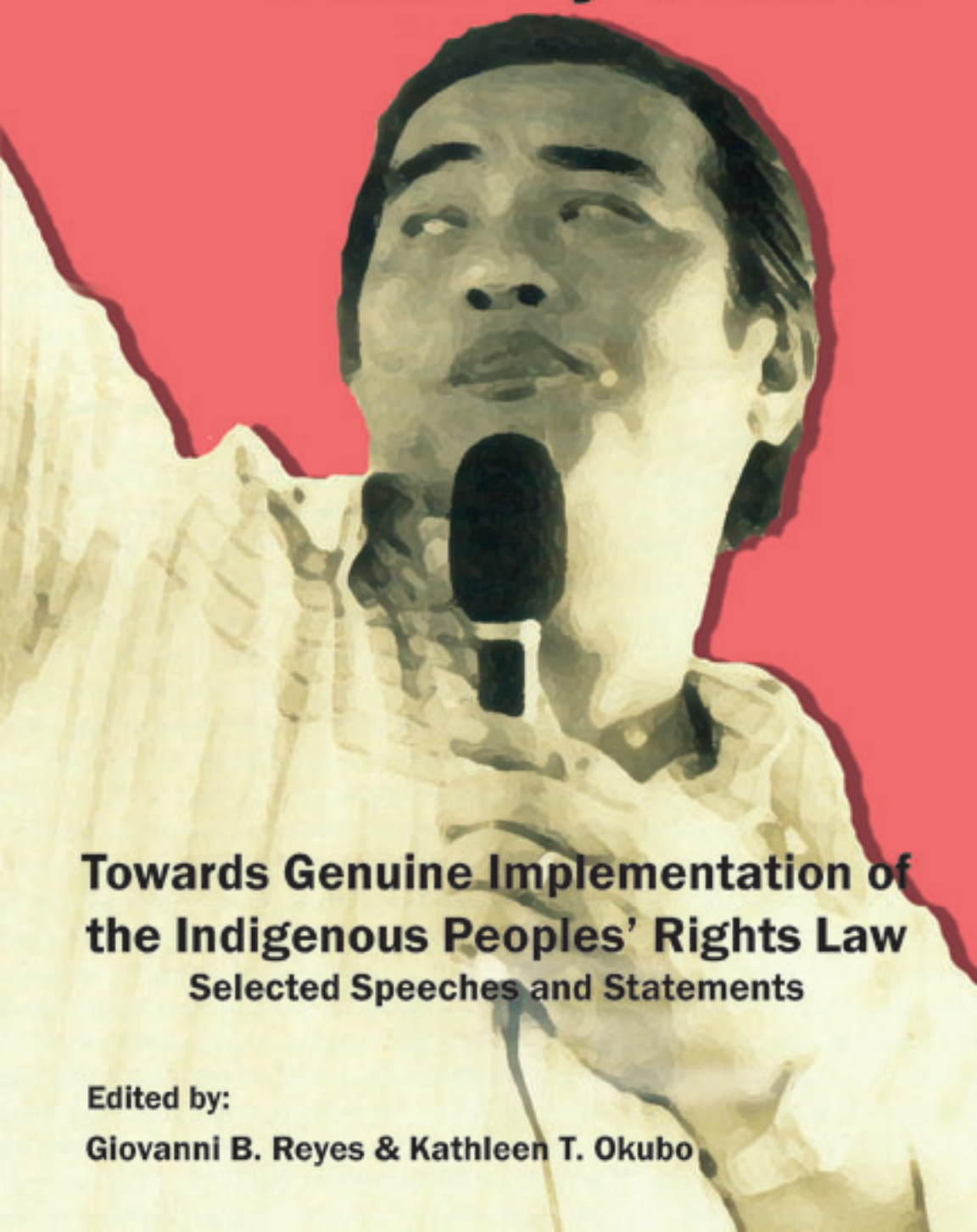


William “Billy” Funa-ay Claver



**Towards Genuine Implementation of
the Indigenous Peoples' Rights Law**
Selected Speeches and Statements

Edited by:

Giovanni B. Reyes & Kathleen T. Okubo

WILLIAM “BILLY” FUNA-AY CLAVER

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of Indigenous Peoples’ Rights Law

Selected Speeches and Statements

A PROJECT OF:



WITH SUPPORT FROM:



William “Billy” Funa-ay Claver
Towards Genuine Implementation
of Indigenous Peoples’ Rights Law
Selected Speeches and Statements

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TABLE OF CONTENTS

Foreword	vii
Introduction	xi

PART I:

Overview of Indigenous Peoples and Philippine Sovereignty

1. Towards Recognition of Native Rights	2
2. The Igorot Quest for Self-Determination ...	9
3. Ancestral Domain: <i>The Key to Survival</i>	16
4. Of Being a Minority	21
5. Basis for Regaining Ancestral Domains	24
6. No to Referendum on the U.S. Military Bases in the Philippines	37

PART II:

On Cordillera Autonomy

1. Cordillera Autonomy and its Constitutional Parameters	44
2. An Act Establishing the Cordillera Autonomous Region	58
3. A Time to Build, Unite and Serve	65
4. The Prospects for Genuine Autonomy in a Period of Democratic Contraction	69
5. Towards Autonomy and a Better Future for the Cordillera	77
6. The Cordillera Organic Act: <i>Imperfect Document, A Step Towards Dignified Development</i>	83

7. Towards Liberation from Poverty	92
8. Reply to the CPDF	101
9. Autonomy Does not Lead to Communism	103
10. Athletics and the Ideal of Cordillera Unity	110
11. The State of the Cordillera Autonomous Region: <i>Problems and Issues</i>	115
12. Law on Autonomous Regions and Cordillera Situation	122

PART III:**On Armed Conflicts and Human Rights**

1. We are Not Your Enemies	132
2. Our Human Rights as Indigenous Peoples	135
3. Peace through Campus Journalism	137
4. Human Rights and Social Conflict in the Philippines	146
5. Rejoinder to Detractors and Purveyors of Lies	155
6. Human Rights Violations and the Knights of Columbus	162

PART IV:**On Rural Development**

1. The Role of Electric Cooperative in Regional Development	166
2. Message	170
3. To be Free From Want and Fear	172

PART V:

Billy in Retrospect	179
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FOREWORD



William “Billy” Funa-ay Claver is an Igorot and it is his “Igorotness” which molded most of his perceptions, thoughts and arguments. The main themes of his speeches are: ancestral domain, right to self-determination, Cordillera autonomy, collective and individual human rights, and peace.

Following Billy Claver’s gradual retreat from public service due to health reasons, some Igorot activists who have known him in various capacities met and explored what contribution they can provide to those who have the good of indigenous peoples at heart. Giovanni Reyes, who served as Director of the Presidential Task Force on Indigenous Peoples, then headed by Billy Claver as Chairman from 2000 to 2001, suggested the publication of the speeches of Billy. This will allow indigenous peoples, themselves, and others who are working with non-government organizations, the government, the academia, and the public at large to read some of the best arguments raised for the protection, respect and fulfillment of the rights of indigenous peoples in the Philippines.

Giovanni then approached us, in Tebtebba, to ask whether we were interested to become part of this project by publishing this collection of speeches. I said yes, without any hesitation, because I met Billy when I was a young activist in the late 1960s. As a student in Manila, I was part of the group which organized the Kilusang Kabataan ng Kordilyera (KKK) shortly before the suspension of the Writ of Habeas Corpus was declared in 1971, followed by Martial Law in 1972. We had a brief meeting with him to get updates on what was happening with the Constitutional Conven-

tion and his assessment of the national political situation. We also shared with him our plans as an organization. This was before we in KKK and the Highland Activists in Baguio organized the “Cordillera Congress for National Liberation and Democracy” which was held in Bontoc, Mountain Province in late 1971.

I was impressed with his eloquence. As a co-Igorot, I was proud that we had such a leader who could have chosen another path of convenience and wealth but opted to be on the side of his people. Since then, I remained impressed with his perspectives and views on issues close to the hearts and lives of indigenous peoples. He was the first Chairperson of the Cordillera Peoples Alliance, a post which I occupied several years after. While I consider him as an elder, I also consider him as a colleague. Therefore, it is a great privilege and honor for us to publish this book.

One of Tebtebba’s mission is to project and amplify the voices and perspectives of indigenous peoples, especially those from developing countries, because we firmly believe that we can contribute in solving the ecological, social, cultural and economic crises which our generation face today. Thus, we publish books which contain the results of researches we have done and those done by other indigenous peoples from various parts of the world. This is the first time we are publishing a book containing the speeches of an indigenous leader.

The value one finds from this compilation of Billy’s speeches is mainly to provide continuing inspiration to Igorot activists, both the old and young. Having this book published is also a way of honoring Billy for all the contributions he gave towards helping strengthen the resolve of indigenous peoples in the Philippines to persist in their struggles for their rights to their lands and territories and their other basic human rights now embedded in the UN Declaration on the Rights of Indigenous Peoples and the Indigenous Peoples Rights Act (IPRA).

The speeches that he delivered throughout his career are too numerous. What sees print here are those that represent the span of his work but would still be complete to elucidate the key points of his themes. Because some speeches were delivered at different times with different audiences, particularly on Cordillera autonomy and legislating the creation of a commission on indigenous peoples, repeated use of prefatory explanations are minimized yet maximizes the totality of the message.

The name William “Billy” Funa-ay Claver serves as the title of the book. In the pages that follow, the presentation is organized from pre-Martial Law to State hostility during the 1974–1984 decade of resistance against the Chico River Project, the impetus to push for Cordillera autonomy and, finally, legislation for indigenous peoples’ rights under the Cory government.

The speech before the 1971 Constitutional Convention meant two things: extirpation of the Regalian Doctrine from the American-inspired 1935 Constitution and the incorporation of a provision recognizing indigenous peoples’ rights. He saw the need to re-orient policies imposed by western law using as his tool Native Title he defined simply as “centuries of ancestral occupancy and tillage.” Ancestral domains therefore were to be exempted from State ownership of all lands of the public domain. As was the battle in the Constitutional Convention of 1971, the same would be waged 16 years later in the 8th Congress. Having contributed much in sowing the seeds of what would become the Indigenous Peoples Rights Act in the 10th Congress and seeing how the law is not being implemented properly, Billy has every reason to feel sad about what is happening now.

Some of the Law’s implementors are at best “neutral” or at worst, collaborators, with powerful vested interests encroaching into indigenous peoples’ ancestral domains and lands. We are witnessing how land rights and territorial

rights of several indigenous peoples are being undermined through the classic divide-and-rule tactics and other devious schemes cooked up and employed by some corporations and government officials, including some from the National Commission on Indigenous Peoples (NCIP). While the main principles of human rights law are equality and non-discrimination, these do not seem to be the main guideposts in the implementation of the IPRA. The way in which free, prior and informed consent is being obtained from indigenous peoples is fraught with anomalies and manipulations.

Perhaps, Billy Claver’s speeches will help correct the distorted interpretation and implementation of the IPRA, so that the ancestral domains, lands and waters will not continue to be mined, logged and “dammed” in the name of development and progress. This written record of Billy’s thoughts, speeches and exhortations can be used to help indigenous peoples re-imagine what else needs to be done to further protect, respect and fulfill their individual and collective human rights and promote their sustainable, self-determined development.

We thank Giovanni Reyes for putting his heart into this work and to Kathleen Okubo for helping edit this book. Finally, we sincerely thank Billy Claver, from the bottom of our hearts, for allowing us to publish his speeches.

Victoria Tauli-Corpuz

Executive Director

Tebtebba Foundation

Former Chairperson

UN Permanent Forum on Indigenous Issues

INTRODUCTION



On April 24, 2002, at a Memorial Day celebration held every year to commemorate the martyrdom of Macliing Dulag, a peoples' tribute was read before a delegation of five thousand local, national and international participants. The tribute read:

He is one of the foremost trailblazers in the mainstream campaign for popular assertion of collective indigenous peoples' rights in the Cordillera. He is also a trailblazer in the mainstream campaign and assertion of individual human rights. Many lawyers and middle forces would be inspired to follow in his example on the assertion of indigenous peoples' rights and human rights. But he was there first and was an excellent model in his eloquence and commitment. Pre-martial law, he had already drafted legislation for the recognition of indigenous peoples' rights in the [C]onstitutional [C]onvention but this was defeated by the ruling classes.

Atty. William "Billy" Claver, fittingly described as a trailblazer for human rights, has served 13 years of private law practice, mainly in the defense of victims of human rights violations by the so-called Conjugal Dictatorship. He was one of the few Cordillera leaders who led the struggle for human and indigenous peoples' rights from 1973 to 1986—undoubtedly one of the most difficult periods in Philippine history. He joined the Free Legal Assistance Group (FLAG), offering free legal aid to numerous victims of the military regime. FLAG was established by human rights stalwarts Jose W. Diokno and Lorenzo Tañada. Up to 1981, he was the only FLAG lawyer in the whole of Northern Luzon. With few inspired lawyers following in his footsteps, he tapped young people and trained them as para-legal as-

sistants to help conduct fact-finding missions, document human rights violations and empower community people. He handled several high profile rights cases including the famous Macliing Dulag case, heard at Camp Dangwa, Benguet; the Parong case, heard at Bayombong, Nueva Vizcaya; and the Busacay case, heard at Tabuk, Kalinga.

Constant military surveillance and three known attempts on his life did not prevent him from travelling long distances, oftentimes passing through military checkpoints or going into military barracks to locate victims and conduct investigations. With dark forces lingering about him, how did he respond? “The best defense is offense. We will self-destruct once frightened.” In an offensive move, he opened his residence in Bogbogan, Bontoc, Mountain Province as a transit point for villagers seeking his help and where free legal services were provided.

In 1981, he was instrumental in convening the first Cordillera professionals’ and lawyers’ consultation on indigenous peoples’ rights and human rights. This resulted in the establishment of the Cordillera Consultative Committee (CCC), an organization of Igorot professionals, now known as the Cordillera Research Center for Indigenous Peoples’ Rights. In June 1984, he again convened the Cordillera Peoples Congress in Bontoc, Mountain Province. The gathering gave birth to the Cordillera Peoples Alliance (CPA). Billy Claver became the CPA’s founding chairman—a position he held up to 1986. He represented the CPA in the early sessions of the United Nations Working Group on Indigenous Populations (UNWGIP) and was founding member in 1986, of the ASEAN Council on Human Rights (ACHR). He represented the Philippines in the International Commission of Jurists (ICJ) Seminar on Human Rights and Development as well as in the Six Nations Conference on Religious Freedom and Humanistic Values for Indigenous Peoples. From 1986 to 2002, he received numerous awards including the Outstanding Human Rights Advocate Award from the Northern Luzon Human Rights Organization (NLHRO),

the Human Rights and Peace Award from the Management Association of the Philippines (MAP), the Champion for Indigenous Peoples Rights award from the Heirs of Mateo and Bayosa Cariño Foundation, and the Bedan of the Century Award from the San Beda College.

Billy Claver started his career in public service in 1962 as the number one elected councilor in the Municipality of Mankayan, Benguet sub-province of the then undivided Mountain Province. After the division of the old Mountain Province, he moved to Bontoc, capital town of the new province which retained the name, Mountain Province, to serve as Executive Assistant of the Provincial Governor from 1965 to 1968. Before 1968 was over, he was appointed Municipal Judge for Sagada, Mountain Province until 1970. His ardent advocacy of indigenous peoples' rights stems from his experience as a Bontok Igorot as well as his knowledge of the historical discrimination against indigenous peoples. As a lawyer, he is aware of the historical tools of discrimination including government laws and policies. He believes that the meaningful way to put an end to discriminatory and oppressive laws is to extirpate its root—the Regalian Doctrine. His opportunity to do so came during the 1972 Constitutional Convention when he thrust a draft provision recognizing indigenous peoples' rights to ancestral domain. His proposed bill runs thus:

The State shall adopt effective measures towards the recording of landholdings and other property rights actually occupied or possessed at least five years prior to the adoption of this constitution, by members of the national cultural communities, whether individually or communally owned. Such landholdings shall not be alienated within twenty-five years from the time of recording, subject to appropriate adjustments of the existing rights of other persons at the time of the adoption of this constitution. These communities are to be protected in their clear ancestral proprietary rights and shall enjoy primary rights in the disposition and utiliza-

tion of the natural resources found within their geographic domain through cooperative endeavors.

He said the phrase "appropriate adjustment" was used as the criterion in adjusting existing rights of other persons at the time of the adoption of the proposed constitution and to replace the term "just compensation" due to the latter's rigid meaning that, if followed, will nullify adjustments sought for the protection of indigenous cultural communities.

The proposed provision was considered for adoption and calendared to be voted a month later. However, on July 7, 1972, the date the provision was to be voted for adoption, Marcos directed his delegates to instead vote for a shift in the form of government from presidential to parliamentary, thus putting aside the voting on regarding the provision on ancestral domain. After the parliamentary vote prevailed came immediately the consideration to vote for the ancestral domain provision. On September 21, 1972, Martial Law was declared and Billy Claver's proposal was never taken up.

In 1973, the World Bank and the Marcos regime called for harnessing the Chico River for electrification. The planners failed to see, or disregarded, the fact that the project sites were vital to the Bontoks' and Kalingas' way of life. The series of dams foisted on the two tribes would have inundated residences, farms, sacred burial grounds, and communal lands. The project spawned peoples' resistance. Billy emerged as one of the spokespersons. The decade 1974 - 1984 was a period of upheaval and ferment in the Cordillera against militarization and the Chico Dam project. Awareness promotion and organizing elements penetrated homes, villages, towns, and provinces until "defense of land and resources for the people" became a battle cry in the resistance. The collapse of the World Bank-funded project was due primarily to two reasons: sheer tribal power and the fact that the plan was carved out of legal fiction presupposing State dominion over all lands of the public domain. The

Bontok-Kalinga resistance demonstrated what “centuries of occupancy” or “private ownership of ancestral domain” means and what it can cause to a mythical monster called Regalian Doctrine. And, its ignominious collapse, at least in the Bontoc - Kalinga area.

The peoples’ victory against the Chico River Dam project, the demise of the Marcos dictatorship and the democratic space opened by Cory Aquino’s liberal democratic politics interplayed to influence framers of the 1987 Constitution to look back at the long destitution of indigenous peoples and incorporate protectionist provisions. Thus, Section 5, Article XII affirms “the rights of indigenous cultural communities to their ancestral lands” and Section 17, Article IV recognizes “the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions.”

As legislator of the 8th Congress and Chairman of the House Committee on National Cultural Communities from 1987 to 1992, Billy proposed an enabling law to implement these constitutional provisions. He consolidated House Bills 428, 5644, 4989, and 17746 into House Bill 33881, entitled “An Act Creating the Commission on Indigenous Cultural Communities and Ancestral Domain” (CICCAD), by merging the Office of Northern Cultural Communities (ONCC) and the Office of Southern Cultural Communities (OSCC). The bill aimed at correcting “partially, if not totally, the historical injustice by means of legislation.” But the bill did not stand a chance. Congressmen with interests in ranching, mining and logging, taking turns as floor leaders, employed delaying tactics until the terms of the members of the 8th Congress ended *sine die* in 1992.

In 1995, correcting “historical injustice by means of legislation” remained an undying indigenous peoples’ agenda. A draft was submitted to Senator Juan Flavio Velez who sponsored Senate Bill 1728. The Lower House came up with House Bill 9125. The bicameral conference committee consolidated the Senate and Lower House versions and, later

on, the consolidated version was signed into law. Thus was born the Indigenous Peoples Rights Act (IPRA) of 1997.

A series of policies implementing IPRA has been described and criticized, until the preparation of this book, as contrary to the law’s original spirit and intent. Various forums, conferences and reports in the last two years describe how the National Commission on Indigenous Peoples (NCIP) has moved rapidly to secure rights for foreign mining companies and guarantee outcomes. For example, it takes the NCIP 107 days to issue certification for mining but an average of seven (7) years to issue an ancestral domain title. In the race for rights over land and resources, NCIP’s priority focuses on processing requirements for mining companies over processing of requirements for ancestral domain titles. This has put indigenous peoples on the losing end.

On August 9, 2010, the Philippine Network for the Effective Implementation of the United Nations Declaration on the Rights of Indigenous Peoples or Phil-UNDRIP Network—a loose organization consisting of government, indigenous peoples’ organizations, non-government organizations, and international development agencies advocating for the effective implementation of UNDRIP in the Philippines—called on the newly-elected Aquino Administration to review implementation of IPRA, the revamp of NCIP, moratorium on large scale mining, an end to extra-judicial killings of indigenous peoples, among others. The same issues were raised a year later when on March 23, 2011, more than 150 leaders of indigenous peoples representing 56 tribes of the 110 tribes nationwide were organized by the Consultative Group for Indigenous Peoples (CGIP) for a summit. CGIP is a broad coalition of civil society groups and major indigenous peoples’ organizations with national and regional constituents.

Billy Claver was asked what should have been done at the start of IPRA implementation:

NCIP was bound by IPRA to phase out positions of Staff Directors, Bureau Directors, Deputy Executive Directors, and Executive Directors in order that the best qualified and most deserving persons will be appointed in a reorganization called for that purpose. By operation of law, officials and employees occupying these positions should have been phased out. The affected employees may, however, apply for re-appointment subject to civil service rules. Instead, they were designated under a scheme called *Skeletal Force*. The opportunity to choose and bring in the best and most deserving was missed. What came next were certifications issued based on untruthful reporting. Protectionist provisions of the law, including FPIC, were reversed. This opened the floodgates for more certifications issued in favor of mining.

A product of San Beda College of Law, Mendiola, Metro Manila, Billy Claver graduated with a leadership award in 1960 and passed the Bar Exams that same year. The man who would serve as Councilor in Mankayan, Benguet, Judge in Sagada, Mountain Province, OIC Governor and later Congressman for Kalinga Province, was born on July 16, 1936 to parents Ludivico Ofo-ob Claver of Chakalan and Maria Funa-ay of Tucucan, both in Bontoc, Mountain Province. He is married to Jane Abeya of Sagada, Mountain Province with whom they are blessed with seven children: Ayangwa, (deceased), Balag-ey, Cabnah, Dwahgan, Endenna (deceased), Farnaw and Gkachay.

On July 16, 2011, Billy and Jane Claver celebrated their 50th wedding anniversary and Billy's 75th birthday in Tabuk City, Kalinga Province.

Giovanni B. Reyes

Secretary-General

Koalisyon ng Katutubong Samahan ng Pilipinas (KASAPI)

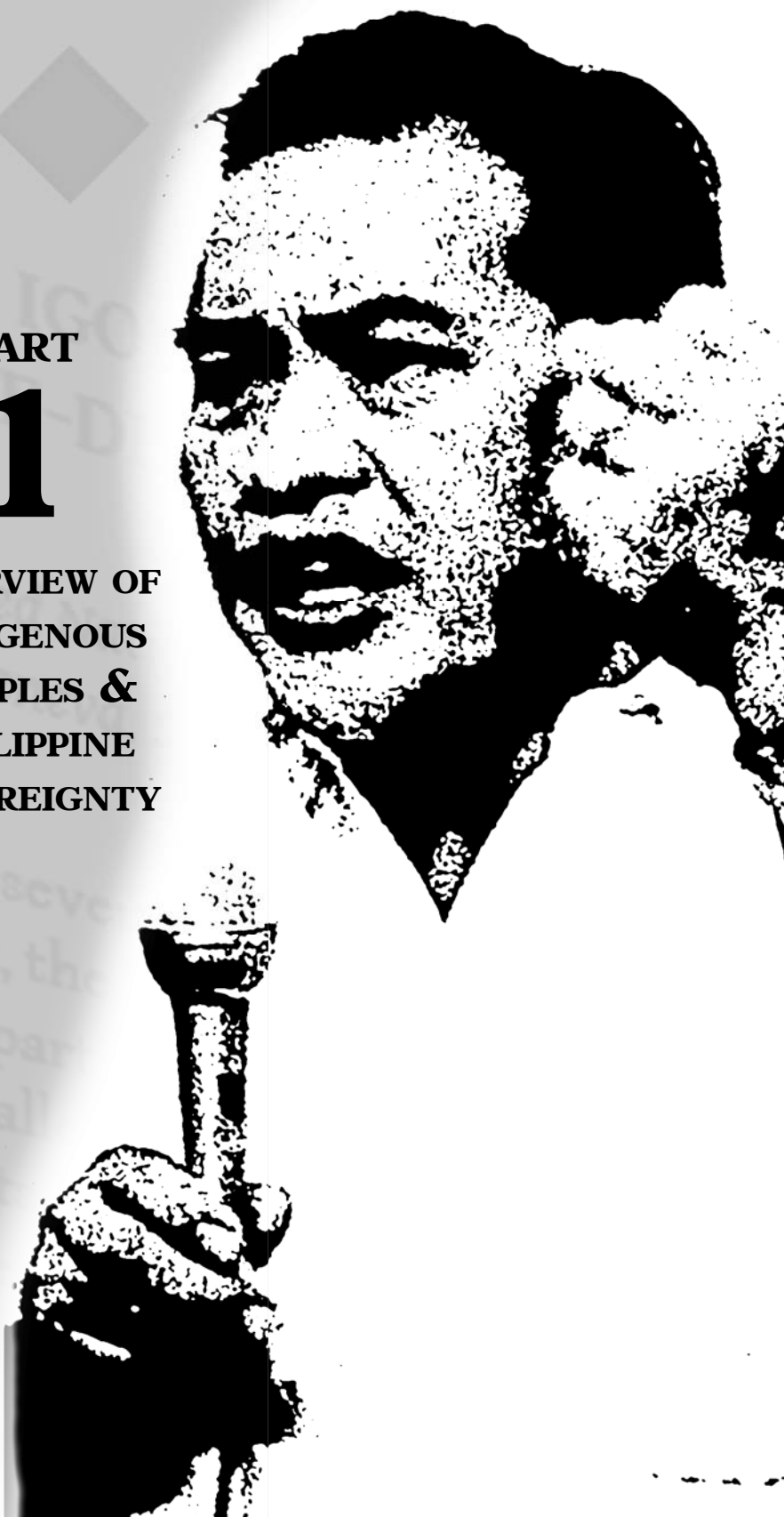


A line from a marker facing the village of Bugnay, Tinglayan, Kalinga.
Photo credit: Richard Abellon, Jr.

