them closer to the government.

DATES

KAWULAN '88

Sixth Congress of the Kabugpongan Alang sa Lumadong Kalingkawasan (KLIK) will be held in Betania Retreat House, Malasag, Cagayan de Oro City on October 9-13.

KKSM Launching

The Kaisahan ng mga Katutubo sa Sierra Madre (KKSM), an organization of Remontados in Tanay, Rizal will be launched on September 23-24. The organization is spearheading the campaign against the Kaliwa-Kanan Dam.

DATES

LUMAD MINDANAW CONGRESS

Lumad Mindanaw, the Mindanao-wide organization of the indigenous peoples will hold its congress on October 28-31 in Cagayan de Oro City.

DUMAGATS PROTEST MAYOR'S ACTION

"Those who have less in life should have more in law", thus declared former President Ramon Magsaysay as he interpreted the Social Justice provision of the Constitution.

But this is not true in the case of the Dumagats in Barangay Nipoo, Dinalungan, Aurora Province. On the contrary, aside from being subjected to unequal treatment of state laws, the indigenous people are also denied their right to a decent livelihood.

Last January 11, 1988, Mrs. Levy Esteves, in behalf of the Agta (Dumagats) indigenous people, obtained a mayor's permit to fish "bangus fry" covering rivers Dinalungan and Goyodon from the OIC Mayor Arturo Pombueno.

After only about three months of enjoying the benefits granted by the permit, the Dumagats were summarily divested of their right to fish under the permit. The permit

was subsequently revoked by the newly-installed mayor Elena Usman through the municipal council. In a municipal council order numbered 88-31, it claimed the Dumagats have "exceeded" the boundary of the 175,000 square meters reservation granted them by the government.

The Dumagats vehemently denied the accusation as baseless. In their letter to Department of Agriculture Secretary Carlos Dominguez, they countered that the right to fish under the permit was stripped from them and surreptitiously transferred in the name of one GEORGE ROBERT, who is neither a resident or a member of any indigenous tribe in the area. They asserted their right to the areas covered by the permit and declared them as parts of the ancestral domain. Even the 1987 Constitution obligates the duly-constituted authorities to respect and recognize our right to ancestral domain, they concluded.

STUDY ON THE BASES

Members from various indigenous tribes throughout the country participated in an in-depth study on the presence of US military bases here.

The study conducted on August 14, 15 and 16 was initiated by the KAMP.

Participants include those from Lunad Mindanaw, Hanunuo and Iraya Mangyans, Dumagats from Aurora Province and Aetas from Zambales and Pampanga.

Facilitators mainly from the KAMP laid down the basis of the study concentrating primarily on the detrimental effects of the bases on the economic, social and cultural life of the indigenous cultural communities.

Aeta leaders from Pampanga and Zambales where the two major US military bases are located complained of the gradual destruction of their ancestral domain including their burial places and sacred grounds due to continuous operations, dry runs and target practice by US military elements. Due to such harmful activities, we are ending up losing our ancestral lands to which our subsistence primarily depends, they said.

The study was concluded by the affirmation of their common stand against the continued presence of the military bases.

EXPOSUREE VISITS

An exposuree, Michael Menutandu, recently concluded his visits to the different areas of indigenous peoples.

A member of an Indonesian indigenous tribe, the Irian Jaya, he briefed the PANLIPI staff on the over all situation of the various tribes in Indonesia. The staff in return also briefed him on the status of ancestral lands and government policies affecting indigenous cultural communities.

Menutandu was a visitor of the NCCP People's Action for Cultural Ties (PACT).

KALATAS PANLIPI
Published by the
Publication Desk
Tanggapang Panligal ng
Katutubong Pilipino
Unit 5, Salud Apartments
3243 Zapote St., Makati, MM
1200 Philippines

STATUTES

Topography. - No land of the public domain eighteen per cent (18%) in slope or over shall be classified as alienable and disposable, nor any forest land fifty per cent (50%) in slope or over, as grazing land.

Section 15, Chapter II P.D.
705 (Revised Forestry Code)

KALAYTAS PAPALTI

Official Newsbulletin

TANGGAPANG PANLIGAL NG KATUTUBONG PILIPINO (PANLIPIT)

Vol. 1 No. 9

August 22, 1988



INDIGENOUS PEOPLES AIR STAND ON ANCESTRAL LANDS

Leaders from indigenous peoples' organizations spoke at the committee hearing on ancestral lands in the Senate last August 3, 1988.

James Balao of the CPA considered ancestral lands as part and parcel of their life. He also lamented the partiality of state laws against their right to the ancestral domain. "Balit kami aasa sa batas ng gobyerno, gayong hindi naman nito kinikilala ang aming karapatang mabuhay ng masagana at tahimik?"

According to KAMP spokesperson Milette Gobrin, the bill is premature since immediate issues like paramilitary terrorism, forced recruitment to vigilante groups, proliferation of fake datus and the like must first be resolved. She added, the bill if enacted into a law would be inutile unless the indigenous

peoples' right to self-determination is respected.

Atty. Augusto Gatmaytan of the Legal Rights and Natural Resources Center, representing the various support groups (NGOs) announced their unconditional support to the indigenous peoples' struggle for ancestral domain rights. He added the state must also recognize their indigenous laws and right to self-determination in order that these may be truly efficacious.

Other speakers included Mercy Ferrer of TABAK, Director Ronald Cosalan of the ONCC, Atty. Iral of OSOC and Adjing Ambullian of OIA.

At the time of the hearing around 30 TABAK members showed their support for the recognition of the ancestral domain by picketing in front the Old Congress Building where the hearing was held.

SURIGAO BOMBING

Higaonon datus in the mountain areas of Tungao and Buenavista, Agusan del Norte sent an open letter dated 5 July 1988 denouncing the bombing operations of the 30th IB PA within their territory.

Aside from aerial assaults which started since May 29, 1988 ground operations were also launched by the same battalion with the cooperation of a Special Operations Team (SOT) and the local Civilian Home Defense Force.

As a result, twenty (20) settlements were affected forcing the dislocation of some 2,000 people including children. Eleven houses were destroyed with several houses burned down. Four members of the

Higaonon tribe were reportedly killed and another four seriously wounded. Aside from these, there were allegations that three local chieftains and twenty nine followers were abducted and detained without charges on a Jamboree Site at Butuan City.