PART

1

**OVERVIEW OF
INDIGENOUS
PEOPLES &
PHILIPPINE
SOVEREIGNTY**





TOWARDS RECOGNITION OF NATIVE RIGHTS

*Delivered at the 1971 Constitutional Convention
Manila, May 12, 1972*

Ladies and gentlemen of the 1971 Constitutional Convention.

Before the so-called civilizing West invaded our shores, Philippine indigenous communities had been in existence for centuries. Closely-knit and possessing ethnic identity, culturally sturdy with the spirit of independence, these communities have resisted and continue to resist the inroads of acculturation.

The Muslims, the Igorots, the Aetas, the Mangyans, to name only a few of the dim distant past, are the same today—speaking their own language, possessing the same customs and tradition, retaining cultural peculiarities of their own and occupying the same geographical areas.

Let me underscore a passage that I have just said and briefly picture the sad plight of these communities after a hard but losing struggle with the powerful economic process.

These communities have fought and continue to fight economic penetration of their immemorial communal villages and homes from the outside. For this is the burden of what I shall now consider with you.

To my mind, the government—the Republic of the Philippines—is the worst land grabber in so far as the cultural communities are concerned. Vast areas embracing whole provinces and municipalities actually occupied and settled by these communities have been arbitrarily declared by the government as public parks, forest reservation and other types of reservation. Consequently, these communities are now occupying these lands not as owners but on mere toleration of the government.

Second, before the 1935 Constitution, big corporations mostly alien-owned and controlled obtained mining patents over vast areas occupied by these communities. These patents extended not only to the mines, but to the surface as well. When the 1935 Constitution took effect, these mining patents were constitutionalized under Art. 13, Section 1 which reserved the disposition and development of our natural resources to Filipinos, subject to these patents or so-called existing rights. It is to be considered that before and during the commonwealth years when the mighty American lorded it over here, there was nothing we could do. The so-called existing rights flowed from the force of conquest and we had just but to submit. But for this very reason alone, they were not entitled to protection. Yet, as it turned out, the 1935 Constitution that made these rights permanent became also the Constitution of the Philippine Republic. This led to the preservation of these so-called

rights as big colonial packets in a supposedly free and independent Philippines. Worse, ladies and gentlemen, these rights were expanded by parity. The government, it would seem cares little if at all, about this strange and unjust set up.

These communities occupying vast portions of alien-owned or controlled areas suffer immensely. For they are considered as having no ownership of what they have been occupying as their communal villages. They constantly face threats of ejection. If it is the inclination of the legislature to correct this, they cannot do so. For no less than a courageous political act can deliver us from this rule of vested rights concept imposed on us by might and not by canons of justice and respect for human rights. Many areas known to be non-disposable and inalienable before the unsuspecting native got wind of it, have been declared disposable and in fact have already been disposed to non-natives.

In addition, we are now swamped with so many cases of lands long occupied by them but are titled in the name of absentee land grabbers. For this reason, and in the interest of national welfare and unity, we plead for the adoption of Section 2 of the report. Three basic principles underlie this provision: First, actual occupancy and self-tillage are the measures of land rights. Second, relative inalienability of communal rights, and third, nationalism and cooperativism.

If there is agrarian unrest, it is because of the twin evils of absentee landlordism and tenancy. The extirpation of the evil should be replaced by the enlightened general principle that only those who are entitled to land rights are those actually who occupy and till them. Consequently, the land areas actually occupied and tilled by the national cultural communities properly belong to them. Let alone the fact that they have occupied and tilled them for so long

a time deriving their rights from immemorial ancestral ties. If adverse public and continuous possession of land for 10, 20 or 30 years ripens into ownership, there is no question that centuries of actual occupancy and tillage deserve higher respect and protection.

Recognizing therefore the proprietary rights of these communities on the basis of this principle, Section 2 provides that the same be isolated and identified through effective recordation.

It is said that despite the One-World-government idea, the United Nations Organization said the idea remains to be a mirage—like a fountain to a desert traveler, ever coming closer yet ever receding further away. The present reality is that of nation-states. And the first principle for us, ladies and gentlemen, is nationalism and not by fostering our combative nature in economic endeavors which can only lead to profiteering at the expense of others but through the harnessing of cooperative action in the development of the national economy by and for the benefit of Filipinos on the whole. Flowing from this principle is the recognition of the primary rights of the cultural communities in the disposition and development of the natural resources found within their geographic areas. Otherwise stated, what the Filipino are as a whole to their country, these communities are to their respective territorial spheres. It accords with the natural course of social development, from the family, to the tribe, to the village and eventually to the nation. To the members of each, primarily belong the benefits of their domain.

Primary rights in the disposition of natural resources means, land now classified as public agricultural lands, but actually occupied or possessed by these communities as their ancestral homes should be disposed of in their favor. In the transfer of alienation or alienation of private lands

owned and actually occupied by others, the members of these communities living within the general geographic area where such lands are situated should be given preference.

Private lands titled or declared in the name of absentee landowners should be disposed of to the members of these communities living within the general geographical area where such lands are situated. Should the government expropriate landed estate within such areas for distribution at cost to individuals, the members of these communities should be preferred. Settlement in such areas should, in the first instance, be opened to these communities. Areas now declared as public parks, reservations but actually occupied by the cultural communities should be segregated from the public domain and disposed in their favor.

Primary rights in the development of natural resources would mean that these communities should have preferential rights in the grants, concessions, lease of mineral lands, forests or waters within their area. And existing patents, grants, leases or concessions should be appropriately adjusted in their favor. It must be stressed that what is conceived in the enjoyment of primary rights would be within the context of cooperative action. No individual profiteering is contemplated in this way, the cooperative activities of these communities may be integrated and harmonized with the responsible national cooperative undertaking since in principle, cooperatives are to have the effective support and supervision of the government.

It will be noted, ladies and gentlemen, that the phrase "appropriate adjustment" has been used as the criterion in adjusting existing rights of other persons at the time of the adoption of this constitution. This term is intended consciously to replace the term "just compensation" because the latter carries such a rigid meaning that, if followed, it

will virtually nullify the adjustments sought for the protection of indigenous cultural communities.

The problem that we are considering essentially involves a conflict between public or social and individual or private interest where it has always been proclaimed in this hall, that the former is paramount and therefore prevails. Because of this, the adjustment between the two contending interests should win in favor of public interest.

Broadly, under all the circumstances, the adjustment should result in the transmission of greater benefits to the public or social group. Hence, the adjustment should consider such questions like:

How did the right of the private party originate? Does it come from the category of earned income? How much was or what constitute his initial investments? Were these investments one of the privileges acquired through conquest, political influence or official status? How much profit has the private party already realized? What is his financial standing? What is the term of payment if some compensation has to be paid? What is the financial capacity of government? Should payment be made in cash or installment considering all circumstances?

In other words, the adjustment should be made from a pragmatic, demographic approach to the end that the greater and more important social interest shall prevail over private profit and greed.

Ladies and gentlemen of this convention, I plead and ask that Section 2 be approved and which runs thus,

The State shall adopt effective measures towards the recording of landholdings and other property rights actually occupied or possessed at least five years prior to the adoption of this constitution, by members of the national cultural communities, whether individually or commu-

nally owned. Such landholdings shall not be alienated within twenty-five year from the time of recording, subject to appropriate adjustments of the existing rights of other persons at the time of the adoption of this constitution. These communities are to be protected in their clear ancestral proprietary rights and shall enjoy primary rights in the disposition and utilization of the natural resources found within their geographic domain through cooperative endeavors.”

Through this end, the law shall provide for the means by which the national cultural communities may participate in the beneficial returns. Thank you ladies and gentlemen. 



THE IGOROT QUEST FOR SELF-DETERMINATION

*Speech before the United Nations Working Group on Indigenous
Population, Geneva, Switzerland, July 31, 1985*

There are about seven million indigenous peoples in the Philippines today, the bulk of which are located in Mindanao. In the North, particularly in the Cordillera, we have indigenous peoples called Igorots numbering some 800,000 people. It is the Igorots of the Cordillera of Northern Philippines to which indigenous group that your two Philippine representatives belong.

Madame President and members of the Working Group, during more than 300 years of Spanish domination, the Igorots of the Cordillera, like their Muslim brothers and other Tribal Filipinos in the south, have never been conquered nor effectively subjugated. Neither had they been

Christianized unlike their lowland Filipinos. The Igorots, at the end of the last century kept their lands, their culture, their heritage and identity. Today, these same people stand at the threshold of their history, losing their lands, culture, and identity.

Consider these developments:

The Cordillera abounds in vast mineral and other natural resources like forests and rivers. And although we live in one compact area, in creating the old Mountain Province, large segment of the population were parceled out to other lowland communities and provinces. When President Marcos came to power, one of his first official acts was to divide the Mountain Province into four provinces in 1966. Again, when Martial Law was declared in 1972, he further bifurcated us by assigning two provinces in Region I and two provinces in Region II.

Through the years, various laws, Presidential Decrees and other executive issuances have set aside our ancestral lands and declared them public domain under the executive control of the President. Under these laws, all the Igorots and other indigenous peoples living in mountain areas in the Philippines were stripped of their ancestral territories and made squatters in their own lands. As a consequence, our ancestral territories had been opened for mining, logging and, just recently, the President decreed the building of dams over our streams and rivers.

And How Did the People Respond?

Our people protested. One such organized protest was the passionate opposition to the World Bank-financed Chico Dam. In the face of our people's opposition, the President suspended construction work. Since then, with more

Igorots getting aware, they also opposed the entry of big logging conglomerates and are now in the process of questioning many mining exploitation and other activities.

And the Net Effect?

The government uses force as it is its predilection to employ the same in pursuit of destructive policies of development. Military abuses and repressions against our people followed. At this point, I wish to make it of record that instead of describing such military atrocities, I hereby submit a document to update the records as a sequel to one submitted last year by the Anti-Slavery Society and by a fellow Igorot colleague of ours. I hasten to add, however, that these papers detailing some sad and gory incidents of human rights violations, are submitted not as complaints against our government, but as mute testimonies upon which standards may evolve. We most sincerely hold that no standard or declarations on the protection and prevention of discrimination against indigenous peoples could evolve and be meaningful for them if said standards have not passed through the crucible of pain and various indignities suffered by indigenous peoples.

Yes, the military came to the Cordillera. In our homes, in the name of development and national security. But to the Igorots, they came to protect our exploiters as it was evident that their mission was to stifle dissent and emasculate the growing consciousness of Igorots as well as break up all militant pressure groups.

The military indulged in all forms of harassments, from hamletting, enforcement of various restrictions, arrests, indiscriminate searches of our abode without warrants, detention, torture, threats, murder and salvaging.

For my part, owing to my activities as a lawyer of political detainees, as a human rights worker and as Chairperson of the Cordillera Peoples Alliance, no less than three known attempts had been planned on my life by elements of the military, aside from receiving death threats beamed through the years. I wish to place on record that we have two lawyers in the Cordillera who have been detained to date on orders of the President for having taken the cudgels for indigenous Cordillera peoples.

Now, because of common concern, identity and shared experiences as victims of oppression and other human rights violations, the Igorots formed the Cordillera Peoples Alliance in June 1984. From an initial membership of 27 organizations, it has grown to 56 peoples' organizations. In forging an alliance, they identified their problems. And the primary prescription for success was the attainment of UNITY. And so, some months after its founding, the alliance supported a Bill proposed in the National Assembly calling for the regionalization of the Cordillera. This Bill concedes nothing except re-uniting the Cordillera Provinces of Benguet and Mountain Province from Region I, and the provinces of Kalinga-Apayao and Ifugao from Region II, into one region. This regionalization set-up is merely for administrative economic planning and does not grant any substantive content for genuine regional autonomy. Our alliance supported the proposal only as an initial step towards a longer term alternative program for a true autonomous government. Despite the overwhelming enthusiasm and support for this step towards unification as expressed in voluminous petitions and mass demonstrations, the government shelved the proposal. It became clear that the government clings to the policy of continuing artificial divisions of the Cordillera.

The Igorots of the Cordillera do not realize that it is to the point of unreasoning to expect that government will concede their unification, much less recognize their rights to their ancestral domain. Soon, then, did they realize that in their fight for recognition, their struggle proceeds from their quest for self-determination, the attainment of which will not be given in a silver platter, but only by waging a well programmed and organized plan, sustained through peoples' assertion of their rights, could the Igorot dream of winning back the homeland. Thus, the Cordillera Peoples Alliance came out with an alternative program, broadly stated as follows:

- **In the political field.** The Igorots demand for a Cordillera Autonomous Region which shall mean self-government by and for the Cordillera people, equality without discrimination with the rest of the Filipino people, and political unity within the national framework.
- **In the economic field.** The Igorots demand their rights to their ancestral domain, to the disposition, utilization and management of all natural resources found within their domain.
- **In the cultural field.** The demand of the Igorots is the right to cultural self-determination, institutional rectification of discriminatory practices, the prohibition of vulgarization and commercialization of indigenous culture, respect for indigenous culture and the promotion of progressive Igorot consciousness.

These demands are the basic and minimum requirement for our survival. We talk of survival because if we view the trends in the Philippines today, it does not take an expert to say that things will get worst in the Cordillera as it already did happen in Mindanao. There, vast tribal

lands had been taken and converted into plantations for bananas, sugar, coconut, pineapple and palm oil, not to mention the more than 50 incidents of massacres against Muslims, whole displacement of population numbering 1,300,000 persons and the flight of more than 500,000 to Sabah and elsewhere. Given the unmanageable foreign debts incurred, the chaotic bungling of the economy and the regime's political bankruptcy, the government policy of development at all cost—damn the people if they are on the way—will persist. These policies call for massive industrialization, export of dollar-earning materials like minerals and logs as well as the search for oil substitutes through construction of dams and geothermal infrastructures—all these kind of development means lands to be stripped bare of its minerals, forests rendered bald by indiscriminate logging; lands devastated by mining wastes and pollution; lands eaten up by flooding and inundation due to dams in the drawing board for construction—all these are found in indigenous lands. All these lands have either been disposed or in the process of being given for exploitation by government to other people who are not necessarily Filipinos and to which disposition and exploitation our people have neither given their consent nor will they benefit. By executive fiat, our lands are taken and given away. This is outright landgrabbing of the worst kind.

It is too apparent that the pressure on indigenous lands, earmarked by government as resource areas, is escalating at a faster pace beyond our traditional forms of containment. Stronger measure must be devised with a sense of urgency if we are to arrest encroachment, violence, dispossession and displacement. These are happening now and if permitted to grow, it will mean the death of our culture and our death as a people.

Time is running fast. Indigenous peoples the world over welcome the evolvement of standards and declarations and appeal to this Working Group to give wide dissemination of even mere Working Drafts of Declarations or Standards to member countries of the United Nation and the media because we see in them some measure of protection as they, in themselves, have intangible persuasiveness emanating as they do from this all important and prestigious Working Group of the United Nation machinery. 🍒



ANCESTRAL DOMAIN: *Our Key to Survival*

*Delivered before the Working Seminar of the Ancestral Land
Group, Baguio City, November 9, 1990*

Our Survival

The question of ancestral domain has always existed for us ever since this country's indigenous cultural communities became isolated, marginalized and underdeveloped by the process of colonization, centralization and commercialization. In our immemorial existence as a people, unique for enduring life ways, worldviews and intimacy with the land, we have always held fast to certain self-evident truths.

Among these is that “Land is life.” Land and life are inextricably bound together. This relationship forms the essence of liberation dreamed of by indigenous peoples anywhere in this country and at any time in our history.

There is today an intensifying movement for the recognition of the indigenous peoples' historical rights regarding the recovery, control, and disposition of their ancestral domain. The Cordillera peoples of Northern Luzon, the cultural communities scattered throughout Luzon and the Visayas, and Lumads in Mindanao are raising a unified and collective voice in asserting their rights to survival and the right to self-determination.

The historic movement for self-determination has found expression in the struggle for ancestral domain which has sustained countless generations of indigenous peoples since time immemorial and which, in turn, these people have safeguarded for the sake of future generations.

This precious guardianship is the fundamental basis for indigenous peoples' demand that the present Philippine government—no less the various forces representing or embodying corporate and oligarchic vested interests—must recognize the indigenous peoples' prior rights to their ancestral domains. The survival of indigenous cultural communities is hinged on their successful recovery of full rights of ownership, control, and disposition of their ancestral domain.

This land claim, which includes territorial jurisdiction, security of habitation, and environmental integrity proceeds from the premise of preserving and protecting an entire ecosystem traditionally nurtured by and serving the needs of communities with a social economic and political existence going back a thousand years—indeed, long before processes of colonialism and control set in—to deprive indigenous peoples of their ancestral domain and the right to determine for themselves the best course towards development and general well-being.

Cognizant of this historical claim and painfully aware of the social, economic and political injustice inflicted on indigenous cultural communities, concerned Filipinos both in government as well as in non-government organizations have sought to rectify the situation.

In so far as government is concerned, there have been several attempts at effecting "integration" of these communities into the national "mainstream." These attempts were tainted by paternalism and condescension. Often, they turned out to be nothing but masks for overt and covert exploitation of these communities by unscrupulous agencies, groups or individuals. Paternalism and condescension were, of course, inherent in poorly thought-out assimilationist schemes which did not consider autonomous needs and demands. These failed schemes only led to further deterioration of disadvantaged communities.

The present internal armed conflict in the country involving certain elements among the indigenous cultural communities is an eloquent testimony of the failure of the past administrations to "integrate" them into national society through institutionalized dependence and the perpetuation of their underdevelopment.

Self-determination and Legislation

There are current attempts to correct partially, if not totally, the historical injustice by means of legislation. During the past year, the Committees on Cultural Communities of both Senate and House of Representatives have worked on proposed legislation creating mechanisms for the full restoration of the indigenous peoples' rights of ownership, control, and disposition of their ancestral domain. May I mention the following:

Ancestral Domain refers to all lands and natural resources owned, occupied or possessed by indigenous cultural communities, by themselves, or through their ancestors, communally or individually, in accordance with their customs and traditions, since time immemorial, continuously to the present period of Time except when interrupted by War, Force Majeure, or displacement by force, deceit or stealth; it shall include ancestral lands, titled properties, forests, pasture, residential, agricultural and other lands individually owned, whether alienable/disposable or otherwise, hunting grounds, worship areas, burial grounds, bodies of water, air space, mineral and other natural resources.

Ancestral lands are those real properties within the ancestral domain which are communally owned, either by the whole community or by a clan/group thereof.

That is the proposed definition of ancestral domain in Section 3, Sub-section 3 of House Bill No. 24913 entitled, “An Act Creating the Commission on Indigenous Cultural Communities and Ancestral Domain, Defining its Powers and Functions and Appropriating Funds Therefore.”

The intent of this draft is clear in the declaration of policies:

It is the policy of the Senate to recognize and promote the rights of Indigenous Cultural Communities within the framework of national unity and development; to protect the rights of Indigenous Cultural Communities to their ancestral domain in order to ensure their economic, social, and cultural well-being; and to provide for the applicability of customary laws and governing the ownership and extent of ancestral domain.

Towards this end, the State shall formulate and implement more rigorous development policies, plans and

programs for the indigenous cultural communities, taking into consideration their customs, traditions, interests and institutions, and to adopt and implement measure to protect their rights to their ancestral domain.

On hindsight, one notices an element crucial in the foregoing formulation and needs to be included in the final version—The Principle of Consultation. This principle is of course amplified in the other sections of the Bill. Recent history taught us that it does us no harm if this principle is made clear, precise and unequivocal part of the declaration of policies. After all, it sets the whole tone and lays down the philosophical bedrock of the bill and, for that matter, any piece of legislation.

We have taken only a very small step. The road that lies before us seems as yet to have no end in sight. But it is important that we have begun. It is equally important that we do not relent in our struggle until the dream of the ages is realized: To regain the land bequeathed by our ancestors, the land from which springs all life, the land which shall guarantee our future.

Thank you, and may this seminar be fruitful for all of us.





OF BEING A MINORITY

Message to the Tribal Festival, Office for Northern Cultural Communities, Region I, La Union, December 14, 1990

Please accept my warmest greetings and congratulations to the sponsors, participants, and guests who have come together to make this tribal festival a meaningful event.

The indigenous cultural communities are going through an extremely crucial phase in our long, painful and brave history as a people, having to face all odds to survive with dignity and to preserve the priceless heritage bequeathed to us by the land and by our ancestors.

It has been some time now since we stopped passively thinking of ourselves as a “minority” or “second-class citizens” or even as “non-Filipinos.”

In terms of material conditions of life as well as of political empowerment, we may have been "minoritized" and "marginalized," it is true. But we are fully conscious of this historical injustice. Philippine society is also witness to our valiant struggle to assert our natural, legal, moral, and historical rights to our land as well as to our right to self-determination.

We have always resisted the processes of colonialism. Precisely, it is our so-called "minoritization" that has been the result of this resistance. While aware of our "minoritized" status in an unjust social, economic and political order institutionalized through the ages, then all the more that we should come together to forge a new foundation for our survival as a people and to develop all aspects of life without compromising our cultural heritage.

Evidence leads us to believe that in many aspects, the ethnic worldview and lifeways of the indigenous cultural communities are in fact superior from that of the "modernized," centralized, elite-dominated, colonial or neocolonial state system brought in this country.

Today, our dream, desires, and demands remain steadfast, as they did during the time of our forefathers who fought off the invaders from all parts. We dream that our prior rights over the control, disposition, and utilization of our ancestral domains be fully and unequivocally recognized.

We desire that we be allowed the full exercise of autonomy that shall encompass most, if not all, of the indigenous cultural communities throughout the country. We demand that we be given the freedom to draw up an Agenda for Self Determination, a program of survival which shall take into consideration our real needs as a people with the closest possible links to the land and to nature, and with cultural bonds that go back hundreds, even thousands of years.

All these comprises the new found consciousness of what others call “the tribal Filipinos,” but in no way does this thinking invalidate the proposition that we must also feel one with the rest of Philippine society, most of whose members are impoverished and have been experiencing the same trials and tribulations through the ages.

Thus, there is no better way of capsulizing our message than through the very theme of this festival: “*Unity in Diversity*.” But may I add, that unity here means not only among minoritized and marginalized millions of indigenous Filipinos but also between them and the other millions of long-suffering Filipinos who still have to see their democratic ideals bear fruit in their daily lives.

I wish this tribal festival all the success that it deserves. May we see in it an attempt to generate a continuing awareness of the cultural communities’ plight as well as the justness of their struggles. 🍎



BASIS FOR REGAINING ANCESTRAL DOMAINS

*Sponsorship Speech, House of Representatives, September 1991
Batasan Pambansa, Quezon City*

Restating the Problem

The debate on the fate of the country’s “national ethnic minorities,” which has been going on for as long as we care to remember, has brought two interesting articles of received wisdom that must be subjected to thorough scrutiny.

The first is that the material and non-material culture of these “national indigenous cultural communities”—as we prefer to call them now, to avoid the difficulties of valedaden terminology—intrinsically bound them to the CULTURE OF SUBSISTENCE. What does this mean? It can mean

many things. A culture of subsistence can be essentially sufficient in providing the physical means of survival, for example, providing the means by which a group perpetuates itself. In theory, this is good. Who needs modernization, technological progress, surplus products when the community is able to exist at subsistence levels? But it can also mean that while their non-material culture remains rich in spiritual and aesthetic traditions, the economic base can fail to supply their physical requirements especially when this is devastated by calamities or threatened by social and economic forces outside the community. In the end, the precious legacy from their very ancient past—their most prized possession—is threatened with disintegration.

The second article of faith is a natural corollary of the first. According to this, all our efforts must be geared towards SURVIVAL. Specifically, survival against the modernizing state's ideology of "development," survival against inroads from decadent and materialistic "mainstream society," survival against the program of "national integration," the last, simply perpetuated the myth of "national ethnic minority."

SUBSISTENCE and SURVIVAL are, by themselves, not bad at all. But these are ideal only when we are confronting the vicissitudes of nature, and we have subsisted and survived best when we live in harmony with nature. However, we are confronted by the reality of a system that threatens the devastation of our natural surrounding and threatens our very existence as cultural communities.

Therefore, we must now think in ways that go against the quiet ideal of mere subsistence and plan a collective course of action that shall take us beyond mere survival.

Ancestral Domain as Central Issue

But first of all, allow me to lay down the conceptual foundation of our physical survival as indigenous peoples.

The survival of the Philippines’ indigenous cultural communities is hinged on their successful recovery of full rights of ownership, control, and disposition of ancestral domain.

The issue of ancestral domain is basically a claim of the Philippines’ indigenous peoples to their historical and moral rights over the land which they and their ancestors have occupied for ages. Much of these lands, at this point, has been taken over by force through the implementation of the Regalian Doctrine by which the colonial powers and subsequent governments claimed sole ownership of all lands in the Philippines. A commentator puts it more accurately thus:

Existing laws and policies continue to subscribe to the colonial legal doctrine which holds that all lands of the archipelago, except those acquired from the state either by purchase or sale, belong to the state, including ancestral domain. This doctrine, a product of the universal feudal conquest theory, was originally introduced by the Spanish conquistadores. By virtue of conquest of the Philippines, the Spanish colonizers asserted that all lands of the archipelago belong to the Spanish Regalia. This legal fiction—which was used to justify wholesale land grabbing of ancestral land—is known as the Regalian Doctrine.¹

The Regalian Doctrine, thus, underlies the phenomenon of historical dispossession in a colonial society that continues to exist in a neocolonial mold.

¹ Libarios, Ancestral Domain and the Crisis of Justice of the National Legal System.

The issue of Ancestral Domain is fundamentally a claim to ancestral land, which includes territorial jurisdiction, security of habitat, environmental integrity, and inviolability of customs and traditions. It is a demand for recognition of prior rights historically evident or defensible. This claim process from a primordial need to preserve and protect an entire ecosystem traditionally and continuously nurtured by, and serving the material and non-material needs of, entire communities of people with a social, economic and political existence going back hundreds or thousands of years: Indeed, long before the processes of colonialism, centralization, and control set in to deprive them of rights to their ancestral domain, which is but the right to determine for themselves the path towards genuine development and general well-being.

The nature of the Philippine State-system, its colonial past and its present neocolonial structure have made ancestral domains an unresolved and contentious issue. As far as cultural communities are concerned, however, it is clearly a natural right and ought to be recognized and protected by enlightened law as well as a cause that must be defended advocated by the public.

Indigenous Peoples Speak Out

Throughout 1990, and during the first quarter of the current year, the House Committee on Cultural Communities undertook a series of public hearings as well as fact-finding mission in various parts of the country including Davao, Palawan, Mindoro, Zamboanga and Bukidnon. The committee plans to undertake one or two more hearings so that it can firm up and finalize the current proposed legislation seeking to establish a Commission on Indigenous Cultural Communities and the Ancestral Domain, or CIC-

CAD. The acronym is felicitous as it bears resemblance to a local term which means “putting shoulders together in a common effort to accomplish a task.”

What were the Reasons for these Series of Hearings and Fact Finding Missions?

First, to hear out the numerous and repeated complaints of members of indigenous cultural communities primarily against vested, propertied interests made up of affluent and influential families or corporations who have taken over wide territories which the complaints have claimed as belonging to their ancestral domain.

Second, to gather testimonies about reported wanton acts of militarization including bombing, strafing, forced evacuation, food blockades prevention of transport of produce through checkpoints, and other forms of repression and harassment which have inflicted untold hardship on a people already suffering poverty and marginalization. These abuses were decried by representatives of the indigenous peoples, notably in the public hearings conducted at the Zambo Wood concession in Zamboanga, in the Manobo community in Bukidnon, as well as in documented reports and complaints we received the people of Marag Valley in Kalinga-Apayao.

Third, based on these complaints, demands, testimonies, aspirations and expressed wishes, to propose legislation on ancestral domain, and provide the necessary guarantees, rights and responsibilities, and enabling mechanisms to ensure that the country’s indigenous peoples can, at long last, live a free and secure existence in the land they have known and live in since the time of their ancestors.

Problems of Definition Delineation and Identification

Apart from these public hearings, there have been committee hearings conducted in the House itself with resource persons from the academe and other professional sectors—particularly anthropologists—having been heard on the question of defining ancestral domain, ancestral land, and other related issues. Testimonies were taken from these experts who have published or researched on this particular problematique. Published sources have also been consulted as well as legal case histories which have focused on the question of ownership of land occupied by and claimed to have been usurped from indigenous cultural communities. The most poignant complaint was the fact that whenever they stood their ground to claim ownership of the only place they had ever lived and worked on, the usurpers—both from the government and from the elite—would invariably ask them: What is your evidence, where is your document?

The public hearings have provided insights into how the people themselves view the whole question altogether. Views from the top, for example, from legislators, anthropologists, political scientists, socio-cultural researchers can marshal the most astute and compelling academic language to establish the viability of a people's claim to the land. But assertions or visions from below can have an equally compelling logic and eloquence that only actual life and living traditions can effect. In this respect, oral history blends with empirical evidence in order to buttress a people's rightful ownership of their ancestral domains.

In the Subanon community of Manubal, high up in the mountains of R.T. Lim in Zamboanga del Sur where we held a public hearing early this year to investigate charges of harassment lodged by the Subanons against Zamboanga

Wood Products Inc., we heard testimonies from the people not only about the abuses committed against their person and property by the logging company, but also persuasive arguments why the mountains, even though denuded, must be recognized as their ancestral domain.

Among these arguments were:

- The presence of very old persons who can even remember that their great grandfathers were already there a long time ago, planted trees and built the earliest houses;
- The fact that all the names of the known river systems in the area are of Subanon origin, and must have therefore nurtured Subanon communities long before the settlers from other areas of the country. These settlers have managed to establish themselves in the poblaciones, control most of the trade and commerce and are entrenched in local politics;
- The Manobos of Bukidnon, particularly in the municipality of Quezon, where we held the latest public hearing only a few days ago, have an almost identical system of giving evidence: the presence of huge and old trees, like the durian, balono, mango and coconut planted by their ancestors; the burial grounds which preserve the bones of their ancestors going back many generations; the presence of old folks with ages ranging from 60 to 80 and who had lived there all their lives, and who were born there long before the first settlers, homesteaders, ranchers, speculators and sugar barons came to buy their land for small sums of money or to acquire this land through fore and deceit.

These testimonies are like songs harping on a similar theme. The lyrics may be different, but the refrain is but one: **“We were on this land long before the usurpers came!”**

What all these point out is the viability and validity, of ORAL HISTORY as a method of proof. If in fact oral history has come to achieve wide acceptance in our academic disciplines as part of research methodology, I don’t see why it should have less impact and efficacy in the resolution of historical issues involving generations of human lives and human culture.

House Resolution 33881: Background and Status

There are current attempts to correct, even if only partially, the historical injustice of usurpation by means of legislative measures that seek to operationalize the Constitutional provision for the recognition and protection of the ancestral domain, by providing precise mechanisms and structures of indigenous control, empowerment, and autonomy. This attempt is a departure from earlier attempts at merely bureaucratizing indigenous social organizations and luring indigenous societies into the trap of mindless “national integration” and “assimilation.”

During the past year, the Committees on National Cultural Communities of both the Senate and the House of Representatives of Congress have been at work on proposed legislation creating such mechanisms and structures for the full restoration of the indigenous cultural communities’ rights of ownership, control, and disposition of the ancestral domain.

Senate Bill No. 909 authored by Senators Rasul, Estrada and Romulo, is described as “AN ACT TO PROTECT THE

RIGHTS OF THE INDIGENOUS CULTURAL COMMUNITIES TO THEIR ANCESTRAL DOMAIN, CREATING A COMMISSION ON ANCESTRAL DOMAIN, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.”

This was based on an earlier proposed Senate Bill No. 152, introduced by Senator Rasul, which was entitled “AN ACT PROVIDING FOR SAFEGUARDS TO THE FUNDAMENTAL RIGHT OF ANCESTRAL DOMAIN OF THE DIFFERENT NATIONAL CULTURAL COMMUNITIES AND FOR THE DIFFERENT MODES OF ENJOYMENT HEREOF AND FOR OTHER PURPOSES.”

In the Senate version of the current proposed Ancestral Domain Law, this is the definition of Ancestral Domain (Section 3, paragraph b and c):

b) The Ancestral Domain of an indigenous cultural community embraces all lands and natural resources which are in the actual and/or traditional possession of an indigenous cultural community and its members, including all adjacent areas necessary to ensure their economic social and cultural welfare.

c) Ancestral Domain in the traditional possession of indigenous cultural communities refers to areas habitually referred to by the indigenous cultural communities as part of their ancestral domain in accordance with their customary laws, including areas previously occupied and utilized but which may no longer be in their possession due to reasons beyond their control such as war, forced displacement, usurpation, and the like.

What we have in the House right now as already approved on the Committee level and awaiting introduction into floor discussion is House Resolution No. 33881: “AN ACT CREATING THE COMMISSION ON INDIGENOUS CULTURAL COMMUNITIES AND ANCESTRAL DOMAIN, DEFIN-

ING ITS POWERS AND FUNCTIONS AND APPROPRIATING FUNDS THEREFOR.”

This is a consolidated bill based on House Bill No. 428 of which I was principal author, but also containing salient provisions taken from earlier, similar proposed bills such as House Bill 5644 authored by Congressman Lumauig, House Bill 4989 introduced by Congressman Camasura and House Bill 17746 authored by Congresswoman Lorna Verano Yap.

House Resolution 33881, if and when approved, can begin to solve the problem of DEFINING, DELINEATING, AND DEFENDING the ancestral domain of the Philippines’ indigenous cultural communities precisely because it establishes a political infrastructure based on the principles of CONSULTATION, CONSENT, and CONTROL.

The pertinent provisions on such mechanisms and structures of consultation, consent, and control are in the proposed bill for everyone to go over. For the purposes of our discussion, let me just quote some pertinent passages that dwell directly on the definition of ancestral domain.

Section 2 is Declaration of Policies. Thus,

It is the policy of the State to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development; to protect the rights of indigenous cultural communities to their ancestral domain to ensure their economic, social, and cultural well-being and to provide for the applicability of customary laws governing the ownership and extent of their ancestral domain.

Towards this end, the State shall formulate and implement more rigorous development policies, plans and programs for the indigenous cultural communities, taking into consideration their customs, traditions, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domain.”

What about the definition of Ancestral Domain itself?

Section 3, Paragraph "b" of the bill states:

Ancestral Domain refers to all lands and natural resources owned, occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth. It shall include ancestral lands, titled properties, forest, pasture, residential, agricultural, and other lands individually owned whether alienable/disposable or otherwise, hunting grounds, worship areas, burial grounds, bodies of water air space, mineral and other natural resources.

As further clarification, the bill defines ANCESTRAL LANDS as "those real properties within the ancestral domain which are communally owned, either by the whole community or by a clan/group thereof."

Apart from the fact that the entire bill hinges upon the acceptance of the proposed definition of Ancestral Domain, there are two other significant aspects:

One, the purpose, philosophy and powers of the proposed Commission makes explicit the inseparability of indigenous cultural communities and ancestral domain, that is to say, one is meaningless without the other; and

Two, the principles and structures of governance of the proposed Commission seek to make it different from earlier attempts to merely bureaucratize and compartmentalize the state's concern for so-called national minorities.

What do all these measures amount to? These are painstaking and conscious efforts to finally defeat and neutralize the outrageous and unjust colonial legacy known as the Regalian Doctrine!

Conclusion

In conclusion, may I add a sobering note. Despite all well-crafted programs and philosophies seeking to liberate and empower the marginalized indigenous cultural communities of this country; despite numerous consultations and congresses that we hold to analyze problems and synthesize solutions... the fact still remains that we—legislators, advocates, activists, support groups—who believe in the righteousness of the demands and aspirations of millions of indigenous Filipinos, can still remain powerless in the face of harsh measures being inflicted by instrumentalities of government upon these abused people. They continue to be victimized by the incredible greed for profit that has made billions of pesos for a few favored families and corporations taking advantage of their political and oligarchic connections to claim for themselves the power to extract whatever they can from these vast forests, mountains and seas.

Even as we speak here to defend their claims and their historic rights, the country's indigenous peoples are being subjected to the most intense and mindless cruelty. It is as though they were vermin or criminals to be extirpated through bombings, shelling, strafing and massacres. But we know they are not. They are Filipinos who have nurtured this earth in ways better and nobler than the predatory elite have done.

But I suppose we are here not so much to rage against the unjust war—this unconscionable rape of nature for private profit—as to pledge ourselves to an unending struggle towards uplifting indigenous peoples down the length and breadth of this plundered, long-suffering country. 



NO TO REFERENDUM ON U.S. MILITARY BASES

Privilege Speech, House of Representatives, September 28, 1989

Mr. Speaker, honourable members of the House of Representatives:

We claim to be an independent country, yet often we act very much like the client of a former colonial master who, it seems, has never relinquished its power and influence over us through its Cold War ideology, cultural hegemony and massive military presence.

Three years ago, we were all set to achieve for ourselves and our children a condition of true democratization and development, true sovereignty and self-determination.

Mr. Speaker, not only have we failed to bring about a viable regime of full democratization and genuine develop-

ment which are the primary goals of the 1986 revolution. But we have also been remiss in our duty to assert the full measure of sovereignty.

I stand here to speak out against the proposed to hold a referendum on the U.S. military bases, a proposal that has suddenly come up at a time when we are called upon to implement the letter and spirit of the Constitution, which effectively declares that by September 16, 1991, there shall be no more foreign military bases and nuclear weapons in our country.

Mr. Speaker, by now we are aware of the arguments for and against the holding of such a referendum. There is no quarrel with the proposition that the voice of the people must be heard in all issues, in all matters of national importance, in all question of historic transcendence. The continued presence, or the final dismantling, of foreign military bases is one such issue. And indeed, this right of the people to “effective and reasonable participation” is contained in Section 16, Article 13 of the Constitution. But this is but one dimension in a multi-dimensional issue.

If I oppose the proposal for a referendum at this time, I am not denigrating the democratic right of the people to be heard. Those who oppose the proposal have raised their objections on both technical and constitutional grounds.

Technically, when 80 percent of the Filipino people ratified the 1987 Constitution, which prohibits, precisely all foreign bases and nuclear weapons in our territory, the matter of extending the present RP-US military bases treaty—in whatever form or arrangement—was finally laid to rest.

The proposed exercise is also deemed unconstitutional by the oppositors, because the mechanics for a referendum are explicitly and unequivocally provided for in Section 25, Article 18, entitled “Transitory Provisions.” The process of

referendum is mentioned only as **a final act of approval** by the people of **a new treaty that may be entered into** between the two contracting parties but which treaty can only be valid **upon ratification by the Senate**. And besides, according to this section, the **Act of Referendum** can only transpire **if Congress so requires** that the exercise be held.

Mr. Speaker, I contend that the mechanism laid down by the Constitution is not simply technical or procedural, but it is precisely in keeping with the spirit and substance of representative democracy. Both Houses of Congress are presumed to embody the will of the people and the decisions that they have reached, or will have reached, regarding the fate of the military bases, can only be the result of deep reflection, serious study and profound analysis. And, one hopes, **nationalist sentiment**.

Mr. Speaker, there is another dimension to this proposal to hold a referendum. It is the aspect of the whole problem that I feel most concerned about. As sharply pointed out by political observers, and to which I agree, there is something unsettling about the timing of the proposed referendum. If this government did not bother at all to consult the people on such strategic and critical issues as foreign debt servicing, and economic policy which has enslaved us to the International Monetary Fund, what reason would it have for supposedly “consulting” the people at this time?

Another point, Mr. Speaker. It has been reported in a survey that significant number of Filipinos may not even be familiar with the Pros and Cons of the bases issue, as well as with the very existence of foreign military bases in their present magnitude!

The conclusion is that while heated debate has been going on in the more informed sectors of Philippine society, in academic and government circles, for instance, where

the anti-bases sentiment is growing stronger, many Filipinos have yet to be introduced to and be familiarized with the many aspects of the bases issue such as the following:

- The present livelihood of base workers as against the possibilities of economic development and new initiatives through conversion mechanisms;
- The argument of regional stability, as against the argument of the nuclear magnet and the danger of the nuclear presence in the country;
- "Special relations" between Americans and Filipinos, as against the moral degradation of thousands of Filipino women, and so many other issues which bear upon our survival and sovereignty.

Mr. Speaker, this is what I am driving at: What we need at this time is NOT REFERENDUM, but a massive information campaign throughout the country to allow the broadest possible participation of the people in this historic issue. I am confident that those who oppose the continued presence of foreign military bases and nuclear weapons are well-prepared to bring their cases to the people, and it is their patriotic duty to do so.

I must emphasize this, Mr. Speaker, because it is well known in academic circles that the United States has, in recent months, launched a massive and expensive information campaign throughout the country, in an attempt to convince the people that the bases are God's gift to our civilization. Through glossy literature, through well-financed trips and fellowships, our people are being enticed to accept the bases as a necessary fixture in the landscape of our history. I am afraid, Mr. Speaker, that to give in to the proposal for a referendum, as against the wisdom of the Constitution, is to fall wittingly or unwittingly into a trap that has been assiduously and cleverly laid out for us by enemies masquerading as this country's friends.

As one who has taken the position that we do not need and we never needed foreign military bases on our territory, particularly the bases of a former colonial master who continues to dominate our politics through such neo-colonial instrumentalities, I contend that what we should concern ourselves with now, is to support any resolution that shall state our desire for constitutional provision of the bases' phase-out to be completed as soon as possible, definitely not beyond 1991.

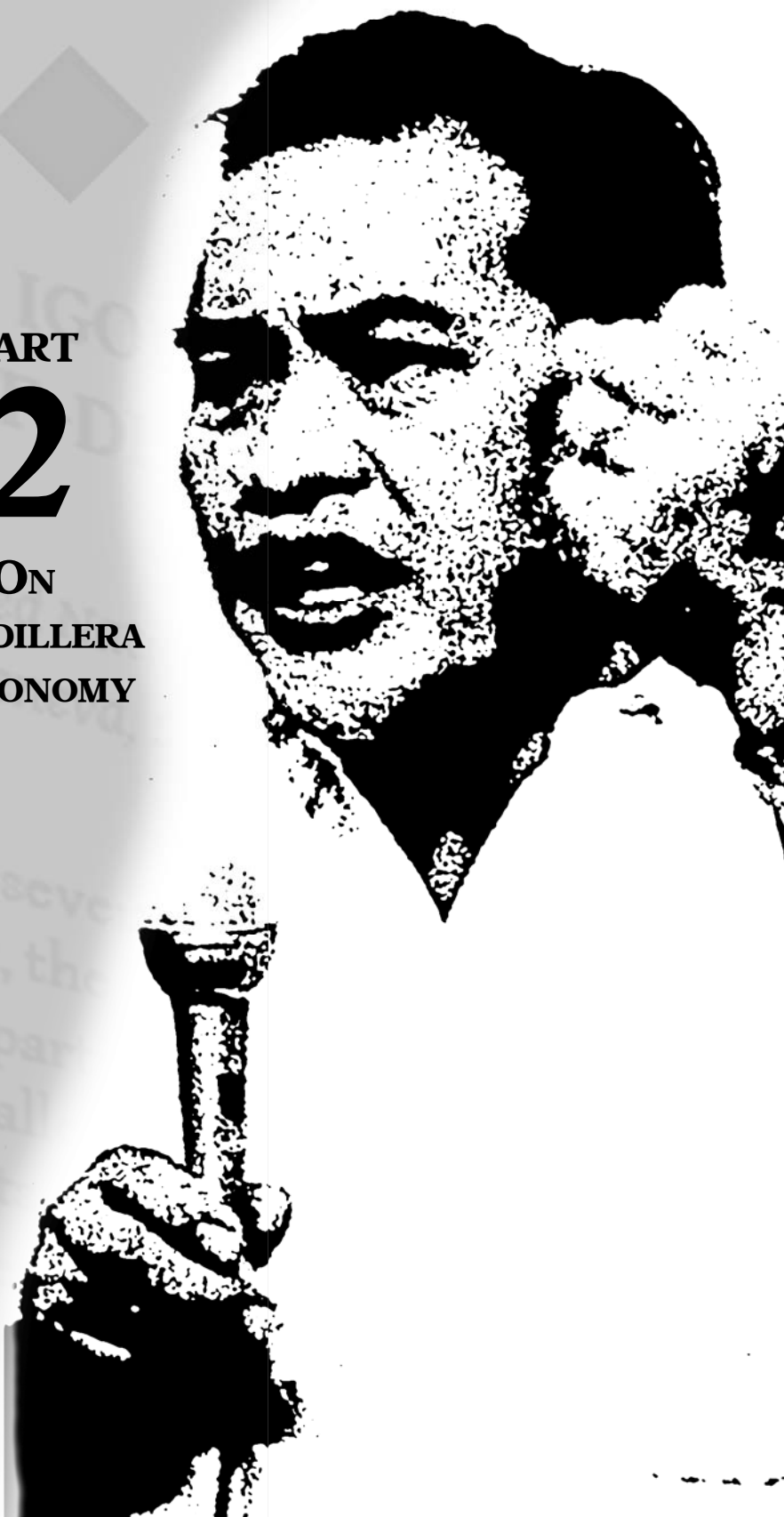
Thank you, Mr. Speaker. 

PART

2

ON

**CORDILLERA
AUTONOMY**





CORDILLERA AUTONOMY & ITS CONSTITUTIONAL PARAMETERS

Message, November 9, 1988

The Autonomous Region: *Roots and Rationale*

The creation of the Cordillera Autonomous Region is a demand rooted in the peculiar history of our region. I need not go into the details of this history, but you will recognize it at once, its most telling features which have really been negative indicators instead of memorable milestones. These are: minoritization, marginalization, and underdevelopment.

Those among you who have followed the raging debates on the political, economic and social issues in this country since the time of the Marcos dictatorship would

be aware too of these issues especially where they relate to the national cultural communities in general, and to the Cordillera people in particular.

The most basic principle informing the character of the historical demand for the Cordillera Regional Autonomy is the principle of Self-Determination, which is a collective right of peoples and communities recognized by international covenants. In turn, the central issue in the assertion of the right of self-determination is the issue of Ancestral Domain. Again, I need not define here what Ancestral Domain refers to, because we all have been made very much knowledgeable about it by the plethora of literature and campaign materials which our tireless peoples' organizations and advocacy groups have been putting out since the years of dictatorship, and even up to now, during this critical period of an embattled and perplexing "democratic space."

While preparing this short piece on the Constitutional Parameters of the Cordillera Autonomous Region, which touches as well on some complementary and parallel issues I consider to be important, I had the occasion to browse through the well-prepared proceedings of the Baguio Conference, "Issues on Cordillera Autonomy," which was held in May 1987 under the sponsorship of the Cordillera Studies Center of the UP College Baguio.

Only a year and a half has passed since that conference. Many of the issues raised then, I suppose, remain to be fully resolved, the visions expressed therein remain to be operationalized, especially since the Cordillera Regional Consultative Commission is still in the process of drafting the Organic Act for the Cordillera Autonomous Region, which Organic Act will still undergo legislative enactment into law, and then submitted to the people of the Cordillera in a plebiscite for their approval.

I can imagine that the road to full Regional Autonomy is long and arduous, and it sometimes can happen that the nearer we get to our destination, the further it recedes from us.

This is by no means an attempt to dampen the spirit of our courageous commissioners and not to sound a pessimistic note out of harmony with our people's song of hope, but simply a reminder that we live within the bounds of political realities. I attempted to cite, as instructive example, the parallel process that has been unfolding in Southern Philippines, where our Mindanao Autonomous Region for some time now, met considerable difficulties, as well as controversies that have caused quite a few quarters to doubt if the promised day of autonomy is really at hand.

Earlier, I made reference to the proceedings of last year's Baguio Conference. One of the materials included in the proceedings—I believe it was the Program of the Cordillera Peoples Alliance—that put forward a definition of regional autonomy for the Cordillera which just about sums up, I believe, the historical aspirations of the people of the Cordillera for a free hand in shaping their present welfare and future progress. According to this definition, regional autonomy means, "Unifying all Cordillera areas and ethno-linguistic groups into an autonomous region under a regional government with its own legislative assembly, executive branch and judicial system based on the rights and interests of the Igorot people and their diverse customs and traditions."

Of course, no definition is ever perfect, and even the aforecited one has room for improvement. In fact, it seems to have committed an oversight: the regional autonomy in the Cordillera is not only for the Igorot people whose ancestors have occupied this region for generations, but also for all those who actually reside here and have identified

their interests and aspirations with those of the native-born Cordillerans.

Local Autonomy and Regional Autonomy

Briefly, I would like to say something about the relationship between Local Autonomy and Regional Autonomy.

Local autonomy has been a major preoccupation of various Philippine administrations since this country's post-colonial debut as a sovereign nation-state. While the presence of a central government has been traditionally seen as a factor for national unity and stability, the realities of political governance have taught us that too much centralization of the machinery of power which allocates resources only gives rise to a break-down of delivery systems.

According to a paper prepared by the UP College of Public Administration, "there had been three historically separate strands of decentralization in this country: "de-concentration of administrative powers through regionalization; devolution of powers to local government units such as provinces, cities municipalities, and barangays; and creation of integrated area development schemes"

I submit that such a traditional perspective on autonomy and decentralization has consistently failed to come to grips with the historical specifics of the need for regional autonomy in areas inhabited by the national cultural communities. This is one of the most glaring political realities in our country's history. Whether it be in the former constitutions, in executive policies, in legislative agenda, in economic priorities, in development schemes, and even in the conceptualization of autonomy, the powers-that-be and the policy-makers and implementers have always glossed

over the fact that there are areas in this country where a special kind of regional autonomy has to be implemented not only to correct imbalances in the distribution of political power and economic resources, but also to rectify historical injustices in the form of discrimination, oppression, and exploitation.