The victims lamented they were forced to seek refuge in the forest for more than a month leaving their farms and animals. They said, many of us got sick especially children and the aged for lack of food and good shelter.

Religious and other support organizations are now helping them recover from the dislocation caused by the bombing operations.

AETA PRESS RELEASE DEROGATORY

"Labeling Sitio Poong Bato as a "colony of lepers" is a sweeping, derogatory statement and an insult upon the dignity of the Aeta indigenous people. It is unfair to the inhabitants. More so, it is without any substantial basis".

Sr. Carmen Balazo, FMI, TFA Coordinator of the Prelature of Iba and who lived in the area for more than five years, made these reactions when asked to comment on the veracity of a press release entitled "Aeta Village A Leper Colony" appearing in the August 8 issue of Daily Inquirer.

She decried it as an act of "media irresponsibility" for it exaggerated the number of persons supposedly afflicted with the contagious disease when such fact does not exist. She further stated, the issue of leprosy should not have been used to boost the campaign to elevate the emergency clinic into a district hospital.

Although there maybe some isolated cases of persons afflicted with leprosy, the nun continued, it is minimal and they are believed to be in the interior areas and definitely not in Poonbato as maliciously stated in the news article.

According to Sr. Balazo, the Aetas were furious. As an Aeta has stated, "Now, the lowlanders will not only discriminate us because we are Aetas but because we are "lepers"."

The Aeta leaders of Poonbato, Villar and Yanut noted that they did not even mention the supposed problem during their discussion with Rep. Pacita Gonzales of Zamboanga at the Congress last August 3, 1988.

RIZAL FACT-FINDING MISSION

A fact-finding and medical mission was conducted last June 20-23 to Tanay and Antipolo, Rizal to assess the condition of the settlers and indigenous people that will be affected by the "Lungsod Silangan Project" particularly the Kaliwa-Kanan Dam. The Dam will affect 2,500 families from the Dumagat, Remontado and settler communities of about seven barangays.

The fact-finding mission was initiated by the Eastern Rizal Fact-Finding Mission Preparatory Committee composed of Task Force Detainees-National Capital Region (TFD-NCR), Medical Action Group (MAG), Ecumenical Movement for Justice and Peace (EMJP), Episcopal Commission on Tribal Filipinos (ECIF) and the Katipunan ng mga Katutubong Mamanayan ng Pilipinas (KAMP) and participated by other organizations.

The Kaliwa-Kanan Dam is a component of the grand "Lungsod Silangan Project" with its objective of creating a city in Quezon province along the Pacific Coast which will be a big export

processing area. The city will be connected to Metropolitan Manila with the construction of a super-highway, and the power and water needs to be supplied by the Kaliwa-Kanan Dam. Hotels, parks and other tourist spots will be developed as part of the project. The project conceptualized and commenced during the Marcos administration is being resumed by the present government.

The fact-finding team's objective is to get the real situation in the area, specifically the harassment and human rights violation which seemed to be a part of a scheme to terrorize the people to force them to leave the area and quell the rising resistance to the project.

KALATAS PANLIPI

Published by the Research Documentation and Publication Desk
PANLIPI

Unit 5, Salud Apartments
3243 Zapote St., 1200 Makati
Metro Manila, Philippines

LAC MEETING

The next meeting of the legal assistance centers will be on August 5 at the Philippine Social Science Center along Commonwealth Ave. This time, the Legal Rights and Natural Resource Center (LRC) will host the meeting.

NEW PUBLICATION

A new publication, the PANLIPI HORIZONS will be off the press by July 30. The latest publication will feature discussions and analysis of various issues in tribal Filipino advocacy.

MID-YEAR MTG.

The Board of Directors of PANLIPI held its mid-year meeting last July 2 at the Makati office. The Board evaluated the activities of the organization during the past two quarters.

STATUTES

Sec. 9 - For purposes of this Act, ancestral lands of each indigenous cultural community shall include, but not be limited to, lands in the actual, continuous and open possession and occupation of the community and its members: Provided, that the Torrens System shall be respected.

The rights of these communities to their ancestral lands shall be protected to ensure their economic, social and cultural well-being. In line with the principles of self-determination and autonomy, the systems of land ownership, land use, and the modes of settling land disputes of all these communities must be recognized and respected.

Any provision of law to the contrary notwithstanding, the PARC may suspend the implementation of this Act with respect to ancestral lands for the purpose of identifying and delineating such lands: Provided, That in the autonomous regions, the respective legislatures may enact their own laws on ancestral domain subject to the provisions of the Constitution and the principles enunciated in this Act and other national laws.

Section 9 Chapter II
Republic Act 6657
(Comprehensive Agrarian Reform
Program - CARP)

HR EXPOSUREES

Representatives of the Human Rights Commission of the Christian Democratic International (IDC) visited the Philippines last June to observe the human rights condition in the country.

PANLIPI briefed the representatives - Anna Maria Stame Cervone of Rome, Italy and Marie Laure Beck of Geneva, Switzerland on the human rights condition of the indigenous Filipinos. They were astonished to find out that the human rights condition in the country particularly among the indigenous peoples have not changed despite the change of administration.

They promised to coordinate with PANLIPI in projecting the issues of the indigenous peoples in the international circle.

INDIGENOUS PEOPLES' ORGS REGISTERED

Several indigenous peoples' organizations were incorporated and registered with the Securities and Exchange Commission (SEC), giving them legal and juridical personality. The organizations are: Samahan ng mga Mangyan sa Hilagang Mindoro (SHM), an organization of Iraya and Alangan Mangyans in Mindoro; Nag-uyo-uyonon i Tagbanua kat Boong (NAGTAGBO), a local organization of Tagbanua in Domanguena, Narra, Palawan; Arananon Sinimburan Tindeg Bansa (ASTB), an organization of Arananon Manobo in Cotabato; and the Lunadnong Bugkot sa Agusan ug Surigao alang sa Kalingkawasan (LUBASAN) the regional organization of indigenous peoples in the provinces of Agusan and Surigao in Northeastern Mindanao.

The processing of the registration was facilitated by PANLIPI as part of its legal assistance rendered to the indigenous peoples. It must be noted that the government deals only with the registered organizations.

UP-PVO SYMPO

The UP Paralegal Volunteers Organization (UP-PVO) will hold a symposium at Bocobo Hall on July 23. The topic of the symposium is "developmental legal aid".