While regional autonomy is a novel political concept introduced and authorized only in the 1986 Constitution ratified in 1987, it is nevertheless fruitful for us to advert time and again to the basic rationale underlying the principle of local autonomy, and this is the empowerment of a local government unit from regional down to barangay level, through:

the election of a legislative body delegated by the people to enact laws that shall redound to the public interest; the delineation and definition of the scope of autonomous powers to preempt possible conflicts with the national law or with the policies of central government; and the capacity of such local government unit to generate revenue or to use revenue previously funnelled up to central government and which in the past merely trickled back, or worse, never even reverted back to the area.

The parameters, principles, the entire panoply of platitudes making up the paradigm of local autonomy in our history and even as envisioned by the policy-makers and power-wielders in this country cannot even begin to successfully implement the theoretically and practically more radical concept of “autonomous regions” if they refuse to acknowledge the fact that those who seek regional autonomy do so, not simply for the sake of decentralizing political power and having devolved upon local units of governance, not simply for the sake of creating more powerful local clones of nationally-placed power-wielders, not simply for

the sake of getting a bigger piece of the budgetary pie to be broken down into smaller crumbs that would be eaten up by pet projects and palliative programs.... NO! We seek genuine regional autonomy because we want decentralization which leads to democratization and which, in turn, generates genuine development.

I want to repeat this formulation. It has been suggested by a combination of concepts familiar to those who read literature on popular empowerment and alternative political systems. One writer has called it a triad concept of local autonomy, which can very well apply to the formation of a paradigm or model for regional autonomy. Briefly stated, this triad concept involves three elements:

- Decentralization and devolution of political and administrative authority;
- democratization and people's empowerment through encouragement of popular participation in a permanent process of political consensus; and
- development-from-below, which is essentially economic planning with the direct participation of the grassroots.

I am aware that the most careful reading of the present Constitution will bring to the surface the postulates I have cast into a simple model, but of course our principal aim in this discourse is to focus our attention again on the Constitutional parameters on regional autonomy, and it is to this topic that I now turn.

***The Constitutional Provision on Regional Autonomy:
Variations in Search of a Theme***

Section 22 of Article 2 of the Constitution – Declaration of Principles and State Policies states that: “The State recognizes and promotes the rights of Indigenous Cultural Communities within the framework of national unity and development.”

Section 25 of the same article states that the “State shall ensure the Autonomy of Local Governments.”

Section 1 of Article X - Local Governments, general Provisions states that “The territorial and political subdivisions of the Republic of the Philippines are the Provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.”

Section 2 to 14 of Article X pertains to Local Government units other than the proposed autonomous regions. The only other section in this article that has reference to regions is section 14, which states that “the president shall provide for Regional Development Councils or other similar bodies... To strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region.”

But it is clear that “region” here refers to the existing regional demarcations, and not to either of the proposed Autonomous Regions in Northern and Southern Philippines. Thus, we come to the “meatiest” constitutional provision on regional autonomy, which is the second part of Article X, subtitled Autonomous Regions.

Section 15 helps us understand why the very first section I cited—Section 22 of Article 2 which deals with indigenous cultural communities—is indirectly related to the concept

of autonomous region and is thus one of the “variations on a team.” This particular section states that “There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures...,” and so forth and so on.

There can be no gainsaying the fact that this single provision in the Constitution, together with the panoply of other provisions which describe the process of how the autonomous region is to be brought about, represents a rare opportunity for the Regional Consultative Committee to come up with well-wrought, well-thought-out, well-written draft of an organic act which shall, as Section 18 states, “Define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units...” and likewise “provide for special courts with personal, family and property law jurisdiction consistent with the provisions of this Constitution and National Laws.”

Allow me now to discuss the subject assigned to me. So far, I have been talking about Constitutional Provisions, about which anyone who has perused the Constitution would be familiar with, and might get bored if enumerated again here. But “parameter” is that of “terms of reference” or “limits.” Perhaps, by extension, even “implications.” Thus, in the field of law, as well as in the field of moral conduct, we talk about “rights and duties,” “rights and responsibilities,” what is not allowed, freedom and limitation, among others.

I am sure that, even as they continue to deliberate, as well as consult with the people of this region, regarding the provisions of the draft organic act, the members

of the Regional Consultative Commission always bear in mind the potentially critical provision of Section 20, which states that “within its territorial jurisdiction and subject to the provisions of this Constitution and national Laws, the Organic Act of Autonomous Regions shall provide for Legislative Powers...” At least nine are listed down on this section.

We cannot quarrel with the nine items listed in Section 20, since they are both basic and comprehensive enough to encompass the demands and aspirations of the marginalized people living in the proposed autonomous regions. It is for the Regional Consultative Commission, however, to determine what is the implication of “Providing for Legislative Powers” over these nine items, and where the Executive element necessarily comes in. I am not exactly sure if we ought to be disquieted by a phrase such as “subject to the provisions of this constitution and national laws,” because, despite the collective and genius and perspicacity of our Regional Consultative Commissioners, the draft of the Organic Act that they shall bring to Congress might turn out, in the end, to be open to criticism precisely because—while it embodies the full realization of the dreams of the indigenous cultural communities and the rest of the population inhabiting the autonomous region, it has unwittingly run afoul with some constitutional provision or national law.

This to me is a serious concern because you are only too aware of the various complications that can arise both out of the very construction of the Constitution as well as the political culture of which the Constitution is but a creature born of optimism. Again the experience of the “other proposed autonomous region and its draft organic act” which continues to hang fire comes to mind. But I am more concerned with the internal dynamics of the Constitution it-

self. Item No. 3 in Section 20 pertains to “Ancestral Domain and Natural Resources,” which is the most important in the group, together with “Preservation and development of the cultural heritage.” These two items, of course, are equatable to the survival itself of the autonomous region. Can there be a possibly “neutral construal or formulation of legislative power over the ancestral domain” that will not bring it in contraposition against the Constitution and National Laws?

Let us take another look at Section 5, Article 12. It states:

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.

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

But perhaps I am expressing disquiet where there ought to be none. Or I am seeing shadows of doubt which can easily be dispelled by the light of prolonged debate. But you know how laws are. Sometimes you can trip on a single comma. You can imagine the results of tripping on a whole phrase or sentence.

Perhaps, too, I am overstepping the bounds of my paper by dwelling on the hazards of interpretation, rather than speaking about Powers and Functions, Structures and Processes, as I am expected to do. But you will understand why I have set out in this fashion. There is hardly anything explosive that is left to pontificate on about the constitutional provisions on the autonomous regions, which has not already been discussed in fora and consultations on

the mechanics and dynamics of the concept of regional autonomy.

However, let me take a leaf from the presentation made by Constitutional Commissioner Adolfo Azcuna in that oft-mentioned Baguio Conference, wherein he discussed in summary fashion exactly the "parameters" with which we are concerned now. Let me just paraphrase some of the statements made in that presentation to which I will add my own reflections.

The main areas of concern have been spelled out in Section 20 of Article 10. These are the areas out of which will have to be built, the political, social, and economic infrastructures "for the general welfare of the people of the region." The mandate of the Constitution is for the election of the executive and legislative officers of the region, as well as for the setting up of a system of courts.

Section 17 states that "All powers, functions, and responsibilities not granted by this constitution or by law to the autonomous regions shall be vested in the national government." Further on, Section 21 states that "the preservation of peace and order within the regions shall be the responsibility of the local police agencies which shall be organized, maintained, supervised and utilized in accordance to applicable laws. The defense and security of the regions shall be the responsibility of the national government."

I quote the last section at length because I must confess, not a small amount of perturbation over its particular wording, in the light of recent history, and in the context of how our Regional Consultative Commission could possibly cope with a vexing situation. And what I mean is this: During the Marcos era, and unfortunately in many areas up to this post-dictatorial period, the concepts of "peace and order" on one hand and "defense and security" on the other hand, have been interchangeable, almost synony-

mous. Thus, paramilitary forces, vigilantes and some such groups are generally regarded as “peacekeeping elements” or “agents of law and order,” but at the same time become assets of a Total War waged in the name of national security.

Not only will the proposed Organic Act have to contend with the question of continuing with or completely banning the existing institutions and agents tasked with the enforcement of “peace and Order” within the autonomous region, but I believe it will also have to define what precisely are the metes and bounds of “Peace and order,” what kind of personnel and what kind of training will satisfy the criteria of this function, short of “defense and security” which is supposed to be the prerogative of national military forces.

I do not wish here to propose specific structures—political, social, and economic—which can be set up along the lines of the nine items mentioned in Section 20. The Commissioners, in consultation with the vast constituency of the Cordillera Region, would be in the best position to make such a formulation. What I wish to do instead, by way of concluding this paper, is to make a few more ponderous remarks regarding the current situation, in connection to the historic mission of the Cordillera Regional Consultative Commission.

Current Situation, Historic Mission

Consultations are the most democratic means of ascertaining the needs, demands, and dreams of the people. The phrase, “Vox Populi Vox Dei” can never become a cliché, if only because it reflects a truism and a condition that seem to be always present among us: that the majority have a

right to be heard, and that when they are not listened to, they have the option to choose which weapon of empowerment they can resort to so that not only will their voice be heard, but will also be followed.

In recent weeks, there have been various instances of how the processes of consultations where the people can really bring out their genuine aspirations into open. In a recent district consultation meeting between the members of the CRCC and 3,000 Kalinga tribal representatives and officials, the tribal leaders made known their desire to let the indigenous peace pact system we call *Bodong* to continue existing and operating, within the context of the regional autonomous government in the Cordillera. This certainly goes against the expressed wish of certain sectors which, I understand, have been pushing for the elimination of the bodong system as it is supposed to be outmoded and in contravention of so-called "modern political and legal systems." But the beauty of continuing with the bodong system is that, because it represents a time-honored, and effective means of settling dispute, it bolsters the ideal of political and cultural pluralism that is one critical criterion for the attainment of peace and unity in our culturally diverse society.

Also, I understand that a UP Baguio group is undertaking random interviews, according to a news report, to study the attitudes of Cordillera inhabitants towards regional autonomy, with their interviews focused on the extent of the peoples knowledge regarding Cordillera Autonomy, their approval or disapproval, the extent of the powers of the autonomous government and the problems which it has to resolve, whether the people prefer to be called "Igorots" or "Cordillerans," what should be the official language of the region, and what they think of the granting of a Cordillera autonomy.

It would be interesting to find out the results of such survey. But I dare say that we must redouble our efforts and make much of the time left to us, not only because the CRCC has only months in its schedule to come up with a draft organic act for congress to act upon, but more so because our society, our region, is in such a violent flux, and the issues being debated out there in the wilder parts of our otherwise beautiful region, involve the lives of both combatants and civilians. Daily, the toll increases. And we seem to be, to paraphrase a power long gone, “like lost souls on a dark plain swept by alarums of fright, where no so distant armies clash, by day or night.” 



AN ACT ESTABLISHING THE CORDILLERA AUTONOMOUS REGION

Sponsorship Speech, House of Representatives, January 9, 1989

Honorable Speaker of the House and esteemed members of the House of Representatives:

Allow me to begin with a quotation from a Kalinga whose wisdom now belongs to the ages: *Land is grace that must be nurtured, enriched, made to bear fruit. Land is sacred and beloved. From its womb spring the lives of the indigenous people of the Cordillera.*

The words form part of the historic legacy bequeathed to the Filipino people by Kalinga leader Macliing Dulag, who led the Cordillera struggle for self-determination against the oppressive imposition of development planned from above, without consultation with or consent from the people.

Macliing's wisdom is germane to the great issue being offered for discussion to this august body of the people's representatives. I trust that most of us, if not all, are familiar with certain aspects of recent Philippine history which concerns the problems besetting the indigenous cultural communities of this country. Such has been the historical neglect by successive governments of these minoritized and marginalized people that, increasingly, the old slogan of "national integration" had to give way to the more militant demand for "self-determination." Macliing Dulag and the people of the Cordillera knew well the implications of their demand. The principle of self-determination was premised on the claim for recognition of their ancestral domain.

Honorable Members of the House, a singular significance of this Draft Organic Act is its enshrinement into law of the cherished ideal of ancestral domain, which seeks to rectify an age-old injustice done to the indigenous peoples of the Cordillera region. As far as we in the region are concerned, ancestral domain means the LAND which has nurtured them, and which they have nurtured over the centuries. Land means LIFE—patrimony, cultural heritage and ecology—and thus, represents the path of liberation from age-old poverty and underdevelopment.

Besides the upholding of the concept of ancestral domain, this document before us presents an explicit, sober-headed conceptualization of Governance and Development based on the principle of Regional Autonomy.

It is with a deep sense of mission and a profound feeling of pride in our people that I stand here today to speak for the adoption by this assembly of what is arguably one of the most important pieces of legislation ever to be proposed in the halls of congress: "AN ACT ESTABLISHING THE

AUTONOMOUS REGION OF THE CORDILLERAS AND ADOPTING ITS ORGANIC LAW”

This Draft Organic Act has been fashioned—I would say in an exemplary manner—by the Cordillera Regional Consultative Commission (CRCC), whose members were appointed earlier this year by Her Excellency Corazon Aquino. The CRCC went about consulting the people of the Cordillera and deliberating among themselves, regarding the matter of drawing up a document that shall embody the aspirations of the people of the region, within the framework of an autonomous government that shall best serve their political, economic, social, and cultural needs and in the context of a national society that puts premium on people’s development and democratization.

Allow me to cite the salient points of this Draft Organic Act which cover the areas of government structures, inter-government relations, administrative organizations and elections.

On the Legislative Assembly

The legislative assembly proposed in the Organic Act embodies the spirit of the Council of Leaders or Council of Elders which, by Cordillera custom and tradition, is a representation of the will of the people, entrusted with the power to settle disputes and formulate policy for the good of the community. In the proposed set-up, this assembly shall be parliamentary in form, in which the provinces, proposed provinces, and the city in the region shall have equal representation, including youth representatives who symbolize the present dynamism of Philippine society.

On the Regional Governor and Cabinet

This feature provides the region with a full sense of devolution of national powers and responsibilities. Together with the legislative assembly, the various commissions, the Council of Elders and Office of the Cordillera Prosecutor, and the Special Courts, the institution of the position of a Regional Governor and a Regional Cabinet guarantees for the region the full workings of a decentralized machinery that is at once streamlined, integrated, and above all, very close to the constituency it seeks to serve. As in the national level of governance, the envisioned Cabinet shall be dependent on and supportive of the Regional Governor in policy formulation and in the implementation of regional development.

Other Proposed Organic Bodies

This Organic Act proposes the institution of bodies such as the Cordillera Electoral Commission, Cordillera Audit Commission, Cordillera Civil Service Commission, and the Cordillera Human Rights Commission with the functions identical to and analogous with those now performed by national-level organic bodies. While there is no provision for the direct link-up between this charter bodies and their national-level counterparts, the link-up shall be through the President of the country who has general supervision over the autonomous region.

It is also proposed that a Council of Elders and the Office of the Cordillera Prosecutor be set up, with functions, duties, and responsibilities patterned after those of the Sandiganbayan and Tanodbayan respectively. The Council of Elders is deemed to be the agency in charge of trying

and deciding all cases of impeachment and with the prosecutorial function performed by the Office of the Cordillera Chief Prosecutor. Likewise, these twin institutions are patterned after the traditional and customary Council of Elders or Leaders whose competence and integrity are a by-word among the people. The decisions of this Council will be appealable to the Philippine Supreme Court only on pure questions of law.

An additional feature of the Organic Act is the provision for Special Courts which will be created only at the municipal or *ili* level. The *ili* is the basic political unit in the Cordillera Region, and since time immemorial has enjoyed independence of action as well as democratic initiative among its inhabitants. These Special Courts will be responsible for the application of the indigenous and customary laws in the Cordillera.

Relations between the National Government and the Regional Government

The Cordillera Autonomous Region was never envisioned to be independent from the Republic of the Philippines. The President exercises supervision over the autonomous region through the Regional Governor. In matters of defense, foreign affairs, Central Bank regulations, postal services and telecommunications as well as customs and tariff laws, the national law of the land shall continue to operate.

The Cordillera Autonomous Region shall continue to have representation in the National Congress. For the purpose of strengthening regional links with the national government, it is proposed that the autonomous region be represented in the Presidential Cabinet, in the Supreme

Court, and in the Corps of Generals of the Armed Forces of the Philippines.

Administrative Organizations

Special concerns are accorded Baguio City, the only City, thus far. The Draft Organic Act proposes that the City of Baguio may amend its charter by action of the City Council, with the consent of the electorate of the City of Baguio in a referendum or plebiscite.

The provinces and the City comprising the region are empowered in this Act to set up their own structures of administration, subject to the provision of the Constitution, the Cordillera Organic Charter, and the laws to be passed by the Cordillera Legislative Assembly. These structures shall be consistent with the principles of local autonomy, economy and efficiency.

Over and above these proposed structures of governance and administration based on the principles of decentralization, autonomy, devolution of powers, good government, and other political ideals, I admit that the most important feature of this Draft Organic Act—presented to us for discussion and approval—is the democratic spirit and the deep desire for genuine development that went into its formulation and finalization by the CRCC members.

This spirit and this desire, in recent years, have grown out of the struggle of the people of the Cordillera for the achievement of an ideal: Human Dignity in a Democratic Polity that ensures Development and Deliverance. On behalf of the Commissioners of the CRCC, the region's representatives who are your colleagues in this House, and on behalf of the people of the Cordillera, I stand here to assert with utmost conviction that Regional Autonomy as envi-

sioned in this Draft Organic Act is the best avenue—in our time—towards the final achievement of this historic ideal.

In our sober assessment and fair judgment of this proposed piece of legislation, we also stand to be judged by a significant number of our countrymen who deserve all the blessings of democracy heretofore enjoyed mainly by the political and economic mainstream in our society.

Thank you Mr. Speaker, thank you, honorable colleagues. 



A TIME TO BUILD, UNITE & SERVE

*Speech delivered before members of the House Secretariat
April 3, 1989*

Officers and members of the secretariat of the House of Representatives, distinguished colleagues, friends and countrymen:

As we gird ourselves the resumption of our legislative activities in the House, I would like to take this opportunity to extend on my personal behalf and in behalf of my fellow representatives our heartfelt thanks for the unstinting and unrelenting devotion with which the officers and members of the House Secretariat have performed their duties and responsibilities.

Without your devotion to duty, I do not see how the members of the Bigger House—even with their vaunted experience and expertise—could have managed the difficult task of legislation. I suppose you are all familiar

with the expression “august body.” This phrase refers to an assemblage such as the House of Representatives, but in all humility, I and my colleagues ought to take this as a mere honorific. Perhaps we may not even have performed on a level of excellence expected of us by the people, in their millions, whom we represent. Anyway, if the “august body” functions well, it is for the simple reason that we are helped along by an efficient support system—the skeleton, the muscle, and the bloodstream, so to speak—which keeps the body function, keep it on the go, keep it on its toes and keeping it aware of the mundane as well as transcendental matters which have a direct bearing on the interests of our constituency.

The synergy between the representatives of the people and the workforce manning the House Secretariat ought to be clear to all of us here. However, even as we are fully conscious of this interdependence, it behooves us all to always bear in mind that our being here is not a simple matter of livelihood, or career, or personal advancement or even psychological satisfaction. These elements are important. But above all, let us keep in mind that this is a time to build, a time to unite and a time to serve. We are primarily here to serve the people. This may sound too familiar and too trite especially to people who have grown cynical of the ways of governance in our society.

I dare say that part of our job as public servants is precisely to internalize this calling, and then attempt to turn around the impression among some sectors of the national community that a “Public Servant” is a contradiction in terms, that a public servant gives a modicum of public service for a maximum of private gain. Perhaps, such an animal exists in the intricate innards of our sprawling bureaucracy. But I choose to believe that right in the nerve center of lawmaking—where lives and fortunes of millions

of Filipinos are decided on the floor each time a resolution is presented and debated, and each time a piece of legislation is passed, there are hearts and minds working together to bring about a measure of progress and peace in our lives.

I hope I am not wrong. But even if we find ourselves in a situation well below the ideal, even if we discover that there exist a few souls who have not internalized in themselves their calling as public servants, still it is incumbent upon us to keep the faith. After all, we are all here under the people's sufferance. May I beat the cynics to the punch by saying that "under the people's sufferance" means "with their consent and patience." Definitely, it does not mean a cause for our people to endure more suffering.

Revolutions have been waged in this country, as in fact a long-burning, sustained one is still being waged simply because generation after generation of Philippine political leaders, bureaucratic officials and their entire entourage of civil servants and employees have taken it upon themselves to monopolize all power, all resources, all benefits which ought to have been shared with or enjoyed by the people.

Thus, it is that today, we stand on the threshold of a critical era. It is more than the proverbial fork in the road which confronts us with a choice. The choice is going to be decided not by whims of passion, not by violence that kills, but by a most careful reckoning of what lies on either end of the forking roads.

Before us in Congress lies a whole gamut of legislative measures that introduce some vital, fundamental changes in the lives of the people before we even begin to speak of economic progress, peace and justice. While the latter are our most fervent of goals, they seem to us so distant and loom far in the nebulous horizon nor can expect for

another revolution to make this. Right now, the first steps can be taken.

In my own area of concern, which is on National Cultural Communities of the Philippines, the most significant work being done is on the autonomous regions of the Cordillera and Mindanao. You are assuredly well-versed with the intricacies and dilemmas involved in the internal and external debate on the issue of regional autonomy. While there have been a lot of wrangling, and passionate exchanges on the details and operational modalities of the autonomy issue, hardly anyone opposes the principle that autonomy, which is but the initial realization of the historical goal of self-determination for the long-oppressed, long-minoritized, long-marginalized cultural communities of the Philippines.

You and I shall get to our destination. Our God willing, and with the synergistic relationship between the representatives of the people and the officers and members of the House Secretariat—the dynamo in this entire machinery—there is no reason why we should fail to heed our mandate as public servants: To Serve the People. 💣



PROSPECTS FOR AUTONOMY IN A PERIOD OF DEMOCRATIC CONTRACTION

*Delivered during the 4th regular Congress of the Cordillera
Peoples Alliance Benguet State University, La Trinidad, Benguet
September 15, 1989*

I congratulate the Cordillera Peoples Alliance for achieving this milestone: Its fourth regular congress.

It was my impression—because of recent events occurring in this part of the country—that the CPA, which is the most significant organization of its kind in the Cordillera, was beleaguered and besieged on all sides by various forces of repression and reaction. My impression was probably correct, because there have been reports of CPA stalwarts suddenly placed on “wanted” or “suspected” lists, and that some friends with whom we used to freely dialogue and plan for the future of our homeland appear to have

been deprived of their freedom of movement. All because a resurgent atmosphere of repression is descending like a tragic pall across the Cordillera.

But then this is not an isolated phenomenon. All across the land, the magic of the February 1986 People Power Revolution has worn-out. Oligarchies, dynasties, warlords’ private armies, rightwing ideologues, fascist elements are back with vengeance. Documented abuses of human rights—ranging from illegal arrest and detention, to the most inhuman acts of torture, summary execution, massacre, wholesale displacement of families and communities—are becoming a dreary part of our daily social reality.

When the new dispensation took over three years ago, millions of Filipinos were willing to give it the benefit of the doubt, since the leader it installed was deemed the most honest, the most open, the most incorruptible, and so on, and so forth.

The premise of the 1986 People Power Revolution was “re-democratization.” I have always had some reservations about this pet concept of some political scientists around, because to begin with, there never was any genuine grass-roots-based democracy in this country before the advent of the Marcos Martial law regime.

In fact, the apologists of Constitutional Authoritarianism have even gone so far as to declare that there was more practical democracy under Marcos than before his time, because the *barangays* were given importance, local autonomy became a lively issue, the national minorities were given the attention and importance they never enjoyed in the past, infrastructure especially in the rural areas blossomed and gave impetus to development processes, etc. So what “democratization” are the ideologues of the regime and some political scientists talking about?

But increasingly, the attitude of the social critic of the Philippine political process is this: it is bad enough that there was no democracy before and during martial law; it is even worse that there has been no real DEMOCRATIZATION after martial law. And we are talking about no other political regime than the present political regime in this country.

In a well-documented research undertaken by the Center for Nationalist Studies of Northern Luzon last year, the problems besetting Philippine society after only two years of the so-called Democratic Space were identified as follows:

- a. *Chronic Crisis in the Economy* – this includes the enormous foreign debt; persisting import dependence; continuing deficits in the balance of payment and in trade; declining growth rate; rising inflation; widespread unemployment; underutilization of productive capacity; skewed, or highly uneven income distribution;
- b. *Widespread Poverty* – over 70 percent of our population are sinking below the poverty line; growing degradation and deprivation in health, education, housing; increase in crime rate as a result mainly of poverty and lack of livelihood opportunities;
- c. *Industrial Stagnation* – due to the perpetuation of a backward agri-based economy; inability to develop our basic, medium, and heavy industries; reliance on export-led and import-dependent industrialization;
- d. *Growing Urban And Rural Unrest* – as seen in the escalation of violent internal armed conflict due mainly to the failure of government to resolve the root causes of unrest by means of clean, efficient, purposeful, honest delivery of goods, services, and

provision of economic opportunities for all, and not only for the privileged few;

- e. *Rise Of Political Repression* – manifested by the increase in military power, both political and material, in suppressing social unrest, and by the intensification of the campaign to dissipate criticism, arrest the tide of discontent by force of arms, instead of by better government and by the administration of justice.