KALATAS PANLIPI



VOL.1 NO.8

JULY 15, 1988

SUPPORT GROUPS BODY FORMED

Various Manila-based institutions met last June 24 to form a loose coalition of support groups for the indigenous people. The meeting was initiated by the Tunay na Alyansa ng Bayan Alay sa Katutubo (TABAK) participated by the following organizations: Artista ng Bayan (ABAY), Legal Rights and Natural Resource Center (LRC), Kabataan para sa Tribung Pilipino (KATRIBU), Katipunan ng mga Katutubong Mamanayan ng Pilipinas (KAMP), Episcopal Commission on Tribal Filipinos (ECTF), Ethnic Studies and Development Center (ESDEC), Organization for Training, Research and Development (OIRADEV), UP Paralegal Volunteers Organization (PVO) and PANLIPI.

In its initial meeting, the group formulated the objectives of

the coalition:

1. Project the real conditions of the indigenous peoples;
2. Generate support for issues and demands of the indigenous peoples;
3. Project KAMP as the genuine/authentic indigenous peoples' organization;
4. Evaluate the Aquino administration's policies and programs vis-a-vis the indigenous peoples and the present alternative policies;
5. Develop better coordination among the different institutions and organizations concerned with the indigenous people.

The group also identified the levels of coordination in the following areas: projection of issues and action campaigns; research; and the individual institution's programs.

SENATE HEARING

The Senate Committee on Cultural Communities will conduct a hearing on Ancestral Domain on August 3 at the Old Congress building, Taft Avenue, Manila. This will be the first hearing of the committee after the re-opening of Congress on July 25. A series of hearings and consultations will also be conducted by Sen. Joseph

Estrada, chairman on the Senate Committee on Cultural Communities.

FORUM ON BASES

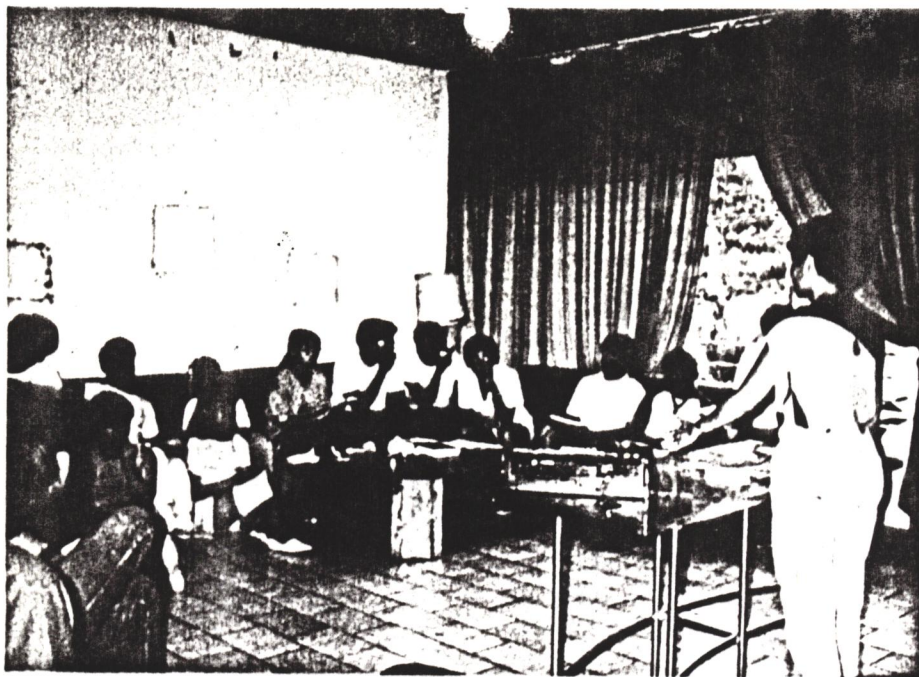
The Episcopal Commission on Tribal Filipinos (ECTF) will sponsor a forum on the US Bases and its effects on the Negritos. It will be slated on July 30 with Sen. Joseph Estrada, chairman of the Senate Committee on Cultural Communities as the main speaker.

PARALEGAL EXPOSURES

Law students from the University of the Philippines, Far Eastern University, University of Santo Tomas, Ateneo de Manila University and San Sebastian College who participated in the First Basic Paralegal Training Course held last April 11-13 in Los Banos, Laguna were sent to different exposure areas in the country.

The first group went to Botolan, Zambales to live with the Aetas; the other group went to the Mangyan communities in Mindoro; and the last group went to Mindanao among the Barbaon tribes.

The program of integration is aimed to let the exposures "feel" and "internalize" the struggle of the indigenous people for self-determination.



Atty. Donna Z. Gasgonia delivering a lecture during the Paralegal Seminar.

LAWYERS' CONSULTATION

The consultation hopes to formulate a unified strategy in the advocacy and defense of the Tribal Filipino rights to protect the fundamental rights of the indigenous groups: their right to self-determination, recognition of ancestral domain, and right to indigenous laws and culture. These rights should not be compromised for the sake of particular local problems.

A Lawyers' Consultation will be held in Camp Autajay, San Jose, Antique from April 29 to May 1. Expected participants to this consultations are volunteer lawyers working with the different indigenous groups nationwide.

The objectives of the consultations are: 1] to provide a forum for a lawyers' consultation regarding the different modes of defense and advocacy of Tribal Filipino Rights, and 2] to come up with an orientation for the lawyers of Tribal Filipinos.

DUMAGATS LOSING THEIR LANDS

The Dumagats in Pinagkampoan, Gabaldon, Nueva Ecija are gradually losing their lands to unscrupulous lowland farmers.

Their ancestors have been in the area as far as they can remember. The exploits of Kapitan Dandan, the legendary hero who was regarded as their protector, still lingers among them. Kapitan Dandan protected their land from the incursions of the Ilongots from the nearby province of Nueva Vizcaya. After the death of Kapitan Dandan and the coming of the Japanese, they felt helpless and were scattered.

Until now, they can show the trees planted by their ancestors, the burial grounds and the site of the communities established by their ancestors. They can even identify each of the more than three hundred creeks that crisscrossed the area.

Presently, their main source of livelihood is gathering rattan. The men who gather rattan usually spend more than two weeks in the mountains before they return. It is during this period that the lowlanders enter the lands of the Dumagats. Coming back from a rattan-cutting trip, they usually find the lands around their homes planted with the lowlanders' crops.

KALATAS PANLIPI
Official Publication of PANLIPI
Unit 5, Salud Apartments,
3243 Zapote St., Makati, M.M.
Philippines

STATUTES

The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.

Sec. 22, Article II
Declaration of Principles and
State Policies
1987 Constitution

KALATAS PANLIPI



VOL 1 No 5 APRIL 25, 1988

INTERNATIONAL CONFERENCE ON INDIGENOUS CULTURES IN MANILA

The General Assembly of the United Nations through Resolution No. 41/187 adopted on December 8, 1986, proclaimed the observation of the World Decade for Cultural Development for the period 1988-1997. The observation shall be under the auspices of the UNESCO (United Nations Educational, Scientific, and Cultural Organization).

As part of the celebration, the First International Festival and Conference on Indigenous and Traditional Cultures shall be held in Manila on October 20-25 1988.

To facilitate the celebration, President Aquino signed Administrative Order No.66 dated March 30, 1988 creating the National Organizing Committee for the celebration of the UN World Decade for Cultural Development, 1988-1997 and the holding of the First International Festival and Conference on Indigenous and Traditional Cultures

It is expected that non-government organizations (NGOs) and the different indigenous groups in the country will participate in this event.

BOMBINGS CONFIRMED

The fact-finding team sent by PANLIPI to Mindoro last March 27 to April 1 to assess the effect of military operations in the area confirmed the bombings and evacuations that occurred as a result of such operations.

Sitios Quianao and Kiraring in Barangay San Vicente, Roxas, Or. Mindoro was bombed by helicopter gunships last March 1-2. Kaingins were destroyed and houses in the "baryohan" were burned. Nobody was reportedly harmed since the people evacuated to the nearby sitio of Tagascan. Similar evacuations were also reported in the communities within the Roxas-Mansalay-Bulalacao area. Mangyans evacuated to bigger barangays for fear of being affected by the continuous operations. Cases of looting were also reported but were not documented.

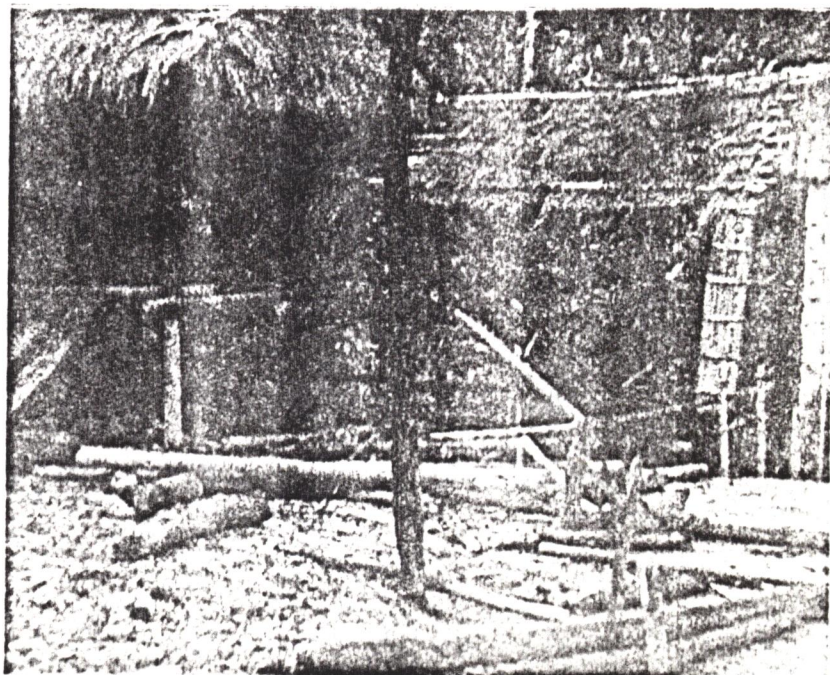
On the other hand, at Sitio Umabang, the Mangyans confirmed the report of Lt. Col. Jose Lalisán that military operations were conducted outside the barrio sites and confined to the forest areas. The PC Provincial Commander said that the military operations were in reaction to the growing insurgency in these areas.

PEOPLE'S TRIBUNAL IN THE CORDILLERA

Cordillera Day is celebrated annually every April 24 to commemorate the death anniversary of Macli-ing Dulag. At present it is celebrated not only as the death anniversary of Macli-ing Dulag but also to commemorate the death of all martyrs who have given their lives in the defense of the Cordillera Ancestral Domain.

This year's celebration was also designated as the People's Tribunal on the Murder of Daniel Ngaya-an and Romy Gardo by the Cordillera People's Liberation Army (CPLA).

The death of Daniel Ngaya-an on October 5, 1987, and Romy Gardo on December 28, 1987 were publicly claimed by the CPLA.



Burned houses in So. Quianao, Roxas, Or. Mindoro



Atty. ROAN I. LIBARIOS, Undersecretary CARLOS FERNANDEZ and Atty. DONNA Z. GASCONIA during the Senate hearing on Ancestral Domain

PARALEGAL TRAINING

A paralegal seminar will be conducted from April 8 to 11 in Los Baños, Laguna. Participants to this seminar are law students from the different laws schools in Metro Manila.

The purpose of the seminar is to train interested law students to be paralegals who shall form the corps of volunteer workers. Some of the duties of a paralegal are: conducting seminars on human rights and ancestral land rights; doing the "leg work"- research; gathering data; collating evidences; conducting investigations and interviews; preparing documents; thus, leaving to the lawyers the job of appearing in courts and administrative bodies.

The seminar will orient them on the tribal Filipino situation and their struggle for the recognition of their ancestral land rights, right to self-determination and recognition of their indigenous laws and culture. Exposure trips to tribal communities after the live-in seminar will give them a first-hand experience of tribal Filipino life.

Several students from the University of the Philippines, Ateneo de Manila University, Far Eastern University and San Beda College have signified their intention to join. The project is being undertaken by PANLIPI in cooperation with the Mission Administered Fund of the Canadian Embassy.

KALATAS PANLIPI
Official Publication of PANLIPI
Unit 5 Salud Apartments,
3243 Zapote St. Makati, M.M.
Philippines

DENR TEAM TO PALAWAN

A survey team was sent by the DENR (Department of Environment and Natural Resources) to Sitio Boong, Donanguena, Narra, Palawan. This is in response to the petition by the members of NAGTAGBO (Nag-uyo-uyonon i Tagbanua kat Boong), the local tribal organization in the area, for a civil reservation.