Since this report was written in 1988, there have been changes in the overall picture. The present government has achieved a slight increase in economic growth, but as pointed correctly by discerning critics, this growth rate does not represent benefits to the vast majority, but reflects more a tendency towards increased consumption, especially among those with the economic capability.

As you may have heard it often said nowadays, the only real democratization that has taken place seems to be in the area of graft and corruption, because it is becoming endemic in both top and lower levels of our government.

In the face of this growing malaise, we who have been engaged in the historic task of forging, defending, and projecting our identity as an indigenous community are called upon to redouble our efforts, to work for the realization of our age-old dreams harder than ever. And why must we? Precisely because the present dispensation is so preoccupied with defending itself, with keeping itself together, with trying to preserve whatever democratic space it has left and whatever thread of credibility remains, that we stand a good chance of being NEGLECTED AGAIN—pushed aside towards the margins and to be remembered only as a special concern when our collective voices become so loud and insistent to be ignored.

The Organic Act for the Cordillera Autonomous Region

In the process of being finalized is the Organic Act. Once this is signed by President Corazon Aquino into law, the mechanisms of the plebiscite will be set into motion, and there is a chance that we shall have this exercise before the end of the year.

It will be the culmination of a tedious process that began with the formation of the Cordillera Regional Consultative Commission, and saw a series of dialogues with our people throughout the region. But I hasten to add that in a large sense, the process of realizing Regional Autonomy began a long time ago, with the first protest raised against the marginalized conditions of the Cordillera people in a long drawn-out period of underdevelopment.

For ages, we have been minoritized, marginalized and even threatened with extinction. But we proclaimed it our natural right to struggle in self defense in its highest form of expression—the right to life, to survival and to self-preservation called Right to Self-Determination. Autonomy is but a means to the realization of this condition and not an end in itself. If autonomy simply is a means to an end—and since we have determined what our collective end is—then we must also be heard. Our voice must be decisive in the final shaping of this means. I am aware of the many disappointments felt by our CRCC commissioners, by the public at large, at the many twists and turns that the Organic Act has taken in its odyssey through the rough waters of the legislative process. While not nearly as controversial as the other Organic Act in Congress, the enabling legislation faces the acid test of popular plebiscite, and I believe that if there are objections to the Organic Act as approved by both houses of Congress and signed into law by the President, all sectors, all organizations, all interests groups have to

actively participate in the public debate that shall, without doubt, accompany the campaign leading to the plebiscite.

I have fought for most of the original intentions of the Draft Organic Act to the best of my ability, and while the final version may not exactly conform to the original vision of those who have fought for regional autonomy, at least the document shall have become a significant basis for a continuing dialogue and debate among our people.

If the Organic Act is approved during the plebiscite, then what remains is for the organizations such as yours, to conceive measures to overcome its imperfections through creative and progressive application of its principles and provisions, and by marshalling all your forces and resources for the next democratic exercise to follow, which is selection of the people’s genuine representatives in the regional government.

If the Organic Act is rejected by our people in that plebiscite, then you and I, and all our friends in the struggle for self-determination are called upon to introduce—or re-introduce—and to insist upon the features of a genuine, meaningful and empowering Regional Autonomy that shall hopefully keep out traditionalist power-seekers and bring in new, forward-looking peoples’ representatives to the fore.

Carrying Balitok to Benguet

I must confess that speaking to a group like the Cordillera Peoples Alliance on the subject of genuine autonomy feels like, as an English expression would put it, “carrying coals to Newcastle” or, if you want an indigenous version, “carrying *balitok* (gold) to Benguet.” This means that there is probably nothing new that I can say to you on this sub-

ject, for you have been in the forefront of the struggle long before the concept of regional autonomy and that regional government was but a gleam in a legislator's eye.

Anyone writing the modern history of the Cordillera will be remiss in his duty as a truthful chronicler if he leaves out the contribution of the Cordillera Peoples Alliance in the great and historic movement to gain recognition for the claim to the Ancestral Domain, which is the material basis for the principle of self-determination. In brief, the claim we make on our ancestral legacy—the Cordillera land, together with its entire ecosystem—is the starting point for the realization of self-determination. We are an indigenous people with our own indigenous culture, and we can only survive, thrive and form part of a Philippine national policy if we regain control and dominance over our ancestral domain.

Against this proclamation of our collective soul, against this historic fact, against this sacred principles of life are the forces of elite-decreed development, foreign monopoly capital and state repression. Against these forces, the CPA has acted as a vanguard of so many people's organizations and movements in asserting the rights of the Cordillerans.

One of the most remarkable documents in recent memory was the Manifesto for Cordillera Regional Autonomy issued by the CPA in July 1986. I believe this document already states what I want to say to you today, and everything that any Cordilleran would like to assume as his or her fighting faith. Perhaps you have even improved on this 1986 document. And if you have not, then it does not matter much, because all you must do is reproduce this document, and with it, go out among the people again with the untiring and timeless message it bears for all. And I find it most logical to end my talk with a quote from your 1986 Manifesto – Our Manifesto:

Kaigorotan stands as one voice and one mid for Cordillera Regional Autonomy. Let us close ranks and build the firm foundation of unity among our people. Let us each share the bounden responsibility in establishing a Cordillera Autonomous Government that shall uphold our rights, defend our ancestral domain, and advance our collective interests within a truly democratic Philippine society.

I wish you all a good day. Agbiag Tayo Amin! 



TOWARDS AUTONOMY & A BETTER FUTURE FOR THE CORDILLERA

*Commencement Speech, Kalinga State University
Tabuk, Kalinga, March 19, 1989*

May I begin by asking you to join me in seeking the guidance and protection of our Creator who made possible this earth we live on, this earth which nurtured us and which in turn, we have nurtured since time immemorial.

Let us thank Him for the great county of nature which He has set among us, and which we, the people are expected to protect and defend, not only in memory of our ancestors who lived in freedom and common sharing, but also for the sake of generations yet unborn who deserve to enjoy the fruits of such bounty

Let us seek His blessings upon our land, that it may be liberated from the forces of greed, exploitation and vio-

lence, which have been the nemesis of our Cordillera society ever since the despoilers of nature and subjugators of free men came to our mountains in search of gold and glory.

Let us equally invoke the great wisdom and indomitable courage of our brave ancestors who walked freely upon these mountains and valleys for hundreds of years, that we may know how to fight for our birthright, never succumbing to the temptation of accepting our present state of underdevelopment as a condition ordained by the political realities of our times.

Let us learn from them how it is to live in harmony and in peace, but let us also learn from their ways of defending our domain against the encroachment of greed and unbridled power.

Every Cordilleran is painfully aware that for ages now, our region has remained underdeveloped and poor. Of course we know that there is so much economic activity going on. The riches of our earth and of our forests have been exploited for many years now, but why is it—ask—that most Cordillerans remain in conditions of hardship and poverty? Why have we, for the most part, remained not only politically minoritized but also economically marginalized?

Every Cordilleran also knows that there is a raging armed conflict in our midst today. Forces seeking to change the existing system are contending with forces seeking to defend the existing system. In the process, there have been violations of human rights committed. In the process, sometimes we lose track of what it was that started the armed conflict in the first place.

The truth is that armed conflict breaks out in a society if the soil is fertile for the growth of violence and counter-violence. The soil as it were, is the socio-economic condi-

tion of the people, the seeds being sown are the seeds of discontent, and the bitter harvest that we shall reap consists of civil discord, fratricidal war, a cycle of violence and human rights violations and the bloody fruits that fall to the ground serve to further fertilize the restless soil of insurgency.

Although we are schooled in the arts of war handed down to us by tradition, we will always prefer peace. But we will choose only that kind of peace which is just and honorable, a peace which will guarantee our human rights, our democratic empowerment, and our full deliverance from underdevelopment. We reject peace that is imposed by military might, or a peace that is merely a camouflage for the continued and unhampered exploitation of our vast natural resources by profit-motivated giant business interests. In short, we abhor the peace of the grave as well as the peace of the slave!

Our Idea of Autonomy

Most of you here, I trust, are fully aware of what is possibly the single biggest issue to have been debated in our region in recent times. I am referring of course to the idea of Regional Autonomy.

For several months last year, the members of the CRCC deliberated and debated on the matter of forging a Draft Organic Act that shall be the basis for the proposed Autonomous Region. The document that the CRCC finally came up with is something that the people of the Cordillera have all the reasons in the world to be proud of. It is a very well thought out and formulated document. While your representatives in Congress have suggested some changes in the Draft Organic Act, in consonance with political realities

and parameters, the changes cannot, in the least detract from the overall excellence and high-mindedness of this document. It is the product of careful and long deliberation. We maintain optimism, guarded though it be that the vision of the CRCC would be vindicated when full deliberations on the Draft Organic Act takes place on the floor of the House of Representatives. I will fight hard for the adoption of the meaningful insights, concepts, principles and policies enunciated in the document, not in my capacity as representative of Kalinga Apayao or even in my capacity as Chairman of the House Committee on Cultural Communities, but as a Cordilleran.

What is the whole point about mentioning here the struggle for regional autonomy that we have been waging on several levels: on the levels of grassroots, cause-oriented politics, CRCC itself and on the Congressional level? The point simply is that all Cordillerans have an important stake in the successful adoption of the Draft Organic Act, especially since its adoption into law will officially begin the process of creating the Regional Autonomous Government in the Cordillera.

Role of the Youth and Educational Institutions

You who are members of the youth of Cordillera society will play the most important part in the years to come for the simple reason that you will be the future administrators, politicians, technicians, teachers, and peacekeepers in our region. But I am aware that it would be pointless for the present generation of leaders to keep on harping about the youth being the future and the hope of their country if they themselves do not set the proper example, and if they—being in a position to do something about the improv-

erished conditions in society—fail to provide the necessary support.

Let us look at the state of our educational facilities at present. Our schools and institutions in the Cordillera, for many years, have lagged behind in terms of technical facilities and curricular offerings, and many of our people have had to go all the way to Baguio City or to schools in the lowland urban centers to get their training in various fields. This has to change. We have prodigious indigenous talents in our midst where our students can relate more deeply towards the development needs of our region. One of the goals of our present government and the future autonomous regional government is creation of more tertiary institutions or conversion of present-day schools into tertiary institutions with enough facilities, adequate funding and staffed by competent instructors who can impart meaningful education to our youth in the fields of social science, natural science, applied science and technology, as well as the humanities.

We hope that the case of the Kalinga State College becomes a successful model that can be emulated and replicated throughout the region. It has had its share of outstanding students. I understand that we chalked up a good passing record in the recent midwifery board exam. May this record be duplicated and even excelled by succeeding batches of graduates, and in other fields of professional training. We expect much from this college, ever since it was upgraded into a tertiary institution. We cannot overemphasize the fact that the increase of its budget from a measly P900, 000 to P5 million has made possible some improvements and some expansion. We need to provide more; we need to do more, so that we will be justified in expecting more from the faculty and the students. By next year, I understand that an agricultural course will be opened. It is not inconceivable

that with the necessary logistical support from government, and with the necessary conviction and commitment of our political, community and academic leaders, we can somehow create in this institution, as well as in other present and in future institutions, a suitable environment for learning that will constantly produce excellence among the youth.

There is no other way that this college must head towards. It plays a vital role in the molding of our Kalinga youth. Let it not be said that while our cultural heritage is among the richest in the ethnic universe, our academic environment has remained wanting in terms of expertise, excellence and productivity. We already have the cultural and intellectual material to work with.

Let us therefore envision a Cordillera future where the youth need not go further than their villages to learn the tools and technologies necessary for meeting the challenge of development. At the same time bearing indelibly in their hearts and in their minds, the proud and noble character of the indigenous Cordillerans: brother to the earth, defender of nature and keeper of his heritage. 🍎



**THE CORDILLERA ORGANIC ACT:
*An Imperfect Document, A Step Towards
Dignified Development***

*Delivered during the Philippine Episcopal Church Consultation
on the Organic Act, Pines Breeze Terraces
Baguio City, October 10, 1989*

We are nearing the end, hopefully, of a long and arduous road. This has been a journey that started years ago, with a dream that has always been with the people of the Cordilleras since the advent of foreign colonial rule and the consequent centralization of state power in a neocolonial system of governance.

And this is the dream of regaining the full measure of our freedom, dignity, right to self-determination and to the preservation of our heritage.

Perhaps, this is not the time to recount here the long and bloody history of the conflict between us and those who have sought to bring the proud and rich mountain of the region of the Cordilleras under their control. These were years of struggle between our people and those whose ideas of progress and development run counter to our notion of human dignity and our reverence for the land of our ancestors. Perhaps, this is not even the proper time to remind ourselves that in recent times, an even more tragic conflict has flared up among our people with such ferocity and partisan passion that every fabric of our indigenous society has been put to a severe test.

But it is precisely because we have undergone, and continue to undergo, a history of conflict and struggle that we in the Cordillera have always sought ways and means to better our lot, to trod the path of change, to be true to the spirit of freedom we inherited from our forefathers while at the same time, opening our world to the fresh winds of social, economic and political change that is inevitable.

As we near the end of the road, we are reminded of the many signposts, milestones and memorials which have marked the long journey. The most memorable bear the name of a man who is not only a hero of the Cordilleras, but of the entire Filipino nation as well: MACLIING DULAG.

We are gathered here today to discuss the import, and the possible impact, of the Draft Organic Act that was approved by the Conference Committee of both Houses of Congress, and is set to be signed by President Cory Aquino any day now.

I mentioned the name of our revered hero before mentioning our topic for today because it probably has occurred to many of us to ask: would Macliing Dulag have approved of this Organic Act, forged and hammered by an appointive

commission, revised and amended by a big group of politicians?

Being a politician myself, I do not mean to depreciate my own role and that of my colleagues over the way the Organic Act has taken shape. I simply wish to point out that, at this juncture of our historical transition from one phase of development—or underdevelopment if you wish—to another, there are processes which we have to abide for the moment, but ever mindful that we remain vigilant over fundamental principles and causes on which we must be unyielding.

That is an indirect way of saying, obviously, that one may regard the present Organic Act as an imperfect document—and many a great human document will always remain imperfect, including our own Constitution. But though this Organic Act might strike many as an imperfect document, I would consider it nevertheless as a small step towards the realization of dignified development.

So, to answer the question, “would Apo Macliing Dulag have approved of this Organic Act?” Truth to tell, I am not sure. But I am sure that just like some members of the Cordillera Regional Consultative Commission, he would have strong objections against some of the changes made by Congress. And I am very certain, too, that if he were today, he would only be too willing to look at both sides of the issue because, despite the changes that have been wrought for various reasons, the Organic Act has restrained much of the substance and spirit that took shape in the patient hands of a very competent commission made up of intelligent and forward-looking Cordillerans.

The records will show how I, with some others, fought for the original provisions of the Draft Organic Act. The most important one, I believe, which represented a signal contribution of the CRCC to the political process of con-

sultation is the very definitive choice of a parliamentary form of regional government attuned to our own indigenous institutions. The fact that this original feature no longer exists in the final version saddens many apolitical visionary in the cordillera. But this fact alone may not be a sufficient ground for contemplating a total rejection of the document.

Let me comment at this point that I find it most significant for the Philippine Episcopal Church (PEC) to host this consultation. I understand that one reason for this is to enable the PEC to come up with a study guide to be used in discussions in the dioceses, deaneries and local churches. So I presume that out of the welter of views and opinions that will be generated here, the PEC would be able to formulate not only a study guide, but perhaps even a stand on whether to accept or reject the Draft Organic Act. The implication for the forthcoming plebiscite would thus be very clear.

But this is the only way to do it, and I congratulate the PEC for deciding to take a very active part in public discussion on this document.

So now, what are the salient points contained in the Draft Organic Act?

It contains a Preamble and 22 Articles. The original version submitted to and revised by the Bigger House contained 19 Articles. The version approved by the Conference Committee of both Houses of Congress omitted certain sections of the original, or else has put in some new ones. In several instances, sections were collapsed, integrated, or re-ordered. In its present form, the Organic Act contains the following Articles:

- I. The Autonomous Region
- II. Guiding Principles and Policies

- III. Powers of Government
- IV. Inter-governmental Relations
- V. The Legislative Department
- VI. The Executive Department
- VII. Indigenous and Special courts
- VIII. Local Government
- IX. Accountability of Public Officers
- X. Personal, Family, Tribal Property Relations
- XI. Ancestral Domain, Ancestral land, and Agrarian Reform
- XII. Patrimony, Economy and Development
- XIII. Fiscal Autonomy
- XIV. Agriculture, Trade and Industry, Tourism, Cooperatives
- XV. Education, Science and Technology, Language, Arts and Culture and Sports
- XVI. Social Justice and Welfare
- XVII. Human Rights
- XVIII. Peace and Order
- XIX. General Provisions
- XX. Amendments or Revisions
- XXI. Transitory Revisions

If one turns to Section 20, Article X of the Philippine Constitution, entitled “Local Government,” and under the subheading “Autonomous Regions,” one realizes that substantially, the contents of the present Organic Act comply with the Constitutional provision that, “Within its territorial jurisdiction and subject to the provisions of the Constitution and national laws, the Organic Act of autonomous regions shall provide for legislative powers over” certain

specific areas of concern, like the ones I have just enumerated.

Nevertheless, concern has been expressed over a number of deletions and modifications which are quite obvious in the present form of the Organic Act, but which are found in the original draft as amended and adopted by the House of Representatives.

Some of these deletions and modifications are the following:

1. The reference in the Preamble to the “fundamental and constitutional right to Self-determination;”
2. Military intervention in the region shall be effected only upon the initiative or consent of the Cordillera Government” (Sec. 10, Art. 2);
3. “...ban foreign military bases and troops from its territory...” (Sec. 15, Art 2.);
4. The delineation of the autonomous territory as comprising merely the traditional five provinces and one chartered city, leaving out the proposed new provinces made up of the geographic areas deemed part of the Cordillera Region;
5. The election of Regional Governor not by the Legislative Assembly, as proposed, but through a direct vote by the electorate at large.

On the paramount principle of self-determination, I strongly suspect that the deletion of any reference to it resulted from a combination of some legislators’ interpretation of the Filipino state and Filipino nation.

In so far as this thinking goes, one cannot assert in the same breath a “fundamental and constitutional right to self-determination” and at the same time want to establish an autonomous government “that shall ensure...our

participation in the affairs of the Filipino nation.” This is according to the wording of the original Draft Organic Act. This becomes more explicit in the version of the Conference Committee, which states, in the Preamble:

...establish a Regional Autonomous Government within the framework of the Constitution and the national sovereignty as well as the territorial integrity of the Republic of the Philippines that shall ensure their human rights, their human development, and their participation in the affairs of the Filipino nation.

The logic of this formulation appears to preclude the necessity for asserting the principle of self-determination. And then there is the legal or technical aspect. When we assert our “fundamental and Constitutional right to self-determination,” which constitutional provision has been referred to? In Article 2 of the Constitution, “Declaration of Principles and State Policies, Section 7 under subheading “State Policies” declares:

The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

Therefore—and perhaps this is a matter for political scientists to dispute—the Constitution recognizes the right to self-determination as inherent in the State, or more specifically, in nation-State, and not in any of its component groups.

As a member of the indigenous people of this country, I am disturbed by this formulation, this interpretation of the principle of self-determination. But still, despite the deletions, modifications, and omissions in the present Organic Act, I would recommend that it be accepted in principle. Our faithful adherence to the fundamental cause we have fought for—ANCESTRAL DOMAIN, EMPOWERMENT, DE-

VELOPMENT FROM BELOW, CULTURAL INTEGRITY—which are all recognized and sought to be advanced by this Organic Act, shall serve as our dynamic critique and continuing improvement on this imperfect document.

The very process of foregoing an Organic Act for an autonomous region within the national polity—a historical first in our nation's arduous history—is itself one of the difficulties imposed upon us by underdevelopment. In other words, what I am saying is that this document is not going to be the cure-all for the age-old maladies that we Cordillerans have been beset with. It is, however, a vessel that contains a large part of our wishes and our dreams, and it is up to us to pilot this vessel through the rough seas of cynicism and despair, political opportunism and ambition, ideological conflict and partisanship.

Even now, Cordillera society is still driven into two warring camps, which is simply a manifestation of the culture of underdevelopment perpetrated against Filipino society. Structurally, Cordillera society is a marginalized particle of a neocolonial system dominated by the foreign and local elite. Ideologically, Cordillera society has been confronted by the challenge of revolutionary concepts of social and political change, and it has responded to this challenge by either internalizing new and radical modes of thought compatible with ethnicity or else it has attempted to assert an ethnic consciousness that refuses to rise from traditional tribalism and rejects the dynamism of new forms of ethnic liberation.

As it is, we are already divided by the afflictions of underdevelopment and an armed conflict is raging in our midst because we have not been fully united in confronting and comprehending this historical problem.

Will the Organic Act of the Cordillera Autonomous Region provide one way out of this quagmire—this dilemma? Let us today open our hearts and minds to one another in full and candid dialogue, for us to know the answer.

And let us begin now. 



AUTONOMY DOES NOT LEAD TO COMMUNISM

*Statement on Pros and Cons during Dialogue on the Proposed
Organic Act, Baguio City, 1989*

Some of you will disagree wholeheartedly that the present Organic Act represents a solution or even a partial solution to the historical problems which have always been upon us as indigenous peoples. But this is precisely the whole point of our dialogue today. Let me suggest at the outset that the this dialogue is not to establish the monopoly by one side of truth and conviction, but rather, to try to locate the grounds of agreement and disagreement between those who favor the organic act and those who do not; to try to ascertain what are the weaknesses and strengths of the Organic Act; and to suggest alternatives

and improvements for the sake of our people and for the sake of future generations of Cordillerans.

While I and Congressman Honorato Aquino strongly advocate a “Yes” vote in the plebiscite on autonomy, the proponents for a “NO” vote, as well as for a boycott position, are most welcome—to go beyond criticizing the Organic Act, but more important, to state exactly what kind and what manner of autonomy they would wish for the Cordillera. I believe such an exercise would be constructive, and instructive. If “YES” wins in the plebiscite, and the regional government is eventually established, I believe the “NO” and boycott proponents should not stop proposing measures that can improve regional autonomy work for the people, even within the perceived limitations.

If “NO” wins, in part or in whole, then all the more we should be aware of the limitations in the manner we want to realize our vision and our dream. Such eventuality will make us struggle harder to re-conceptualize and re-envision our desired future. And should the boycott movement prevail, because the people accept the premise of the utter uselessness of any democratic exercise under the present dispensation, then it will be back to the drawing boards for everybody—from the highest to the lowest levels of government.

Let me review briefly some of the arguments put to the fore by the advocates of “NO” vote, as well as of a possible boycott of the plebiscite.

My friend and colleague, the Honorable Congressman from Benguet, Samuel Dangwa, was recently quoted by the Philippine News and Features as having said that autonomy is a “step towards communism.” He was reported to have stated that “Benguet culture will be polluted by the assimilation of other Cordilleran ethnic groups’ norms and

traditions.” And finally, he was supposed to have said that Benguet, upon the operationalization of autonomy, would then be “the milking cow of other Cordillera provinces in terms of revenues.”

I just want to point out that one of the earliest autonomy project in man’s political history was the creation—after a bloody revolution—of a federal system of government which allowed component states a wide panoply of legislative, economic and political powers, which led not only to the development of the component states but also for the entire federalized country. I am of course referring to the United States of America, which is the most anti-communist country in the world today. ***In fact, autonomy does not lead to communism.*** On the contrary, even communist states which are strictly Unitarian in orientation have long realized the necessity of granting or recognizing autonomy in terms of their ethnic populations. This is the case with the Soviet Union, China, Nicaragua and Yugoslavia.

Now with regards to the second comment of Congressman Dangwa, I think it is most unfortunate in this late hour of our history as a people, to interpret ETHNICITY as synonymous with EXCLUSIVITY. We take pride in the fact that we in the Cordillera region represent a rich mosaic, or tapestry of varied and complex ethnic cultures. This picture is further made more complex and awe-inspiring when we think of the other ethno-linguistic groups making up the rest of the Philippine indigenous peoples.

But all of us—various ethno linguistic groups, the highlanders and the lowlanders, the mainstream society and the minority society—were precisely set apart by the historical process of colonialism and imperialism. Is it not high time that all of us, while preserving our invaluable and most precious cultural legacies as separate groups, take steps to weave and interweave again the many commonalities of

culture and consciousness into one bright and strong fabric of the race?

Is it not strange, and counterproductive, to now speak of “protecting” our culture from “contamination,” when we are not speaking of aliens from another planet, nor of people from another race, not even of creatures from a strange region in our own country, BUT PEOPLE FROM THE SAME ANCESTRAL DOMAIN—THE CORDILLERA—PEOPLE WHO ARE MERELY SEPARATED BY INVISIBLE BOUNDARIES OF PROVINCE AND *ILI*?

How can we, in this day and age, in this period of asserting our common heritage as an indigenous people of the same racial stock and occupying one unbroken stretch of ancestral domain talk about keeping out our blood brothers who may happen to have their own nuances of “norms and traditions”?