The petition was addressed to the Office of the President. It was referred to the DENR which has the responsibility to make the necessary study on the feasibility of the petition.

The team arrived on the area on February 24 and discussed with the NAGTAGBO leaders their situation, the gradual loss of their lands to lowlanders who kept on exploiting their marginal condition. They likewise visited the area proposed for reservation.

ZAMBALES LOGGING STOPPED

Through the efforts of the LAKAS (Lubos na Alyansa ng mga Katutubong Aeta sa Zambales), a local Aeta organization and other concerned individuals, the rampant illegal logging in Zambales which proliferated after the local election was stopped.

The illegal logging was earlier stopped last year, but resumed its operations after the local election. An influential government official was believed to be behind the resumption of the illegal activity.

The LAKAS through the PANLIPI called on the Office of the President and the Department of Environment and Natural Resources who acted quickly and sent teams to investigate which halted the operations of the illegal loggers.

STATUTES

Programme of Action of the Second World Conference to Combat Racism and Racial Discrimination (1983) (A/CONF.119/26, United Nations publication, Sales No. E.83.XIV.4, chap.II)

"34. With respect to indigenous populations, governments should recognize and respect the basic rights of such populations:

x x x

(f) To have access to land and natural resources, particularly in the light of the fundamental importance of rights to land and natural resources to their traditions and aspirations,"

KALATAS PANLIPI



VOL 1

NO 4

MARCH 18, 1988

SENATE HEARING ON ANCESTRAL DOMAIN

The Senate Committee on Cultural Communities chaired by Sen. Santanina Rasul conducted a public hearing on the subject of Ancestral Domain of the Tribal Filipinos last February 29 at the Old Congress building in Taft Avenue, Manila. The hearing is a part of a series of consultations with the tribal Filipinos for Senate Bill 152-proposing for the creation of a Commission on Ancestral Domain-sponsored by Senator Rasul (a similar bill is pending at the Lower House-Bill 428, sponsored by Cong. Greg Andolana).

The hearing was attended by representatives of tribal Filipino communities and organizations, academicians, NGO's working with the tribal Filipinos and government officials.

Among the tribal Filipinos who presented the concept of Ancestral Domain were: Manuel Oroza, a Mangyan from Mindoro; Tata Pablo Santos, an Aeta from Pampanga; and Atty. Fausto Lingating of KANP (Katipunan ng mga Katutubong Mananayan ng Pilipinas), Rev. Fr. Pat Guyguyon of the CPA (Cordillera Peoples' Alliance);

Mr. Charles Yadno and Mrs. Helen Sta. Ana of the Baguio Benguet Ancestral Land Claimants.

The government side on the other hand was aired by Atty. Dayrit from the Land Management Bureau (formerly the Bureau of Lands). Statistical information on tribal migration was furnished by Undersecretary Carlos Dominguez of the Department of Agriculture.

Legal opinions on the matter were given by Prof. Owen Lynch of the UP College of Law, and Atty. Roan Libarios, PANLIPI's Legal Officer for Northeastern Mindanao.

BATAC LAND GRABBING

The Batac tribe in Sitio Maapned, New Cuyo, Roxas, Palawan faces eviction from their ancestral land. Some unscrupulous individuals have been forcing the Batacs to leave the area, insisting that they have already bought the land.

According to the tribe, their forefathers have been in the area since 1910. They did not and will not sell the land to anybody. The land according to them is a "mana" or heritage from their forefathers.

The remaining eight (8) families would like to stay despite the adverse claim, but the threats and intimidation that follow might force them to leave.

SPECIAL REPORT:

MILITARIZATION IN MINDORO

The "Total War" policy of the government has greatly affected the tribal Filipinos in the island of Mindoro. Massive military operations forced some Mangyans to leave their place for fear of being caught in a crossfire or being suspected of supporting or giving aid and comfort to the rebels.

Development programs geared towards the well-being of the tribes were suspended. NGO workers were displaced. Agroforestry projects, nutrition and literacy are but some of the NGO programs affected. Some of

these are the Mangyan projects sponsored by the UCCP-SLJC in northern Mindoro; the literacy program sponsored by the De la Salle University in Umabang, Bulalacao; and the Social Forestry project of the Pundasyon Hanunuo Mangyan (PHM) in the same area.

With the Mangyans continuously leaving their area as a result of military activities, they might find out someday when they return, that some other people have occupied their land.

T C D REGISTERED

The Tribal Center for Development, a non-government organization (NGO) providing support services for the Dumagats was recently registered with the Securities and Exchange Commission (SEC). It is based in Infanta, Quezon and offers a literacy program, a nutrition program, community organizing assistance and the establishment of cooperatives. Interested parties, donors may contact Fr. Jojo Eranista at the TCD Field Office in Infanta, Quezon. - * -

KALATAS PANLIPI
Official Publication of PANLIPI
Unit # 5, Salud Apts., 3243
Zapote St., Makati, Metro Manila

MANGYAN LEADER ELECTED

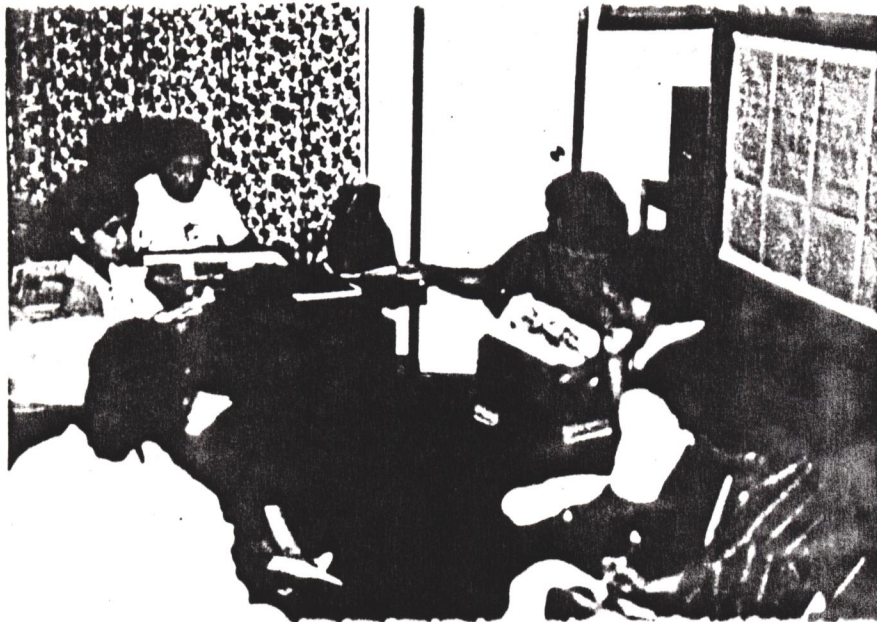
The sleepy town of Bulalacao awakened to a historic event when Hanunoo Mangyan leader IBAN MAYOT was elected as Municipal Councilor last 18 January 1988. He is Chairman of the Pinagkaisahan ng Pinunong Mangyan sa Bulalacao (a local organization of Mangyan leaders) and a PANLIPI paralegal. IBAN eloquently discussed Mangyan issues, the most controversial of which is the FF CRUZ COAL MINES, as well as the legitimate interests of the Bulalacao lowlanders. Although his will be but a small voice in the largely traditional council, IBAN will nevertheless be a spark that shall ignite the fire of Mangyan Rights, Equality and True Democracy. - * -

RDP DESK ORGANIZED

The Research, Documentation and Publication Desk (RDP) was organized pursuant to the Board Resolution approving the PANLIPI 1988 Program of Action. The desk shall handle the research and production activities of the organization. Presently the desk is involved in the following activities:

- a. Research-
 1. present status of civil reservations for indigenous Filipinos.
- b. Production-
 1. slides production for use during seminars/trainings, symposia and other fora.
- c. Publication-
 1. Kalatas Panlipi - regular bulletin featuring organizational news and news from the indigenous communities.
 2. Publication Series - legal documents affecting the indigenous people both national and international are published in toto.
 3. PANLIPI Newsletter - quarterly magazine featuring critical analysis, commentaries and other articles relevant to the indigenous Filipinos' struggle for self-determination.

These activities are being undertaken in coordination with other NGOs working with the indigenous people. The organization of the desk will help much in the effort to disseminate information both for the NGOs and the indigenous people as well.



PANLIPI Board of Trustees Meeting

LEGAL STATUTES

(Note: Starting this issue, laws ordinances, proposed statutes and other legal documents affecting the indigenous people, both national and international shall be published in this section.)

"The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.

"The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain."

Section 5, Article XII
National Economy and Patrimony
1987 Constitution

KALATAS PANLIPI



VOL 1 NO 3

FEB 15, 1988

LUMAD - DENR DIALOGUE IN BUTUAN

For the second time in the span of three months, the Department of Environment and Natural Resources conducted a dialogue with the indigenous people of northeastern Mindanao. Secretary Fulgencio S. Factoran discussed with the datos present the plight of the Lumads or the indigenous people in the area during his visit in Butuan City last January 27-29.

It must be noted that in October 1987, during the Tribal Filipino Week celebration in Butuan City, Assistant Secretary Bernardo Agaloo also talked with the Lumad leaders.

The datos objected to the activities of the bandsaw operators who according to them are cutting trees illegally. These bandsaw operators are even cutting undersized trees. They also denounced the forced dislocation of the indigenous people belonging to the Manawa tribe affected by the operations of the Liberty Corporation.

The other demands presented by the datos are: 1. present status of logging concessions and other "development" projects in the area (such as NDC - Guthrie); 2. survey and delineation of ancestral lands; 3. segregation of ancestral lands from logging concessions and other project areas; 4. cancellation of permits of those guilty of illegal logging; 5. special permits for rattan and other assistance.

Secretary Factoran responded by appealing to the datos to help in the campaign to stop illegal logging. The datos at this point expressed their willingness to be deputized as forest guards to be more effective in preventing illegal loggers. Secretary Factoran further stated that "reward" shall be awarded to those who can apprehend illegally-cut logs. He added

however, that the motivation must not only be the reward, but the need to save the forests.

He likewise directed Regional Executive Director Hipolito to survey the ancestral lands of the Lumads, but this does not mean that they can now own the land after the survey. The survey shall only ascertain the actual areas occupied by the indigenous communities.

PANLIPI HOLDS ANNUAL MEETING

On 23 January 1988, PANLIPI held its first annual meeting of members and Board of Trustees. Board Chairman Bobbit Sanchez was present to grace the occasion. The meeting started at 9:00 am at the PANLIPI office in Makati. Aeta leader Paylot Cabalic articulated the view of the tribal communities which are now trying to assess the legal assistance provided by PANLIPI. In Paylot's words: "Ang pagkakilala namin sa abogado, nang-aagaw ng lupa. Ipakita ninyo sa amin na hindi lahat." (We know lawyers as landgrabbers. Show us that there are exceptions.)

The members elected a new Board of Trustees, a new set of officers, and approved the PANLIPI

General Program for 1988, as well as the 1987 Annual Report. The new Board of Trustees is composed of the following: Chairman - Augusto "Bobbit" Sanchez; members - Edgardo Abaya, Evelyn Dominguez, Donna Gasgonia, Ma. Vicenta de Guzman, Roan Libarios and Beverly Musni. The officers are the following: Exec. Director - Donna Gasgonia, Adm. Secretary - Carolina Alhambra, National Paralegal Coordinator - Jay Supetran, Legal Coordinators: Luzon - Ma. Vicenta de Guzman, NE Mindanao - Roan Libarios, and Central Mindanao - Beverly Musni.

A lawyers' consultation/orientation was also proposed and approved in principle. The meeting adjourned at 3:00 PM.

The Senate Committee on Cultural Communities, headed by Senator Santanina Rasul is deliberating on four bills — Nos. 73, 80, 86 and 152. Senate bill no. 73 proposes another ten years within which to file applications for land titles under PD 410. Senate bill no. 80 proposes that a Department of National Integration be created. Senate bill no. 86 is a revived version of PD 410. Senate bill 152 proposes for the creation of the Commission on Ancestral Domain.

Senate bill no. 73 seems to miss the point of contention regarding PD 410. The latter was never implemented because of its unpopularity. The decree declared a deadline whereby cultural communities which failed to file their application for titles to their ancestral lands lost their rights thereto forever and their lands would be declared open to the public for exploitation.

Senate bill no. 80 retrogresses in that it seeks to reestablish the Commission on National Integration created during the American times, and ignores the pleas of cultural communities for separation from the Muslim communities.