No, my friends. And no, Honorable Samuel Dangwa. We cannot talk of cultural pollution between Benguet and the rest of the Cordillera. We can only talk of intercultural enrichment, and inter-ethnic solidarity!

As for the third point, which I choose to call “the milking cow fallacy,” I can take this up later with the views expressing a similar sentiment.

Related to point number one is another report I came across recently. In an article published in the *Philippine Daily Globe*, several past and present political leaders who are supposedly proponents of a “NO” vote—were quoted as having stated:

The autonomy proponents are thinking as Cordilleran first rather than as Filipinos, while we are thinking of being Filipinos first and Cordillerans second. This is in keeping with the national policy of uniting the Filipinos

*as one into the mainstream toward our unending quest
for identify and national solidarity.*

If this Globe correspondent was accurately quoting his sources, then it gives us reason to worry. Because it appears that the "NO" proponents have never imbibed the original spirit of the movement for autonomy in the Cordillera. Under the guise of nationalism, what this position only succeeds in bringing out is a very narrow and parochial view of what autonomy is all about. It also makes one suspect that whoever can think up of a rationale such as this one for a "NO" vote, is not thinking of the interests of either the Cordillera or the entire nation. In the first place, autonomy does not mean a dismemberment of the country. In the second place, autonomy means an affirmative action for the development of the most disadvantaged sections of the national population. In the third place, if we can achieve the material and social advancement of these disadvantaged and marginalized people through the accelerated delivery of goods and services, and through the rational and controlled exploitation of their natural resources, such a region of people will be in a better position to participate in the historical task of building a nation which possesses identity, solidarity and progress.

So the proponents of a "NO" vote are actually hitting out at a phantom, an imaginary fear—a myth that this campaign is about an autonomy that means a "Cordillera First" policy. There is no such animal.

The major reasons being foisted by "NO" campaigners are already familiar to all of you. It is the question of who will be subsidizing whom, and whether or not under present Organic Act, Benguet and Baguio stand to gain in terms of overall economic benefits. I suppose the "milking cow" theory of Congressman Dangwa would fall under this section. I would like to make a brief rundown of some argu-

ments that have been reportedly put forward by a number of “NO” proponents.

Among other things, they have said that nine percent of the total revenue in the Cordillera region comes from Baguio and Benguet, and the remaining 10 percent comes from Kalinga-Apayao, Mountain Province, Ifugao and Abra. The implication of course is that under an autonomous set-up, Baguio and Benguet could end up “subsidizing” the rest of the Cordillera region, and that whatever funds it gets from the autonomous government will hardly be commensurate to the financial contribution it makes to the regional economy.

But a careful reading of the Organic Act, and a basic knowledge of how the Philippine financial and fiscal system works will readily debunk this. For one thing, under the present set-up, a huge amount of the revenues realized by Baguio City and the province of Benguet are NOT automatically plowed back to them in terms of goods and services for the simple reason that they end up in the national coffers for redistribution according to a national plan of budgetary priorities.

The revenues realized by the national government from the mining industry in Benguet would suffice to give us a picture of what we have been giving to the national government in exchange for a pitifully small slice of the budgetary pie.

I agree completely with the recent analysis given by Benguet Governor Bugnosen that with the approval of the Organic Act, the province of Benguet “stands to gain P250 million a year in development funds, compared to its current annual budget of P24 million” But this refers to exclusive development funds that have been provided for by the Organic Act itself.

Let us look into the very mechanism for remittance and retention. Under the scheme of taxation laid down in the Organic Act, 60 percent of total revenues shall be retained by the Cordillera Autonomous Region, with 40 percent being remitted to the national treasury. And as you know by now, the 60 percent is divided into 30 percent for the province or the city, and 30 percent for the regional government.

In a sense, therefore, with the tremendous retained revenues from Benguet and Baguio City, there will be an indirect "subsidizing" by these two affluent areas of the entire Cordillera region, at the same time that they enjoy the benefits of fiscal autonomy. So therefore, I ask: What is wrong with "subsidizing" the disadvantaged areas of the Cordillera? Under the present non-autonomous set-up, not only do Benguet and Baguio City receive less in terms of absolute share in the national budget, but they also contribute little, if at all, to the financial needs of their distressed neighbors in the region. Instead, the ones benefitting from the huge industrial firms in this area are the central government and the financial center that is Metro Manila. My argument of course proceeds from the assumption that the indigenous peoples of Benguet and Baguio City, and the lowlanders who have established themselves in these places, care enough for their brothers, neighbors, kinsmen, countrymen living in the less developed hinterlands of the Cordillera.

But I refuse to consider any spill-over benefits from Benguet and Baguio as some kind of "charity" from the more fortunate to the less fortunate. The spirit of autonomy is that a great impetus to development will also be realized in the disadvantaged areas, so that the contribution of the four other provinces will not always be small compared to that of Benguet and Baguio. It will become progressively

bigger, to such an extent, perhaps, that eventually both Benguet and Baguio City will likewise benefit from any development boom in the rest of the Cordilleras.

That is why it makes us sad to hear of the almost cynical comment that without Benguet and Baguio City, the autonomous region in the Cordillera is bound to fail. Yes, I can agree with this statement, and this makes all the more urgent the need for the people of Benguet and Baguio City to put their hearts and minds, and conscience, to the task of working for the approval of the Organic Act, because approval of this act will mark a historic confluence of interest and destiny between the developed and underdeveloped communities of the Cordillera.

In brief, the people of Kalinga-Apayao, Mountain Province, Abra and Ifugao stand to gain so much from this autonomous set-up in terms of benefits they have never had the chance to gain before. On the other hand, the people of Benguet and Baguio City stand to gain much more than what they have heretofore been realizing under the present set-up, with the added satisfaction that their strong economies shall help propel the rest of the region to a better future.

And finally, I would just like to give a short comment on the third position in the entire debate. And this is the boycott position reportedly by cause-oriented organizations.

I think we understand the basic premises of such a position, and we fully respect the principled stand of those who interpret the many inadequacies of our present political system as indicative of a fundamental failure to genuinely liberate our people from poverty and underdevelopment.

I agree that under the present set-up, we cannot bring about the full development of our people in terms of social justice and economic progress and political empowerment, or that under the proposed autonomous government, we

can only go so far in terms of controlling the economic destiny of our people and giving them the fullest voice possible in the shaping of laws and the whole of society itself. But I believe that even within the present constraints, there is a lot of room for projecting any progressive agenda that redounds to the benefit of the grassroots. What is important is that we never lose sight of the immediate needs and demands of the grassroots and act in the most creative manner possible to provide respite from the unrelenting regimen of poverty, hunger and disease.

I say, let us give this autonomy project a hearing, a chance to get off the ground, an experimental span of life. Perhaps, we can say with more certainty after a certain period whether or not there is still some hope for structural change and meaningful reforms that can hopefully open the floodgates for more democratic participation and greater economic emancipation of our long-suffering people.

So these are my thoughts and I would most heartily welcome comments and questions from my colleagues and from the floor.

Thank you. 



TOWARDS LIBERATION FROM POVERTY

Open Letter to the People of the Cordillera, January 1990

My warmest greetings and best wishes for the peace in your home and community this year and in the years to come.

I write to you for one very simple reason: to ask for your support of the Organic Act in the January 30 plebiscite.

I believe we are all agreed at least on one thing. The decision we make regarding the Organic Act, which seeks to formally establish the Cordillera Autonomous Region, shall perhaps be the most important decision we shall have ever made in the political history of the Cordillera.

Doubtless, you are aware of the problems we have undergone as a people, for as long as we care to remember. Neglect, apathy, poverty, low level of literacy, lack of economic opportunities, warlordism, militarization and inter-

nal armed conflict are the ill effects of underdevelopment and lack of democratization.

In turn, these problems have been abetted and made worse by the failure of the central government to provide support services that could have energized us as a political unit and make us more productive economically.

Over and above these, there has never been—before this Organic Act came into being—any formal recognition of our inherent right to exercise full control over our ancestral domain which is our cultural, social, political and economic birthright, as well as the means toward full liberation from poverty and injustice.

My fellow Cordillerans:

The present Organic Act has imperfections which are not insurmountable. The future Regional Government—should it draw the support of idealistic public servants and citizens like you—can accomplish many things toward rectifying historical inequities. This could be our final chance to resolve the tragic cycle of poverty, conflict and repression that bedevil this beautiful land—the only one we will ever have.

Our struggle goes on, and our reward cannot be more modest than reaping that which has always belonged to us.





REPLY TO THE CORDILLERA PEOPLES DEMOCRATIC FRONT (CPDF)

*Open Statement in response to CPDF Position Rejecting the
Organic Act on the Cordillera Autonomous Region*

The CPDF paper has three main objections on the Organic Act, to wit:

1. ***It has no broad democratic basis.*** The Organic Act promises only empty political reforms. There is no genuine regional autonomy involved, but only administrative economy. It makes only token concession to customary law. The AFP will continue to secure the region for the oppressors.
2. ***Imperialist and ruling class domination prevents self-reliant development.*** The ancestral land questions remain unresolved. Illusory solutions are offered for other land problems, such as the clear delineation of ancestral

domain, and clear provisions on agrarian and urban land reform.

The regions' natural resources and vital industries will remain under big business control.

The O. A. provides a strategy for mal-development instead of self-reliant growth. It holds empty promises of socio-economic benefits and cultural development.

3. ***The "Autonomy" scheme is designed to divide our people.*** *The process of drafting the O. A. was divorced from mass initiative. The O. A. plebiscite is counter-democratic, and only created further confusion and divisions. The reactionary state is unable to grant right to self-determination.*

The points raised by the CPDF paper are well-taken. They represent a revolutionary point of view, and indeed, appear completely correct if we are to compare earlier proposals for "genuine autonomy" in the Cordillera with the final version signed by President Aquino into law.

The crucial point to be debated, however, is whether there are possible areas—political, economic, cultural, and social—where the points raised by the paper can be introduced as inputs for improving the autonomous set-up. It cannot be denied that the processes of drafting and legislating the Organic Act have left much to be desired, because indeed, there are constraints brought about by the present political structure and political culture in the country.

Consider the following points:

First, before the advent of a "truly free, liberated, democratic, People's Republic," that is to say, before we reach the stage whereby "genuine autonomy" can be achieved, what can be done at present regarding the immediate, urgent, plight of the Cordillera masses who are suffering the effects of years of underdevelopment, such as illiteracy, hunger, malnutrition and disease?

Even administrative autonomy at this point is sorely needed for us to bring to the region the resources of government which are tied down or unevenly distributed. It is all right for us to continue struggling against, and exposing the evils of, the neocolonial system, but we believe we can take advantage, not matter how limited, of the present structures and resources of government to bring relief and rehabilitation to the Cordillera people.

If we provide the regional government with progressive-minded citizens, we can maximize the delivery of much-needed goods and services OVER THE SHORT TERM, even as we continue battling the institutional problems in Cordillera and national society, such as the multinationals, the policy of militarization and even traditional politics of the old elite.

The CPDF paper argues that “candidates crusading for progressive platforms might win certain positions, yet still be overwhelmed by the reactionary tide within the bureaucracy... the most militant candidates should be lucky enough to survive anti-communist harassment and murder attempts.”

The point is, we must marshal all our forces on all fronts to assure that the highest number of progressive candidates will win. This way, we can replace the old, inefficient, and graft-ridden reactionary bureaucracy by infusing a new generation of dedicated people’s public servants.

Since it is true that the autonomous region will actually be subject to so many impositions and controls from central government, because of “constitutional provisions” and existing national laws, we should be able to create—within the limited autonomous space—measures of empowerment with which we can diffuse central control and turn it into our advantage.

As for militant candidates—and later militant regional assemblymen—being harassed and set up as targets for assassination, this matter is best left to the individual person who surely must be aware of the great risks one takes in being a militant candidate or progressive public servant.

Second, on Conrado Balweg’s CPLA. Should there be an autonomous government manned by reactionary elements, we can be certain that the military stands to increase its influence in the region, and what Balweg was not able to get through the Organic Act—his CPLA as the regional security force—he will certainly be given through a continuation of the present arrangement, whereby he and his gang operate as an auxiliary unit of the AFP.

A progressive regional assembly can work on the possibility of outlawing completely the activities of the Balweg group, and bring its resources to bear upon an information campaign on the need for Cordillera unity. Under the present non-autonomous set-up, Balweg is completely unhindered in his nefarious activities.

Third, the basic premise for bringing about an autonomous region is to bring together the Cordillera people who, under the Marcos dictatorship, were even geopolitically separated from one another through the regionalization scheme.

The present Organic Act has many flaws, it is true. But the processes it will set into motion, the institution it will set up, and the resources it can generate, will hopefully turn the Cordillera people’s minds towards the realization that they, as a collective indigenous community, can create initial conditions for their empowerment—even within the context of the present political system.

After all, this will not preclude the dynamic processes in other fields of struggle—cause-oriented campaigns, mass organizing and political work in all levels. In other words,

the people of the Cordillera can be shown the fundamental workings of autonomy, and they will come to realize both the benefits and limitations under the present set-up. Why not use the limited autonomy as a social and political experiment by which the Cordillera masses will be made more aware of the implications of autonomy?

One of the most powerful passages in the CPDF's paper goes, thus:

Should the assembly or its sincere members decide to fight for our people's rights, its powers will prove too meager to overturn the sheer cumulative weight of oppressive national laws stacked by the ruling classes against the masses. The CAR can only lobby Congress, petition the President or Supreme Court or undertake a difficult campaign for people's initiative—as if it were just another non-government organization.

The answer to this objection lies in the passage itself. If we succeed in bringing about a regional government where most of the officials from regional governor down will be made up of progressive and sincere people, the CAR may not have to go the traditional route of lobbying Congress, or petitioning the president or Supreme Court in cases where its legislation or policy run smack against oppressive national laws. It can and it must, adopt creative measures for going around such oppressive laws, and one of these measures is precisely to undertake mass campaigns to elicit people's initiative, but it will not be doing this "as if it were just another non-government organization."

In the first place, the very best NGOs anywhere in the world have proven to be better than government itself. In the second place, the regional government can use its existing resources and its prestige as government body to bring about creative measures that can produce results.

All the objections presented in the CPDF’s paper appear to be premised on two contentions.

One, genuine regional autonomy cannot be possible within the framework of a semi-colonial, semi-feudal state which is dominated by imperialism and the local elite. And two, the people’s representatives cannot make much headway in a system of politics dominated by traditional politicians in this kind of society.

Our response ultimately boils down to the following:

We recognize the fact that the proposed set up is not the best, not the optimum and not even a “genuine” autonomous system. But we contend that just as there are general areas for maneuverability in Philippine politics for the people’s forces such as legal mass organizations, barangay elections, limited joint undertakings between government and NGOs where urgent social services and pro-people development projects are concerned, participation of progressive candidates in local and national elections, there certainly are potential areas for networking and resource generation in the present autonomous system envisioned in the Organic Act.

Corollary to that, we contend that progressive and sincere candidates—and public servants—will not be completely hampered by the built-in constraints of the Organic Act. Instead of carping on the fact, as the CPDF paper does, that fiscal autonomy “merely creates new channels of grave financial abuse at the hands of corrupt bureaucrats and callous-headed technocrats,” and that “with the CAR as these rascals’ milking cow, our people have to shoulder the burden” of so many problems, perhaps we should look at the other possibility—that we can build up a sufficient cadre of dedicated peoples’ public servants or peoples’ representatives who will see to it that resources, funds, equipment, generated from local, national and international

sources shall be put at the disposal of our impoverished communities, villages and households.

Finally, to cite a very significant passage in the CPDF paper:

An autonomy law really serious about developing regional self-reliance would have fleshed out the basic policy stress on the production of food and basic daily needs of the rural folk (instead of specialized commodity production for export). It would have identified the main government assistance programs for immediate action by the CAR, such as those intended to achieve self-sufficiency at least in rice and livestock; build small-scale but extensive food-processing industries; mass produce cheap organic agro-inputs and farm implements appropriate to upland farming, etc.

Again, very well said. And precisely, again, this and other suggestions or alternative scenarios presented in the CPDF paper can still be formulated and adopted by all progressive candidates as a people's agenda for development empowerment, and certainly, we are not lacking in political imagination and resources that we cannot make these limited—but calibrated—steps possible within the scope of the present autonomy project.

The Organic Act is not the best we would want for the Cordillera people, but we can put it to good use for their sake—in the meantime that the people are forging more lasting channels and institutions for their future security and welfare.





ATHLETICS & THE IDEAL OF CORDILLERA UNITY

*Speech at the Closing Rites, 2nd CRAA Meet
Burnham Athletic Bowl, Baguio City, February 8, 1990*

Distinguished Guests, honorable officials of the City of Baguio, officials and members of the athletic delegations to the CRAA meet, fellow Cordillerans, friends, ladies and gentlemen:

Faster. Higher. Stronger.

Every athlete worth his or her calling should be familiar with these words. They comprise the motto of the Olympic Games. They might as well be the code by which every athlete in the world should live by. Perhaps there are few among you who shall, someday make it to the Philippine delegation to the world Olympic competitions. This is not a far-fetched idea. Some of the country's finest athletes—particularly in track and field, physical culture, karate and

boxing, among others—have come from the Cordillera region. We may not have produced an Olympic medallist yet, but we certainly have come up with national record-holders as well as Southeast Asian regional winners.

There is another sense in which this Olympic Motto is so relevant for us Cordillerans. About two weeks ago, we underwent what possibly was the most significant political exercise in the history of the Cordillera people. This was the plebiscite on the proposed Cordillera Autonomous Region, as embodied in the Organic Act.

The actual process, the results of the voting, as well as the implications of both, will be discussed and debated in the months and years to come. But there are at least two things that are easily recognizable in that exercise. The first is this: our people believe in the democratic exercise of free choice. However, the way politics goes in our country, the exercise of free choice is often marred by irregularities. Sometimes the people's true will is even thwarted by those who seek to foist their political interests upon others through deceit or violence. But I dare say that we are still a young, struggling democracy. It is part of our struggle as a people that we remain eternally vigilant of our rights and liberties.

The second is this: although all of us believe in democracy, we are far from being united on what it is we really want in terms of meaningful development and genuine self-determination. In fact, the recent political exercise produced so much divisiveness and a polarization of views among our people. On the part of those who campaigned for the Organic Act for Cordillera autonomy, the reason given for the defeat is lack of information and lack of political will to spread around the letter and spirit and true intent of the Organic Act. On the part of those who campaigned against the Organic Act, the reason given was their distrust

of "traditional politicians" and the political system that produced the Draft Organic Law.

The end result of this divisiveness and polarization is now known to all: a Cordillera Autonomous Region composed of One Component Unit, a solitary province which will, in effect, have two parallel governments, one provincial, the other regional. The implications of a one-Province autonomous region is being debated in all circles of national society. But whichever side scores points, one thing is painfully clear: we in the Cordillera are far from being a united people. This is the tragedy of it all.

Collectively, we have borne the brunt of the colonial and post-colonial exploitation of our natural resources which left us underdeveloped and impoverished under successive governments. Thus, we have a common experience which should bring us closer together. Culturally, we are diverse ethnic groups with a rich heritage dating back many centuries and perhaps we really come from only one source. Though we may be many tribes, our cultures are in reality one vast, multi-colored tapestry of dramatic contrasts but essentially joined together by the same threads and patterns of creation.

Geographically and politically, there may be divisions among us. Mountains and valleys as well as tribal affiliations appear to be insurmountable barriers. But I believe, the time has come for Cordillerans to realize that these barriers can also be seen as artificial boundaries. That in truth, mountain flow into valleys, valleys rise into mountains, and that the many tribes—having branched off from one great tree in our ancestral past—are indeed sisters and brothers.

It is easy to be an idealist. Idealism always flies against the wall of reality. But idealism has always succeeded in changing the face of reality and altering its course. We live

in a time of tragedy. The country is in crisis, in practically all spheres of life—political, social, cultural, economic; even in the world of sports. No one is immune to the savage onslaught of violence that seems to be equated with normalcy of life. My own family has lived in pain, having been among the most recent victims of this legacy of terrorism and violence.

I put equal emphasis on my being a public servant duly elected by the people as well as an advocate of causes that start out to be unpopular to the established system, such as human rights and self-determination. It is not myself alone who has borne the ultimate sacrifice of laying down life for having been identified with controversial causes. There have been many, and sadly perhaps, there shall be more.

We are hopefully in a period of transition. Today, we suffer the brunt of criticism, opposition from vested interests and the constant threat of assassination. Tomorrow, the people will realize that their very lives depend on a unity of purpose and on continuing dialogue of hearts and minds. We pray for the day when all political contests and ideological conflicts shall be as harmless as competitions on the playing fields, but no less dramatic, colorful and exciting. We pray for the day when the people of the Cordillera shall be able to realize their full potential as a people under a regime of genuine autonomy, under which they shall have a political voice, complete and untrammelled freedom of choice, economic power, the respect and admiration of their brother Filipinos, but most important of all, the deepest possible feeling of oneness and sense of common destiny.

What you have achieved today in the field of athletic competitions may seem small in the entire arena of human affairs. But perhaps you, the athletes, can show everyone else the true way that life must be lived. Perhaps it is you

who must send the urgent message to politicians, warlords, soldiers, exploiters and corruptors of society: *The only honourable way to live and the happiest, is through individual excellence which exalts the whole community. The only acceptable way by which man has the right to occupy this world is by living a life of peaceful and just competition, not by wishing or inflicting violence on others.*

And finally, may I now paraphrase the Olympic Motto with which I began this talk, as a parting message to all my fellow Cordillerans, to all men and women of goodwill everywhere: *Faster. Higher. Stronger. And more united than ever before!*

This is the ideal to which we, the Cordillerans engaged in sports called Life, must attain.

Thank you and good day. 🍎



THE STATE OF THE CORDILLERA AUTONOMOUS REGION: *Problems & Issues*

Keynote Address, Seminar-Workshop on the Implementing Strategies of the Cordillera Autonomous Region: The Case of the Province of Ifugao, sponsored by the Provincial Government of Ifugao, Cordillera Studies Center, UP Baguio, Friedrich Ebert Stiftung and College of Public Administration, UP Diliman Mountain Lodge Hotel, Baguio City, November 20, 1990

I find the topic of my keynote address very challenging. With your indulgence, I have chosen to use a slightly more dramatic title: “An Anomaly in the State of Autonomy?: Portents and Prospects in the Unfolding of the Cordillera Autonomous Region.”

Before everything else, let us invoke the guidance of divine providence in today’s undertaking. In a time of great

uncertainty, in a time of deep malaise of crisis and strife, it behooves us to seek inspiration from the providence which gives and takes away.

No gathering of Cordillerans can be deemed truly meaningful without invoking the memory of Macliing Dulag. His name and his deeds shall forever be remembered in the history of our struggle for self-determination and possession of our ancestral domain.

The political events of the past two or three years have done so little by way of advancing this historic struggle. Allow me to refresh our memories concerning these events.

The first was the convening of the Cordillera Regional Consultative Commission or CRCC. At the time that the CRCC was deliberating, hopes have run high that, at long last, Cordillerans were on the road towards self-determination. The basis for this assumption is three-fold:

- a) The commissioners were deemed to be representative, by and large, of the aspirations of the people of the Cordillera;
- b) There was democratic debate among them, and there was democratic consultation among the grassroots whose views were solicited in order to guide the commissioners in their deliberations;
- c) The document produced by the commission was to be the basis for the final instrument of autonomy to be passed by Philippine Congress.

The second event was the Congressional approval of “An Act Providing for an Organic Act for The Cordillera Autonomous Region,” which was the result of a conference committee deliberation that consolidated two autonomy bills in both houses, namely House Bill No. 21622 and Senate Bill No. 914.

Significantly, what were hailed as substantive breakthroughs in the draft passed by the CRCC vanished in the final approved version by Congress. The Congress version was signed by Her Excellency President Corazon Aquino. Things were moving to a head, and there were portents of profound changes about to happen in the Cordillera Region.

And the third event is the now-controversial plebiscite which saw—officially—only one province, Ifugao, in the whole region opting for autonomy. Thus, a quick rundown of the political events during the last two years readily paints for us a disappointing picture of failed dreams and dashed hopes.

It is so easy to say, as some have said in justifying the plebiscite results, that “after all, we are seeing democracy in action.” I disagree. What we saw was a clear tragedy of historical proportions being enacted on the political stage. In fact, the explanation for the seeming, I say *seeming defeat* of the autonomy project is quite a complex one.

Let us look the following scenarios and events, which may help clarify the before and after of the plebiscite:

First of all, right from the very start, there was no unanimity among Cordillerans as to the concept, substance and operationalization of regional autonomy. I do not specifically mean the CRCC because as a democratic collegial body, debate and dissension were essential in arriving at majority or consensual decisions. I specifically refer to political groups, as well as individuals, articulating their own concept and notions of what Cordillera autonomy should be.

But if we are to consider the total political process in the Cordillera, then the position of the CRCC could be considered as only one position, because the other groups were in principle against the very idea of an Organic Act that was,

in practice, recommendatory. It is congress that had the power to pass the final form of the Autonomy Law.

Secondly, despite the fact that there were grassroots consultations, it has been observed that the issues discussed in the commission may not have fully been ventilated in the world outside—out in the provinces of the region, in the far-flung *ili* of each province. This complaint became even louder during the campaign leading to the plebiscite. People were heard saying that the proponents and defenders of the Autonomy Act failed to fully explain the ramifications and implications of the law they were asked to judge on.