Senate bill no. 86 revives the unpopular PD 410 with worst provisions — where CARP limits the ownership of agricultural lands of all Filipinos to seven hectares, this bill limits the ancestral land limit to only 5 hectares.

Senate bill no. 152 is the only promising bill. It is also the only bill which has the support of organized cultural communities. It seeks to create a commission which shall undertake the delineation of ancestral lands.

ERRATUM

Vol. 1 No. 1 issue of KALATAS PANLIPI in the article entitled "PRESIDENTIAL PROCLAMATIONS", the words, "Manobo Reservation in Butuan City", should be "Barwa-on Reservation in Esperanza, Agusan del Sur".

PANLIPI wrote the Integrated Social Forestry Division of the Bureau of Forest Development for the inclusion of three provisions in the stewardship contracts offered by the ISF Division to cultural communities.

These provisions are; [1] That the members of the cultural communities (or grantee) in signing the agreement shall not be deemed to have waived their ancestral land rights; [2] That in the event that a law is passed in the future giving full recognition to ancestral land rights, or giving more benefits than this agreement, (stewardship contract) the members of the cultural communities (or

grantee) shall have the option to cancel the agreement in favor of the more beneficial law; [3] That this agreement (stewardship contract) shall be conclusive proof of the actual occupation of the cultural community over the subject area.

The Bureau of Forest Development (now Forest Management Bureau) replied that they are also seeking alternatives to improve the socio-economic condition of the cultural minorities.

PANLIPI hopes that the reply would result in positive and concrete implementation of its request.

SPECIAL CONDITIONS INCLUDED IN CIVIL RESERVATIONS RECENTLY PROCLAIMED:

"containing an area of, more or less, subject to private rights, if any there be, as well as to future survey and delimitation, and to the following conditions:

1. the administration and management of the area covered by the reservation shall be jointly under the Ministry of Natural Resources and the Office of Muslim Affairs and Cultural Communities (OMACC). For this purpose, the said agencies are hereby authorized to call upon the assistance and support of other agencies in the execution of plans and programs for the development of the area, taking into consideration existing government development programs with respect to water, soil and forest conservation, including the cultural and traditional customs and practices of the Tribe.
2. a development plan of the reservation shall be prepared and submitted to the Office of the President not later than six (6) months from the promulgation hereof.
3. the disposition of the area with respect to land tenure shall be pursued under the stewardship concept, and the Ministry of Natural Resources, through the Bureau of Forest Development, is hereby directed to implement immediately the integrated social forestry program within the area such that only qualified members of theTribe, upon the recommendation of the Office of Muslim Affairs and Cultural Communities (OMACC) may forthwith receive their certificates of stewardship.
4. All timber licenses, minor forest products licenses and pasture lease agreements as may be operating within the reservation are hereby cancelled, revoked or amended accordingly. The Ministry of Natural Resources, shall furnish the Office of Muslim Affairs and Cultural Communities a listing of concessionaires and licenses whose permits/licenses are to be affected by this proclamation.
5. The utilization of all timber and other minor forest products found therein shall be subject to the Forest and Revenue laws, rules and regulations now or may hereafter be in force.
6. This proclamation shall be deemed automatically revoked or cancelled in the event that the reservation no longer serves the purpose for which it was originally established and/or has been abandoned by the intended beneficiaries, and the area covered thereby be forthwith reserved to the mass of forest lands widerthe administration and management of the Ministry of Natural Resources through the Bureau of Forest Development.

KALATAS PANLIPI

Official Publication of PANLIPI
Unit # 5, Salud Apts., 3243
Zapote St., Makati, Metro Manila

KALATAS PANLIPI



VOL 1

NO 2

JAN 11, 1988

FF CRUZ RESUMES OPERATION

In reply to the inquiry made by PANLIPI regarding the FF CRUZ Mining Co., Executive Director W. R. dela Paz of the Office of Energy Affairs (OEA), under the Office of the President confirmed that on 26 October 1987, the OEA lifted the suspension order issued on 4 Feb. 1987 by then Min. Vicente Paterno against FF CRUZ. According to Ex. Dir. dela Paz, the lifting was endorsed by Gov. Benjamin "Chippy" Espiritu in his letter dated 16 Oct. 1987. The OEA also used as basis the letter of the National

Environmental Protection Council - NEPC (now Environmental Management Bureau - EMB) to FF CRUZ that they need not secure a clearance from the EMB. Furthermore, OIC Jose Lopez of the Office of Southern Cultural Communities signed an agreement IN BEHALF OF THE MANGYANS with FF CRUZ, allowing the latter to continue operations because "there are no Mangyan minority residents or occupants ..."; "the coal mining operations ... is seen to be beneficial to both minority and non-minority residents...".

CAVEAT EMPTOR:

CIVIL RESERVATION UNDER THE AQUINO ADMINISTRATION

Indigenous cultural communities requesting for the recognition and/or protection of their ancestral lands from the Office of the President have been assisted by the concerned government agencies thru the declaration of Civil Reservations. In proclaiming particular areas as Civil Reservations, Pres. Aquino segregates these areas for the exclusive use of the particular tribal community concerned. However, PANLIPI suggests that tribal communities applying for reservations be thoroughly appraised of conditions included in the recent proclamations. (See page 2 for the actual conditions)

The Civil Reservations thus proclaimed obligate the tribal communities to accept the STEWARDSHIP CONCEPT of land tenure.

Because of this, PANLIPI is of the position that Civil Reservations be availed of only by those communities which are incapable of stopping immediate threat of encroachment. Tribal communities which are capable of warding off outsiders need not avail of STEWARDSHIP CONTRACTS, unless they wish to receive the services offered by the government in connection with these contracts.

As a final note, PANLIPI advises that should tribal communities request the present administration for the recognition and declaration of their ancestral lands, and are opposed to the STEWARDSHIP CONCEPT, they should EXPRESSLY state such opposition. Otherwise, they may find out too late that they are already obligated to accept it.

FF CRUZ BACKGROUNDER

- 20 Dec. 1981 - The Pundasyon Hanunuo Mangyan (PHM), a local Mangyan organization in Binli, Bulalacao, Or. Mindoro applied for a Communal Forest Lease with the Bureau of Forest Development, covering an area of 5,200 hectares.
- 11 Jul. 1984 - a contract was signed between the Bureau of Energy Development and the FF CRUZ Mining Co./Bulalacao Coal Mines giving the latter a right to explore coal in Bulalacao covering an area of 15,000 hectares. Part of the area applied for by the PHM was within the contract area of the FF CRUZ.
- 11 Apr. 1986 - 1,013 Mangyans petitioned President Aquino to stop the FF CRUZ on the grounds that it has encroached the ancestral lands of the Mangyans, not to mention its effect on the environment.
- 21 Jun. 1986 - a rally was staged in Cambunang, Bulalacao, the campsite of FF CRUZ, attended by 3,000 Mangyans.
- 27 Dec. 1986 - the Mangyans denounced the FF CRUZ during the march-rally dubbed "Lakbayang Mangyan" initiated by the inter-tribal organization Samahang Pantribu ng mga Mangyan sa Mindoro. It was attended by more than 6,000 Mangyans.
- 6 Feb. 1987 - then Minister of Energy Vicente Paterno (now Senator) suspended the operations of the FF CRUZ based on the protest of the Mangyans.

MANGYAN ISSUES

The Mangyans of Northern Mindoro celebrated their victory over a logging concession while the Mangyans of Southern suffered a drawback against a mining company.

The timber license permit of the Oriental Wood Processing Co. over a 46,000 hectare area in Northern Mindoro was CANCELLED for encroaching on Mangyan Ancestral Lands. SPM (Samahang Pantribu ng mga Mangyan sa Mindoro) Punong Tanungan YAUM SUMBAD was informed by the Dept. of Environment and Natural Resources of the cancellation on 5 October 1987.

On the other hand, the Office of Energy Affairs, Office of the President ordered the LIFTING of the suspension of the F. F. Cruz Mining Co., Inc. because the Office of Southern Cultural Communities certified that NO MANGYANS inhabited the mining company's area of operations and the National Environmental Protection Council (NEPC) stated that the mining company is not yet required to secure an Environmental Compliance Certificate.

Whether or not the Community Stewardship Agreement earlier issued by the DENR in favor of the Mangyans in the mining area can prevent the displacement of these Mangyans still remains to be seen. The Mangyans can assert their rights if only to determine the government's priorities. No less than President Aquino signed the Community Stewardship Agreement on 15 May 1987. - * -

ILLEGAL LOGGING IN AETA LANDS

The Aetas of Poonbato, Botolan, Zambales have reported illegal logging activities by the San Pedro Lumber Company in the area. A check with the DENR showed that there is a LOGGING BAN in Zambales.

PANLIPI Paralegal Coordinator Jay Supetran visited the area and confirmed the existence of the lumber company. Its motor pool is even located along the road to Poonbato. Inaction by local authorities puts their integrity in serious question.

A month later, Pres. Aquino visited Poonbato to declare certain lands in the area for the exclusive use of the Aetas. Unfortunately, the area declared did not include the area of operations of the logging company.

Assurances have however been made by a team from the DENR Central Office that proper actions will be taken against the responsible parties. The Aetas hope that the actions will

be made soon before they lose their trees to this logging company.

Recent news from the field report that the San Pedro Lumber Company has ceased operations. But a new lumber company has been set up by the same people behind SPLC. It plans to operate by January next year.

MANOBOS LOSE ANCESTRAL LANDS

The Manobos in Magpet, South Cotabato lost their ancestral lands due to machinations of town officials. Despite efforts by their leader, Datu Mambiling and support groups in the area, the land remains in the possession of non-Manobos.

Initial research made by PANLIPI showed that the pasture lease agreement covering the area is of doubtful validity. For one, the lessee alleged that at the time of application for the PLA, there were no occupants in the subject area. - * -



LUMAD DATUS IN MINDANAO

KALATAS PANLIPI

Official Publication of PANLIPI
Unit # 5, Salud Apts., 3243
Zapote St., Makati, Metro Manila

KALATAS PANLIPI



VOL. 1 NO. 1

DEC. 7, 1987

PRESIDENTIAL PROCLAMATIONS

Several Presidential Proclamations of Civil Reservations have been issued by President Corazon Aquino. Proclamation No. 11 is a Manobo Reservation in Butuan City, Proclamation No. 56 is an Ati Reservation in Aklan.

Tribal Communities should however focus their attention to the last provisions in these proclamations which state that the communities must avail themselves of the Integrated Social Forestry Program of the Bureau of Forest Development, Department of Environment and Natural Resources. The Office of Northern/Southern Cultural Communities also retains jurisdiction over the area.

Should the Tribal Communities decide to request for a Civil Reservation and avail of the Social Forestry Program, they must familiarize themselves with the two kinds of stewardship agreements — the Individual Stewardship Agreement and the Community Stewardship Agreement.

Whatever their decision, the Tribal Communities are advised that they insert a provision in the agreement that they are NOT WAIVING their ANCESTRAL LAND RIGHTS.

VANISHING TRIBE: TAGBANUA

The Tagbanwas in Doman-guena, Palawan continue to lose their ancestral lands at an alarming rate. IN the process their number has been greatly reduced.

Despite heroic efforts of their leaders to stop the unabated encroachment on their ancestral lands, the migrant lowlanders have successfully driven the Tagbanwas away. Many are now TENANTS on their ancestral lands, hired by the lowlanders.

The sad plight of the Tagbanwas started when their ancestral lands, formerly classified by the government as forest lands, were declared ALIENABLE and DISPOSABLE in 1971. Ideally, the Tagbanwas would have then been issued TITLES to their occupied lands. However, in reality, the Tagbanwas remained uninformed of the steps they should take in order to secure LAND TITLES. Thus, rich and influential people were able to title these lands in their names instead of the Tagbanwas.

The Tagbanwas had to learn by experience that LAND TITLES, a Western concept, are for the rich and work against the tribes.

LAND TITLES encourage individual ownership, making individual applications for titles easier while applications for COMMUNAL TITLES have been discouraged due to lack of specific guidelines. Applicants for COMMUNAL TITLES must apply under the guidelines for applications by INDIVIDUALS.

- * -

PANLIPI STARTS OPERATIONS

PANLIPI formally started its operations on 1 January 1987 offering legal assistance to Tribal Communities. Services included legal advice, legal counsel, meta-legal remedies such as petition drafting and procedures.

Formerly the Tribal Filipino Desk of the Paralegal Training Services Center (PTSC), the PANLIPI was given a separate personality in order to more ably serve the tribal communities. Paralegal seminars are however still handled by the PTSC.

- * -