Thirdly, there were two major kinds of objections. One, Congress eliminated salient features of the Draft Organic Act submitted by the CRCC. The other objection, which was more serious—coming as it did from radically politicized groups in the Cordillera, was that “Regional autonomy within the context of the present Philippine state system is bound to fail or is bound to serve only the interests of traditional political structures and elites.”

Fourth, the plebiscite itself turned out to be no better than a traditional Philippine election. There were charges of irregularities perpetrated. Proof of this is that in at least two provinces, namely Kalinga Apayao and Mountain Province, demands were made for a re-conduct of plebiscite in certain places. Likewise, recounts have been demanded and we hope this shall be given due course. There are indications that with the recounted ballots, we have the possibility of a three-province Autonomous Region to emerge composed of Ifugao, Kalinga-Apayao, and the Mountain Province.

With due respect to the voters of Ifugao Province, what now obtains is an anomalous situation in the state of Cordillera autonomy. We only have to remind ourselves of

the basic premises which we, as Cordillerans, have always considered as the rationale for all past and present political struggles in this region. These are the following:

- 1) Autonomy is not a be-all and end-all. It is but a means toward a higher end. This higher end is self-determination for all the indigenous peoples of various groups and cultural communities who have their ancestral roots in the entire Cordillera Region. At no time did we conceive an autonomous province separate from the whole region, in the same way that we have never conceived of a partial and fragmentary self-determination of only one group;
- 2) Most, if not all Cordillerans, have shared a history of marginalization and underdevelopment due to the complex processes of colonialism and centralization. That we are conscious of this is borne out by the fact that during the past 20 years, beginning from the martial law regime, there was an unbroken political process of protest and resistance. This involved Cordillerans from all walks of life, from practically all parts of the region, and from various political persuasions. The problems of underdevelopment which have bedeviled us for generations still remain. So, how can we possibly accept the ultimate distortion of the concept of autonomy, as being equally applicable to the whole region as well as to just one province of the Region?

It is of course possible that “regional autonomy” in just one province will work. But of course it should! After all, the resources of government, the mechanism for radical change, the vast opportunities for poverty-alleviation and income-generation—originally earmarked for five provinces—stand to be enjoyed by and concentrated in only one province.

We certainly do not begrudge the people of Ifugao for opting to take advantage of the autonomy's potential benefits!

3. The goal-orientation of all Cordillerans is the recovery and the recognition by the State and society of their ancestral domain. This is the bedrock of their material and non-material civilization, the source and spring of their life as a people and the geopolitical expression of their ethnic integrity and identity. Ancestral Domain requires the exercise of regional autonomy and once this is realized, then we are on the way to a meaningful regime of self-determination.

I do not think that we should miss the historical opportunity of having the entire Cordillera Region participate in the drama of change from backwardness to progress. But let me discuss the political situation at hand.

While it is incontrovertible that the province of Ifugao voted for regional autonomy, it is not clear, it is not established, that all the rest went the other way. In Kalinga Apayao, we are asking for a re-conduct of the plebiscite in at least 67 precincts, if not in five whole municipalities, where ballot snatching, terrorism and other election irregularities were documented. Also, in Mountain Province where at least six precincts were not at all counted.

But there is something more fundamental in the present situation. The fact that plebiscite result has been suspended is a recognition that an anomalous situation exists. This gives us the opportunity to look into the possibility of reopening public debate and discussion on the merits of regional autonomy.

I am sure that those who have opposed the Autonomy Law for ideological reasons would continue to do so. But in the spirit of peace initiatives being undertaken by both

sides of the armed conflict, we seek to initiate continuing discourse with anti-autonomy forces. This is essential if we want the people of the Cordillera to gain a thorough understanding. I am aware that many people who have been enthusiastic about the Draft Organic Act were disillusioned when Congress approved its own version. I submit that, notwithstanding the unfortunate deletions and changes, there remains a great part of the original spirit, intent, and content of the CRCC vision. If I am mistaken on this, then let us, by all means, demand that the entire autonomy scheme be reviewed. This is all I can ask for now and I cannot ask for more.

But let me inform something with relevance to our discussions. We will introduce very soon, a house resolution seeking the creation of a Commission on Indigenous Cultural Communities and Ancestral Domain or CICCAD. Its main task shall be to act as the sole arbiter—in consultation with all indigenous cultural communities—of all cases relative to ancestral domain. It will initiate and spearhead participatory development projects within ancestral domains. We can only begin to imagine the benefits that can redound to the people of the Cordillera—two things that occur simultaneously: the creation of this commission, and enlargement of the Cordillera Autonomous Region from one province to at least three... and some day, all five provinces!

Let me stop at this point to allow a free and candid exchange of views and ideas to take place. I thank the organizers of this forum for inviting me to speak this morning. I wish for all of us a lively and fruitful sharing of dreams and visions. 🍎



THE LAW ON AUTONOMOUS REGIONS & THE CORDILLERA SITUATION

Lecture delivered at the National Conference on the State of the Law on Cultural Communities, College of Law - University of the Philippines Diliman, Quezon City, November 29, 1990

First, a comment on the title assigned to me, “The Law on the Autonomous Regions.” I take this to mean that the organizers of the conference wanted me to share with you my wisdom and insights on both Republic Act No. 6766, An Act Providing for an Organic Act for the Cordillera Autonomous Region, as well as Republic Act No. 6734, An Act Providing for an Organic Act for the Autonomous Region in Muslim Mindanao.

As a member of Congress which enacted both pieces of legislation, I am required to be very knowledgeable about

both Republic Acts, as these had been discusses and debated at length in both Houses of Congress.

I would like to propose, however, that I focus on the law providing for an autonomous region in the Cordillera and let the other experts present today handle the detailed discussion on the law concerning the autonomous region in Muslim Mindanao. I hope to be able to advert ancillary issues related to Republic Act No. 6734 for the sake of contextualization. The preponderant reason for this approach is the disquieting existence of an anomalous situation in the so-called Cordillera Autonomous Region. As you are all aware of, it is comprised by a grand total of ONE PROVINCE—the Province of Ifugao.

Another reason is that, as Chairman of the House Committee on National Cultural Communities, I welcome the opportunity for any forum that provides ample discussion on the situation of the country's cultural communities. It is a sad fact of life, however, that despite innumerable fora, we remain on the level of rhetoric in so far as the plight—the now desperate plight—of the country's cultural communities are concerned.

Having suspended my judgment on the viability of the current four-province autonomous set-up in Muslim Mindanao, let us allow a more assiduous scholar on Muslim Affairs discuss the matter. I am not sure if an autonomous region made up of four provinces from an original plan comprising 13 provinces, represents a worthier triumph. Let the Muslims speak for themselves. We, or at least some of us in the Cordillera, are simply stunned by the sheer strangeness of it all, and blame—if blame should at all be made—is not easy to lay on just anybody's door.

At any rate, there is one fundamental difference between the two autonomous regions. One is officially in existence, as it has elected its regional officials. The other

is in suspended animation, pending the resolution of plebiscite protests and which could still alter its one-province composition.

As a final item on this prefatory note, I just want to make a comment on the precision of terminologies. In our present set up, we have separate offices for Indigenous Cultural Communities (ICCs) and the other, for Muslim Affairs. While it has been loosely suggested that Muslims may also be considered “cultural community,” the absence of self-ascription by the very group of people concerned rules out the suggestion. In fact Section 8 of Article III, Guiding Principles and Policies, of Republic Act 6734 expressly mentions the distinctiveness of ICCs when it states that, in the “exploration, development and utilization of (the region’s) natural resources...the Indigenous Cultural Communities, shall have priority rights in the areas designated as parts of the ancestral domain.” The second time ICCs are mentioned is in Section 13 of Article IX, Administration of Justice, which provides creation of “a system of tribal courts...for the Indigenous Cultural Communities in the Autonomous Region.”

But perhaps the most important part of RA 6734 which is intimately related to the Cordillera Autonomy Law is Article XI – Ancestral Domain, Ancestral Lands, and Agrarian Reform. The fundamental difference between the ICCs, on one hand, and mainstream Philippine society, which includes non-Tribal Muslims in this specific context, is fully recognized in the article. So what is the point? In talking about “The State of the Law on Cultural Communities,” we concentrate on the *Substance of Life* as lived by cultural communities and thus, beyond *Structures of Laws* which the State and Government get obsessed much too often.

Let me delve on specific matters on autonomous regions beginning with the Philippine Constitution.

Section 22 of Article 2, Declaration of Principles and State Policies, provides: “The State recognizes and promotes the rights of Indigenous Cultural Communities within the framework of national unity and development.” Section 25 of the same Article states that “The State shall ensure the autonomy of local governments.”

Section 1 of Article X, Local Government, General provisions states: “The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras.”

Section 2 to 14 of Article X pertains to local government units other than the proposed autonomous regions. The only other section in this article that has reference to regions is Section 14 which states: “The president shall provide for regional development councils or other similar bodies... to strengthen the autonomy of the units herein, and to accelerate the economic and social growth and development of the units in the region”

It is clear that “region” here refers to the existing regional demarcations and not to either of the proposed autonomous regions in northern and southern Philippines. Thus, for us, the most salient constitutional provision on regional autonomy is the second part of Article X. Further, Section 15 helps us understand why the very first section I cited—Section 22 of Art. 2 on ICCs—is indirectly related to the concept of autonomous region.

This particular section states that “there shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures.”

Now let us see what happened afterwards.

The past two years have witnessed a series of events which put to the test the constitutional mandate on autonomous regions in the country, and the promotion of the interests of historically neglected ICCs. Regional consultative commissions were set up to draft Organic Acts which would form the basis for legislative enactment. The final congressional version of the Organic Act for the Cordillera met criticisms from various quarters, particularly due to deletions and modifications introduced by the legislative body. Among these are the following:

1. The reference in the original Preamble to the "fundamental and constitutional right to self-determination";
2. The provision that "military intervention in the region shall be effected only upon the initiative or consent of the Cordillera government" (Sec 10, Art. 2);
3. The proposed "ban on foreign military bases and troops from its territory (Sec 15, Art 2);
4. The delineation of autonomous territory comprising merely the traditional five provinces and one chartered city, leaving out the proposed new provinces made up of the geographic areas deemed part of the Cordillera region, and which have been occupied by known and less known cultural communities;
5. The election of the Regional Governor not by the Regional Legislative Assembly, as originally proposed, but through direct vote by the electorate at large.

Despite modifications, those who worked for the Organic Act campaigned for its approval in the plebiscite last year. It was their thinking that the Draft Organic Act was viable, comprehensive enough, and provided safeguards for the promotion of policies and programs that, in the

long run, would lead towards the survival, development and a measure of self-determination for the Cordillera region. The rest is history.

Officially, only Ifugao opted for regional autonomy. While that is now an incontrovertible fact, it is not clear, it is not yet official, it is not yet fully established, that all the rest went the opposite direction. In at least two provinces, Kalinga-Apayao and the Mountain Province—where election-style irregularities were documented—we are asking for a recount of votes in a number of precincts—the actual and final results from which could eventually determine the exact composition of the Cordillera Autonomous Region.

At least, three provinces out of five opting for autonomy would be encouraging enough. The fact that the implementation of the Organic Act has been suspended pending successful resolution of the case is a recognition that an anomalous situation in the state of Cordillera autonomy exists. This gives us an opportunity to look into the possibility of reopening public debate on the merits of regional autonomy.

We only need to read the whole of Article II (Guiding Principles and Policies of Republic Act 6766) to realize that the one-province autonomous region defeats the very spirit of Autonomy.

It is a fact, of course, that the seeming defeat of the autonomy project in the Cordillera is complex. There was no unanimity among Cordillerans as to concept, substance and operationalization of regional autonomy. The position of the Cordillera Regional Consultative Commission (CRCC) is just one among several positions. Salient features of the CRCC draft were eliminated by Congress. The position from radically politicized groups combined with other objections to ultimately cause the failure of the autonomy project.

Creating a Commission

Let me go now to the last part of my lecture. This has something to do with proposed legislation that promises to inspire conflicting emotions in people. To some, it may end up on that great pile of laws where lie buried are the hopes and dreams of generations past and present. To others, it could offer hope that some little step can still be taken—within the ambit of the present system—to at least begin rectifying historical injustices

This is about a consolidated House Bill No. 24913 entitled “An Act Creating the Commission on Indigenous Cultural Communities and Ancestral Domain” or CICCAD. This body’s task shall be to act as arbiter and administrator of all cases affecting ancestral domain. CICCAD is envisioned to be initiating and spearheading participatory development and conservation projects in all ancestral domain areas where it has the power to delineate these as belonging to ICCs.

The Ancestral Domain Question

As the proposed bill encapsulates practically all legal, moral, ethical, political and historical issues of ICCs, we talk about Land and Survival and about Development and Self-Determination. Allow me to spell out in its entirety a summary position I submitted recently to a DENR-sponsored workshop “On Land Resource Management in the Philippines.”

The survival of the Philippines’ ICCs—variously known as highlanders, national ethnic minorities, tribal Filipinos—who comprise more than seven million of the country’s total population of 60 million, hinges on their

successful recovery of full rights of ownership, control, and disposition of what has come to be called the Ancestral Domain.

Land claims proceeds from the premise of preserving and protecting an entire ecosystem traditionally nurtured by and serving the needs of communities with a social, economic, and political existence going back thousands of years—indeed, long before colonialism set in to deprive them of their rights. Cognizant of this historical claim and injustice inflicted upon ICCs, concerned Filipinos in government and private organizations have sought to rectify the situation. In the past, there were attempts by the State at ‘integration’ involving communities theretofore called ‘minorities,’ into the national ‘mainstream.’ The paternalism and condescension—often, nothing but masked overt and covert exploitation of ICCs—led to their further deterioration.

Thus, in establishing the proposed CICCAD, a mechanism for the full restoration of ICCs’ rights of ownership, control and disposition of their Ancestral Domain is anchored on the following:

... all lands and natural resources possessed, occupied, or claimed as having been possessed and occupied by indigenous cultural communities, by themselves or through their ancestors, in accordance with their customs and traditions since time immemorial, for a continuous period of time except when prevented by war, force majeure, or displacement by force, deceit or stealth, and shall include titled properties, forests, pasture, and private lands, fields, hunting ground, worship areas, burial grounds, bodies of water, mineral resources, and air spaces.

The intent of this draft is clearly set out in the Declaration of Policies:

It is the policy of the State to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development: to protect the rights of indigenous cultural communities to their ancestral domain in order to ensure their economic, social and cultural well-being; and to provide for the applicability of customary laws governing the ownership and extent of ancestral domain. Towards this end, the State shall formulate and implement more rigorous development policies, plans and programs for the indigenous cultural communities, taking into consideration their customs, traditions, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domain.

On hindsight, one notices that a crucial element has been left out in the foregoing formulation. This certainly needs to be included in the final version of the Bill: the principle of CONSULTATION. This principle is of course touched upon and is much amplified in the other sections of the bill. But history has taught us that it does us no harm, and in fact it will help rectify injustice, if this principle is made a clear, precise and unequivocal part of the Declaration of Policies. After all, a policy sets the whole tone and lays down the philosophical bedrock of any legislation. We have taken only a very small step. The road that lies before us seems as yet to have no end in sight. But it is important that we have begun.

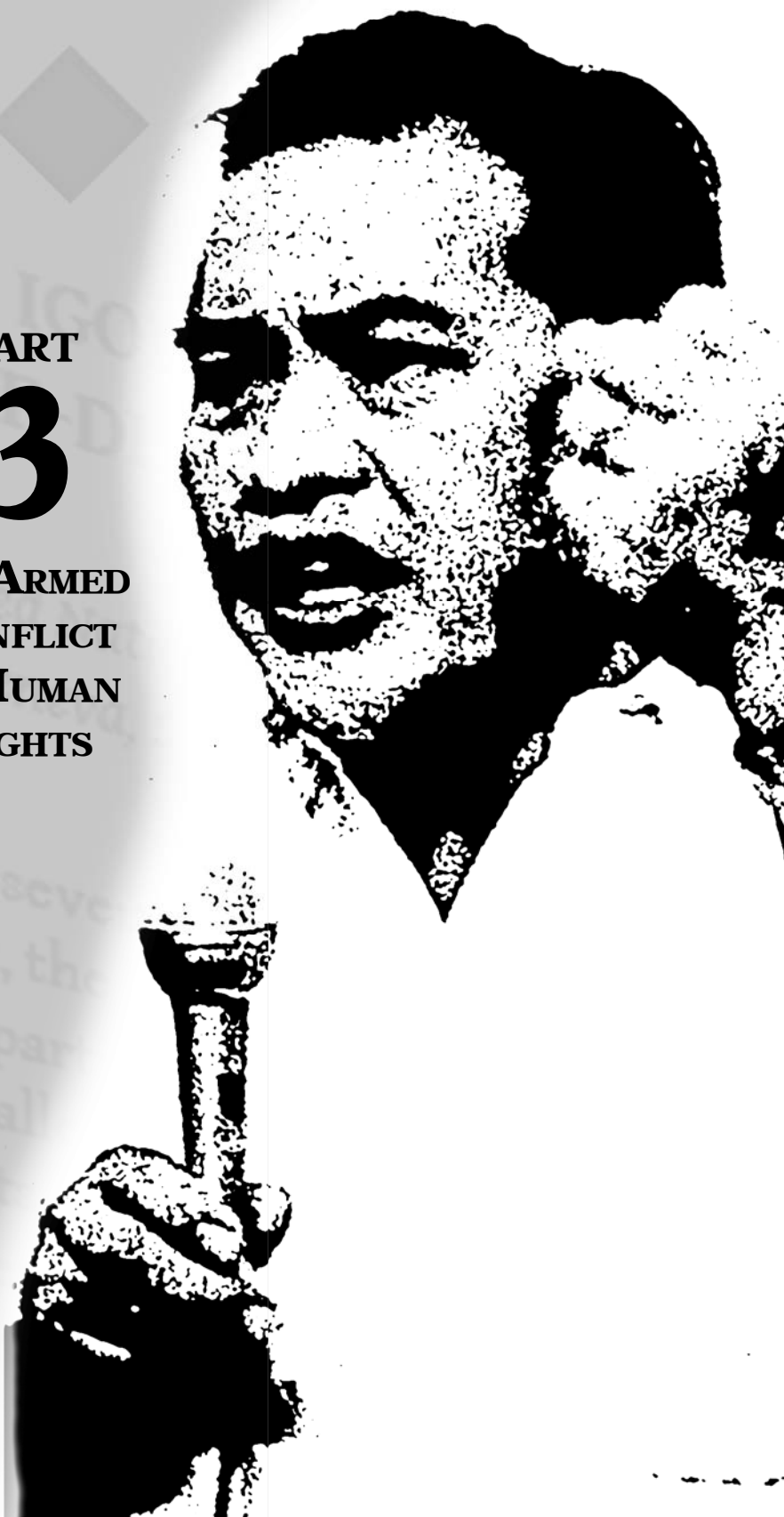
May we have fruitful discussion today. Thank you.



PART

3

**ON ARMED
CONFLICT
& HUMAN
RIGHTS**





WE ARE NOT YOUR ENEMIES

*An open letter to the military published in Ang Pahayagang
MALAYA, September 26, 1985*

We, the people of the Cordillera, would like to make known to you our thoughts and sentiments regarding your presence here in our mountains.

Many of us are poor people just like you. Our only sources of livelihood are the few rice terraces, swidden farms and livestock which we have. But the difficult life in our villages has worsened because of the many abuses we have experienced in the hands of the Philippine Constabulary and army soldiers. We fear going to our *kaingin*, or work in our fields. We can no longer go out at night to fix irrigation canals. We now seldom go and hunt in our forest. Because of these, our harvests have been reduced.

Furthermore, some soldiers steal the food we have planted in our fields, and run away with the few chickens and eggs that we have. If all of these continue, we will surely starve. Even you will have nothing more to steal from us.

Perhaps this is because the salaries or rations which the government gives you are not enough. If this is so, then why do you have so much to spend for liquor? And your generals earn thousands of pesos a month including, of course, the amount they get through corrupt means. Furthermore, where does the big military budget go? For 1986, the government plans to allot eight billion pesos for the Ministry of Defense.

And how are your working conditions here in the Cordillera? Pardon the harsh conditions that you have to cope with here in the mountains. We know it is tiring for you to climb our mountains. It is difficult for you to cross our rivers. It is dangerous for you to roam at night. And many of you do not understand our language and our culture. Surely, you have noticed that many people dislike your presence. Children cry at your approach.

Why did you come here? What are you fighting for? Who sent you here? And why did they send you? If you say that it is because of the NPA, then why do some of you shoot civilians? If you say that you are here to help the people, than surely you can help us more if you become farmers or workers and contribute to the economy. If you say that it is for peace and order, then why are you dressed and armed for battle?

You might say that you are fighting for democracy, but why do you prevent us from freely exercising our democratic rights? Why are there so many reported military abuses? Why do you fire your rifles with no reason at all? Why do you terrorize, arrest, and maltreat our people? Why do you immediately suspect us of being NPA sympathizers?

If all of these continue, many of us will surely lose our patience, which is what is happening right now as you can see from the many protest against your presence here.

We believe that the real reasons why you were sent here are to ensure that the projects of the government such as the dams will push through, and to protect the interests of mining corporations such as Batong Buhay, and the logging companies in Abra, Benguet and Apayao.

We oppose the dams because they will submerge our villages and rice fields. The logging companies destroy our forests and dry up our water sources. The mines pollute our rivers. And who are benefitting from all of these if not the few Filipino and American capitalists, and the highest officials of the government? We believe these to be the reasons because when we stand up and organize to defend our ancestral land and our human rights as indigenous peoples, you do not stand with us. Instead you allow yourselves to be used to terrorize our people.

We are not your enemies. Your enemies are not the Filipinos who are fighting to change this corrupt system. Your enemies are not those who are fighting for freedom and democracy. The real enemies of the Filipino people are those who are exploiting all of us, those who are suppressing our rights, and those who have sent you and are using you against us. 💣



OUR HUMAN RIGHTS AS INDIGENOUS PEOPLES

*Statement of the House Committee on Indigenous Cultural
Communities issued October 8, 1988, House of Representatives*

The Indigenous Peoples of the Philippines who comprise the ethnic cultural communities are one in condemning the unabated brutality inflicted upon their brethren in various parts of the country.

It is the height of tragedy that the many deaths and excessive injuries upon these people have been the handiwork of the Philippine military, whose Constitutional mission is to protect and defend the lives and interest of the Filipino people.

A reign of peace and brotherhood was supposed to have followed the long dark night of terror and repression under the deposed dictator Marcos. Unfortunately, some elements in our government continue to think and act as if

they were still playing the role that the Marcos regime did: murderers of people in the name of national security.

In the past two years, we have been sad witnesses to repeated bombing, strafing, shelling, and invasion of areas inhabited by the indigenous cultural communities. The recent horrendous experience of the Kalingas in the Cordillera and the Higaonon in Mindanao is eloquent testimony to these outrageous violations of the most basic human rights against our brethren in the far-flung and long-neglected hinterlands.

If this is part of what is called LOW INTENSITY CONFLICT—which, ironically, has become almost indistinguishable from the policy of TOTAL WAR—then it is reaping unexpected results. It is causing polarization in our society, driving many people, including our heretofore peaceful and silently suffering members of cultural communities, towards the path of active protest and even violent resistance. Do we want this?

If our government fails to see the grave danger in this mindless assault on indigenous peoples of the country, then the concept of TOTAL WAR might as well be transformed into a self-fulfilling prophecy: a total war against the people. A total war in turn, against the government. Shall we wait for this to pass?

Let us put an immediate stop to the bombing, strafing, shelling and invasion of the areas inhabited by the Filipino cultural communities before our country is plunged into another dark chapter of fratricidal conflict.

In connection to this, I as Chairman of the House Committee on National Cultural Communities will submit a resolution condemning this savage policy of terror and intimidation against the indigenous peoples of the Philippines, and propose that a thorough-going inquiry be made, so that this practice is reduced considerably, if not completely eliminated. 



CAMPUS JOURNALISM & THE YOUTH IN TIMES OF CRISIS

*Keynote speech delivered at the Bibak High School
Tabuk, January 3, 1990*

As I speak to you today, the dust of civil conflict that flared up in Metro Manila at midnight of November 30, 1989, a National Heroes Day, has only begun to settle. We are not sure if this is going to be the last attempt at a forcible military takeover of our constitutional government. What we are sure of is that this is the most serious and deadly so far.

The latest attempt to stage a coup d'état has taken a heavy toll in terms of lives lost and properties destroyed. On top of these, there is the intensified polarization of our society. A society already divided in a complex configuration

or contending social classes, competing political forces and ideologies, and confusing tribal and parochial loyalties.

The coup was launched as a direct result of an unfortunate messianic complex that has developed among the hard line, right-wing faction of the Philippine military. But if we go deeper into the syndrome of a coup d'état, we find that its roots lie in a dark aspect of the military culture that has always been with human society ever since man learned to fight, to hate and to settle arguments and issues by force of arms.

Those who live by the profession of arms may argue that war is a natural activity of man. They argue that death-dealing weapons are necessary to man as life-giving tools. This has always been the argument of war hawk militarists who profit from the arms trade. They are in effect saying that human beings who believe in peace, who work for peace, who would rather see all weapons destroyed rather than see another war, are weaklings or idealists, dreamers or pacifists.

To the militarists, pacifism is a dirty word because you have to argue out all the sides to an issue. You engage in open ideological or philosophical debate, and you fight for issues like social justice, emancipation of women and children, preservation of the environment, respect for the indigenous cultures and the right to personal and communal security.

Pacifism is bad to militarists because here, you do not talk about military strategy and tactics, the wondrous advance in weapons technology, the beauty and drama of combat, the excitement of military plots and conspiracies, and the ultimate thrill of scoring a kill.

To the pacifist, on the other hand, militarism means taking the life of fellow human beings—either out of so-

called necessity or out of whims. It means developing a one-track-minded culture of violence which sees things in or either-or, black-white, we-or-them, kill-or-die perspective. It means spending millions or billions of money to create bigger and better weapons of destruction, when this money could have been used to save millions of children from early death due to hunger and disease, or to make lives of communities more productive.

Through the ages, the art of war has been elevated to a science. The merchants of death who deal in the traffic of arms, the policy-makers who wage war, the generals who issue orders and send soldiers to their death, have always been concerned with acquiring more and better firepower.

Let us take, as one example in this world of hatred and violence, the latest coup attempt that took place in Metro Manila. The last time that Manila experienced armed violence on a serious scale was the abortive coup attempt in August 1987. Before this, there was the Second World War which turned Manila into the second most devastated city in the world.

Last week, Metro Manila, especially those too young to have known what actual war looks like, witnessed the awesome destructive power of today's modern weapons issued to our military. Artillery, armor, aircraft, and ammunition ruled the day. This underscores the fact that war is simply the logical outcome of the politics of hate and violence. Many people were killed, both combatants and non-combatants, with scores wounded. Metro Manila was turned into a battleground between loyalists and rebel soldiers. People witnessed encounters involving armored personnel carriers, tanks, trucks, Sikorsky helicopters, Tora-tora planes, jetfighters and even US Air Force Phantom jets.

The feeling of anger, fear, terror, concern, madness, among Metro Manilans, and among other Filipinos is understandable. The only ones gladdened by this sad turn of events are of course the coup plotters within the military establishment, and their civilian supporters. The coup movement in this country has involved a strange mixture of anti-Aquino rightists and pro-Marcos diehards.

Even before the dust settled and the smoke of battle had cleared, post-mortems about the coup were already being provided by media and political commentators. According to the media and commentators, the right-wing coup is a challenge against duly constituted authorities, and a threat against our democratic way of life. The air support provided by the US Air Force was instrumental in holding back the rebel offensive. Though divided, the Armed Forces of the Philippines have largely remained loyal to the present government

But these would appear to be too simplistic conclusions, given the complex roots of the military rebels' discontent. On the night of Saturday, December 2, the rebel group was able to have its conditions aired over radio. Rebel demands include the resignation of President Aquino, Vice-President Laurel, Senate President Jovito Salonga, Speaker Ramon Mitra, the members of both Houses of Congress and the holding of a referendum to choose a new type of government.

These demands exposes the coup plotter's simplistic grasp of the complex problems of this country. And it is this issue that I now wish to address. The single most important issue now is PEACE. Peace means not only the absence of war or violence or armed conflict, but more important, it is the absence of injustice and inequality. The incontrovertible truth is that this society has never known the peace of social harmony and collective progress because majority

of our people are impoverished, exploited, and oppressed. When such a condition exists, naturally you can expect resistance, protest, and violence against the privileged who rule with iron hand.

The truth about insurgency is that yearnings of vast majority of the poor have always been answered by repression. Therefore, it is not correct for any government to assert that insurgency is an evil that must be excised by means of surgery so bloody that it often kills the patient. It is a malaise, a social syndrome of a much more serious and deeper disease that must be treated until the patient gets well.

The right-wing militarists who have been launching coups for the past three years intimated that when they ever get to seize state power, they will do everything in their power to wipe out the insurgency. With modern military weapons of counter-insurgency at their disposal, I'm afraid such a mentality can only lead to a bleak future of violence and counter-violence.

On the other hand, it is quite true that the present government has been very slow or even remiss in its policy of ushering in a new age of democratic space, empowerment and genuine progress for our grossly underdeveloped country. Charges of rampant graft and corruption, bureaucratic incompetence, and lack of political will have been directed against the government from all quarters—left, right and middle—can no longer be ignored.

If this government is serious with the goal of attaining peace as a precondition to unity and progress, then a complete overhaul of its values, priorities, and practices must be put into operation now.

I want to mention a very curious fact which, as far as I know, has not yet been raised during the past few days of alarm and angry outcries. The Metro Manilans have only

now experienced the kind of war that has been raging in places far from the nation's capital—in the rural areas where the military establishment in compliance with official government policy, has been bombing, shelling, invading communities which they suspect as sanctuaries or mass bases of insurgents.

So what we have is an unfortunate cycle of violence rooted in social injustice, which breeds revolutionary violence, revolutionary violence which invites state violence, state violence which perpetuate social injustice.

So, my friends, there is a need for a thorough-going peace education that should help overturn the culture of violence, promote humanist value and instill respect for human life, for the community and for our environment.

To this end, I want to address the following proposals to the young men and women engaged in the challenging pursuit of campus journalism.

First, even as young campus journalists, widen your perspective by deepening your consciousness of the history of Philippine society, politics and culture. As Cordillerans and as Filipinos, you are bound by a natural sense of duty to research and inquire extensively into the history of our people, the Cordillera region in particular and the Philippines in general.

There is so much to be explained in terms of how we, in the Cordilleras, as well as several million others, have become marginalized despite our rich natural heritage. There is so much to explain why Filipinos are reduced to poverty and hopelessness when it is estimated that our rich natural resources can support a population several times the present size.

Therefore, once you inquired and researched into the historical roots of our present situation, your sharpened

consciousness will tell you what are the main issues you should write about and be concerned with. And you will do so fully aware that as campus journalists, you are not in the business of simply recording events: you are in the business of recording SIGNIFICANT EVENTS, putting them together in a cohesive whole and helping your readers understand and gain deeper insight of current realities.

Second, the role of advocacy. The conservative approach in journalism teaches you to be objective, to be impartial to be fair and balanced in the presentation of news, facts and figures, to report things as they happen. But a more liberal, more progressive interpretation of the canons of journalism takes the view that the journalist does not simply report events. He does so with commitment in line with values and concerns held by the people. For instance, can one really write with complete neutrality, objectivity, or impartiality, when he or she makes a report on internal refugees, human rights violations, criminality, poverty, children dying from disease and malnutrition, coup d'états and threats to peace?

I believe that the writer, besides having his facts right must not be prevented from taking a particular stand in favor of the people's interest. I strongly favor advocacy journalism which I would like to define as "writing the facts, writing without fear, writing in favor of freedom." What, in particular, are the issues about peace that the journalist must write about so that its message can make itself felt throughout the community, and eventually throughout the nation? Briefly, I can mention the following:

- What are the actual conditions which would make for a situation of peace? By this, I refer to material and non-material conditions including the eradication of poverty, hunger and disease; just and equitable labor practices; redistribution of social assets

among those who have none in life and who contribute to social wealth through their labor, such as landless peasants; eradication of illiteracy, free access to all levels of education especially to the underprivileged.

- In political terms, what is the meaning of peace? By this, I refer to openness on the part of contending factions, parties, ideologies, armies, openness to negotiations regarding possible talking points and areas of agreement and compromise. The primary problems confronting our country today are underdevelopment and internal armed conflict. Historically, internal armed conflict arises from a condition of underdevelopment. An unresolved internal armed conflict, on the other hand, will never get us out of the state of underdevelopment. Therefore, we must have a political solution to this.
- And third, what are the avenues for peace? By this, I refer specifically to the peace process which involves the government, the military, the insurgents, the various sectors in society and people's organizations. The peace process would entail negotiations, truces, ceasefires, peace zones, and other medium-term arrangement which could later lay the ground for a just and lasting peace.

So, these are the main points in a journalist's agenda of research, inquiry, and advocacy.

If you, as campus journalists, can faithfully and painstakingly devote yourselves to the singular issues of peace, you will be treading on a complex, sometimes frustrating, but ultimately rewarding concern that is possibly the most important in our society, and in our entire planet, at present.

So, with this earnest thought and piece of advice, I wish you all the best in your writing endeavors. My parting thought is that journalism is not merely a profession dedicated to facts. It is a calling committed to the enhancement of life.

Thank you and good day. 



HUMAN RIGHTS & SOCIAL CONFLICT IN THE PHILIPPINES

*Speech delivered at the symposium on human rights sponsored
by the Commission on Human Rights, Baguio City, 29 July 1989*

Only a few days ago, President Corazon Aquino delivered her third State of the Nation Address. In that speech, she made a very short mention of human rights. The president declared, “The protection of human rights even under conditions of conflict must be a key consideration in military operations and missions.”

To those who have been in the forefront of human rights advocacy during the period of the Marcos dictatorship and the succeeding period of “democratic space,” two things come out upon reflection on the State of the Nation address.

One is that the most fundamental of human rights—the right to life and enjoy its blessings—still sounds alien and meaningless to millions of our countrymen who are mired in poverty. A great number of Filipinos still subsist under sub-human conditions. So perhaps, it is an unintended lapse on the part of the president when her speech contained nothing new about the legal and moral aspects of human rights question. Indeed, why put human rights at the forefront of public attention when the state is so busy confronting the problems of feeding the hungry millions and creating jobs for the huge army of unemployed?

Another reflection is the disharmony between the government's vision and actual implementation, between what the civilian says and what the military does. Only recently, two incidents have served to underscore with poignancy the presidential mention of human rights in her speech. The first was the ruling made by the government investigators that there had been no massacre of civilians in Paombong, Bulacan. And the second was the exoneration of the army unit charged with the massacre of peasants in Lupao, Nueva Ecija, "for lack of witnesses."

May I quote the sentence which preceded the president's mention of human rights in her address:

Such Operations (referring to the military) must take greater care to avoid collateral damage to the civilian population. For the moral ascendancy has accounted for the greater part of our superiority in this conflict.

I ask you, my fellow civilians:

After the findings on the Paombong and Lupao Massacres, and in the lights of the unabated bombing, shelling, strafing, and invasion of the Philippine villages in the countryside and in the mountain hinterlands, how can a government speak of "moral ascendancy"?

I have always believed that of all presidents who came to power in this country, it was President Cory Aquino who embodied the finest hopes of the Filipinos for a just and democratic governance. I suppose that her reputation for being honest and well-intentioned remain unsullied. But I join those who fear that she may have allowed too much influence from internal and external forces to bear down on the policies and priorities of the state.

I remember with sadness, for instance, that upon her arrival from her trip to Europe, she expressed great satisfaction over having negotiated new grants and loans because her government had complied with the conditionalities of the foreign creditors who demand 40 percent of our national budget for foreign debt service.

But one is reminded of the ominous note that greeted her arrival in Europe. This was precisely in connection with the issue of human rights. Not even the enthusiastic welcome she received in France—the supposed Cradle of the Rights of Man and Citizen—could blur the fact that Europe, a major source of official development assistance, was aware of the sorry state of human rights affairs in our country.

I brought up the issue of Lupao because the findings of the military tribunal which tried the case represent a new development in the annals of justice in this country. It is a very disturbing development, and should worry those who so rigorously but mechanically uphold the “rule of law” because court-martials are legally courts of law. Decisions made by them assume the force of righteousness unless overturned by higher courts. If there was no massacre in Lupao, and there was no massacre in Paombong, does this mean that there was no “collateral damage to the civilian population”? Does this mean that government’s “moral ascendancy” through its military agents remain intact?

Who then killed these peasants and fishermen, and how does one describe the perpetrators of those killings? Defenders of the people? We need not go far, of course. Right here in the Cordillera, so much violence has been occurring for the past months, most of which have remained unreported in the national press or at best, given a passing mention. The blight of mass evacuation due to intensive military operations has finally descended upon our region. The wholesale dislocation of entire villages and communities have been with us for many years now. Nearly every human right in statue books and international covenants have been violated in the ongoing exodus of non-combatants—mostly belonging to the marginalized sectors.

The Lupao incident, and the subsequent exoneration of those charged with having perpetrated the massacre, bring to mind the premises upon which House Bill No. 427 was constructed, and presented to the House of Representatives during its first regular session two years ago. This bill was an “ACT REPEALING PRESIDENTIAL DECREE NUMBERS 1850, 1822 AND 1952, WHICH PROVIDE FOR THE TRIAL BY COURT MARTIAL OF OFFENSES COMMITTED BY MEMBERS OF THE ARMED FORCES AND THE INTEGRATED NATIONAL POLICE FORCE RELATED TO THE PERFORMANCE OF THEIR DUTIES, AND RESTORING THE LAW AS IT EXISTED BEFORE THESE DECREES WERE ENACTED.”

In my explanatory note to the bill, I stated that these decrees violate and are inconsistent with the Constitution in various particular respects:

- PD 1850 contravenes the civilian supremacy clause of the Constitution in two major respects: It makes military courts superior to civilian courts. It places all military and police personnel above and beyond the reach of the civilian authorities for all crimes and offenses, even those that are not service-related

such as crimes against civilians and human rights violations.

- PD 1850 usurps the judicial power constitutionally vested exclusively in the Supreme Court and the lower courts by cutting off their jurisdiction over all such personnel for all crimes and offenses cognizable by the civil courts.
- PDs 1850 and 1822 deny the equal protection of the laws by unduly favoring members of the military police forces and giving them an absolute immunity from prosecution and all crimes and offenses. The classification embodied in these decrees is not based on substantial distinction which make real differences, is not germane to the purpose of the law, and does not apply equally to each member of the class under similar conditions.

Looking back at the House Bill No. 427, I am struck by one particular phrase that has acquired a more sinister color than it ordinarily should. This phrase is "service-related." Theoretically, a court-martial, or a military court is tasked to try only those cases which involve infringement of the laws of war and the code of discipline of the soldier, that is to say, "service-related."

In recent times, we have witnessed how the state, for all intents and purposes, justified all acts of war against its ideological opponents including non-combatants suspected of being rebel sympathizers, to be "service-related."

It is in this sense that I deplore the decision of the military court exonerating the military elements involved in the Lupao incident, due to "lack of witnesses." It is not difficult to imagine the predicament under which the survivors of the incident find themselves in.

Although I am member of Congress, and although I am a member of the House Committee on Human Rights, I would not hesitate to say that we in the legislative department may not have done enough by enacting laws that would put more teeth into the constitutional mandate of defending and promoting human rights in this country. But I would say that there have been efforts exerted in this direction. On the bills already filed and discussed in Congress relative to the question of human rights, I can mention a few.

House Bill No. 26, submitted to the Subcommittee on the Assistance to Victims of Human Rights Violations and their families. The Bill was entitled “AN ACT AUTHORIZING PAYMENT OF COMPENSATION AND PROVIDING OTHER FORMS OF ASSISTANCE TO AND REHABILITATION FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS AND THEIR FAMILIES, AND OTHER PURPOSES.”

In House Bill No. 26, we saw an effort to give a more or less comprehensive definition of what human rights violation is, at the same time putting in the proper context. Thus, in section 2 of this bill, it is stated that:

A HUMAN RIGHTS VIOLATION is an act committed by PERSONS IN AUTHORITY, or their AGENTS, or their AGENTS, or any other person/s under THEIR EMPLOY OR ORDER, with the duty to administer and enforce laws against civilians or groups of civilians rendering them unable to express or exercise their basic rights to life, liberty, property, and other basic rights guaranteed under the Constitution.

This definition is by now a universal acknowledgment. A HUMAN RIGHT VIOLATION is a violation by the state through any of its INSTRUMENTALITIES, and the weight of commission is necessarily heavy by virtue of the fact that the state and its INSTRUMENTALITIES are obliged by the fundamental law of the land, and by all civilized codes of

conduct to which the state adheres, to always uphold, defend, and promote the human rights of its citizens, even those who oppose its policies.

Section 3 of this bill enumerates the forms of human rights violations which are subject to punishment including Summary Execution, Salvaging, Torture, Abduction, Disappearance, Food Blockade (military authorities preventing the entry and exit of food supplies from a suspected rebel area), Economic Blockade, Hamletting, Illegal Raid, Illegal Search and Seizure, Illegal Arrest, Arbitrary Arrest, Aerial Bombing, Artillery Shelling, Massacre, Political Assassination and Rape.

Another piece of legislation introduced in Congress was House Resolution 261, By Congresswoman Coseteng et al., a "RESOLUTION EXPRESSING GRAVE CONCERN OVER THE VIOLENT DISPERSAL AND HUMAN RIGHTS TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION OF THESE REPORTED EVENTS IN VARIOUS PARTS OF THE COUNTRY, HELD ON AUGUST 26 AND 27, 1987, IN PROTEST OF THE FUEL PRICE INCREASES."

The House Committee on Human Rights also took up last year House Resolution 697, entitled "A RESOLUTION URGING THE HOUSE COMMITTEE ON HUMAN RIGHTS TO CONDUCT AN INQUIRY INTO THE MANAGEMENT AND HANDLING OF ALL POLITICAL DETAINEES," which was occasioned by the fact that at that time, hundreds of cases of alleged violations of human rights (were) pending before the Presidential Commission on Human Rights, some of which had been committed against political detainees while in custody of the authorities. And as the primary obligation so eloquently stated, "It is the primary obligation of the State to protect the rights of the accused whatever ideology or motivation has caused his incarceration, and ensure the delivery of human treatment."

One of the most important deliberations held by the House Committee on Human Rights in its three years of existence was a public hearing which it conducted on July 6, 1988. It focused its attention on the spate of violence in connection with the proliferation of vigilante groups. We were presented a litany of human rights violations which appalled us not because of their number—although the number exceedingly large—but more by the fact that this record of human rights violations was racked up not by an authoritarian government, but by a supposedly liberal democratic dispensation.

By way of closing, allow me to advert to the Committee Resolution of the Congressional Committee on Human Rights. Having gone over voluminous reports on human rights violations for the period March 1986 - March 1988, the Committee was convinced that we were going nowhere near the much-heralded goal of democratization and social justice.

The Resolution stated:

Human Rights violations are being committed, and no declaration to the contrary in the midst of the obvious can change that. This time, the people are demanding swift and decisive action. This administration assumed power by virtue of the people's direct mandate, principally because it has committed itself to guarantee what the deposed regime disregarded with impunity: the primacy of human rights. In just a little less than three years, this administration has surpassed the human rights record of the previous dictatorship.

Two hundred twenty-five armed vigilante and fanatical groups have been recorded to date...political assassinations have remained unsolved. Ambuscades have gone from isolated incidents to a sustained and insidious plot

to eradicate any and all forms of lawful dissension of legitimate advocacy.

We have reached a point where we can no longer impute liability to those atrocities, demonstrate a strong political will and send a message in no uncertain terms to all agencies of Government that any desecration of the people's rights would be dealt with.

As you very well know by now, when our President was in Europe, she told her audience, as reported by the *International Press*, that “Philippine Communist rebels, not government troopers, were responsible to most of the attacks on civilians which are being described as human rights violations.”

Personally, I am beginning to feel pessimistic. If the leader of the country herself could go the extent of completely exonerating her military from the abundant charges of human rights violations, then I suppose we should not at all express surprise that a military court-martial could easily exonerate an army unit for what had clearly been a savage travesty of human life. The court-martial found no witnesses, and let the perpetrators free.

Despite everything, however, I urge you all never to flag your efforts to defend the sanctity of human life, even when the walls of hope seem to be closing in on us, and the world's horizons are tinted with darkness and blood.

Thank you and good day. 



A REJOINDER TO DETRACTORS, RED-BAITERS & PURVEYORS OF LIES

On September 18, 1990, a news article written by one Raymund Catindig appeared in *People's Journal* with this heading: "Rep. Claver supplied food, guns to rebels." The story, supposedly based in the interview conducted in Camp Upi, Isabela, averred that "a former rebel has linked Kalinga-Apayao Representative William Claver to the Communist Party of the Philippines and its military arm, the New People's Army."

This "former rebel" is a former NPA political officer Edgardo Tallung who is now with the Army's civilian militia group. Reporting on Tallung's "revelations," writer Catindig embellished his article with a brief "backgrounder" to the effect that in 1988, "then Kalinga-Apayao Provincial Commander Col. Renato Aguda also lambasted officials in the province headed by Claver and Governor Lawrence

Wacnang for their indifference to the military’s counter-insurgency drive.” Catindig then fabricated facts by claiming that “Claver at that time filed several charges of human rights violations against Aguda.”

But I am less concerned with the resourcefulness of reporter Catindig—who must make a living and whose “facts” I will briefly comment on—than with the tragic turn that “witness” Edgardo Tallung’s life has taken.

The basis for the Catindig “expose” is an old affidavit executed by Tallung years ago, when he disappeared briefly only to resurface under the custody of then provincial commander Col. Rodolfo Aguinaldo, the mutinous officer whose human rights violations during the Marcos regime are well-documented by Amnesty International. However, if Tallung has actually reiterated and rehashed these old charges against me, one can only surmise that he has perhaps completed the torturous transition from the cause-oriented religious Pastor that he was in the early eighties, to a salaried military asset who can be ordered to testify on anything against anyone. The history of military assets in this country is a sorry one, if we go by the record.

Allow me to recount the unfortunate odyssey of Edgardo Tallung.

His history is well-known among many in the Cordilleras, especially those who had fought the Marcos dictatorship, some of whose minions would later succeed in turning Tallung and others like him against their own people. I met Tallung in 1984. He was an Isneg leader (I suppose he no longer is, being a civilian militiaman of the Army), and he was then a religious pastor who was involved in the protest against the government’s harsh counter-insurgency campaign in Pudtol and Flora, hillside villages subjected to indiscriminate bombings.

This was the time of the infamous Marag Valley bombardment by the Marcos AFP, when hundreds of Isnegs from Apayao were being displaced. Tallung was suspected of being an NPA sympathizer, especially since he was active in tracing the whereabouts of villagers who had been snatched and detained by the 17th Infantry Battalion. Fearing for his life, Tallung ran to Tabuk and sought my help. I assisted in organizing a series of fact-finding missions to look into reports of massive displacement of the civilian populace due to the military attacks.

I asked Tallung to join, and even spearheaded one of these missions. He was quite active in the protest movement from 1984 to 1985, and until the first months following the EDSA revolt. Sometime in March or April 1986, a rally was held in Tuguegarao to denounce military abuses. One of the demonstrators, a teenage boy who carried one of the placards, disappeared, Tallung was among those who identified Aguinaldo as the one who kidnapped the demonstrator. He promptly reported the matter to us. But shortly thereafter, Tallung and five of his companions disappeared, too. We mounted a search for them until we learned that they have been detained by Aguinaldo's unit. I reported this unlawful detention to the Presidential Committee on Human Rights, then headed by Jose Diokno.

Pressured by the PCHR to explain, Col. Aguinaldo released the detainees—except Tallung. On July, 7 1986 the PCHR's Sister Mariani, Quezon Avancena, Haydee Yorac and myself (I was a member of the PCHR and concurrent OIC Government of Kalinga-Apayao) went to Flora, Sta. Marcela and Pudtol to conduct an investigation on reported military abuses. I went ahead of the others. Upon alighting from their plane at Tuguegarao, the fact finding team were met by Aguinaldo and his men bearing placards denouncing the PCHR as Pro-NPA. Col. Aguinaldo bad-mouthed me as a "Communist."

But Tallung was nowhere to be found. I made the rounds of military camps in Tuguegarao, Solana, Baggao, and elsewhere. At the same time, I kept submitting reports to ranking regional commanders, regarding Aguinaldo's policies towards the people, but nothing came out of the complaints. I sensed that even the ranking commanders were in fear of Aguinaldo, then the overall intelligence chief of the Regional Unified Command.

A week later, I was informed by PC Regional commander General Avila that Tallung had been traced to a lumber company in Baggao, where he was now, suddenly an employee. I received a note from Tallung, asking me not to attempt to locate his whereabouts anymore. Avila told me that Tallung had executed a derogatory affidavit against me, in effect giving a cachet of “legality” to the wild charges cooked up by Aguinaldo and his mob. Well, I frankly told the regional commander: “If you believe these claims, file charges against me.” The sensible general never did. For he could not without committing a travesty of justice. I also told Regional Unified Command General Ribo to verify this charge and he advised me to keep my cool since the charges were not credible.

In 1987, the contents of the same affidavit executed by Tallung were being leaked to the public by my political opponents during the congressional elections. My opponents even petitioned the Comelec to postpone elections in Kalinga-Apayao as they claimed that I was “using the NPA” in my campaign. To add absurdity, the petition claimed that I was using the AFP to intimidate the people to vote for me. Perhaps not entirely absurd: if everyone believed this petition, then I would have been in danger from the “other side.”

I remember mentioning this harassment to General Brawner, who said it was all raw information or hearsay,

and that he himself was not aware of any verification being made. Still, I learned that a series of intelligence reports appeared, and it was a confusing product of “monitoring” by the military. One report said I was traveling around with NPA bodyguards, another report claimed I was being escorted by the PC and armed partisans.

This whole incident could be dismissed as continuing comedy, except that recent tragic events have added an entirely new and macabre dimension to the “Claver is a communist” canard. And it is in this light that I now chose to view the sudden resurrection of the utterly baseless, absolutely unreliable affidavit executed by this tragic figure named Tallung.

My son Ayangwa was murdered in an ambush on January 21, 1990 in Kalinga-Apayao. A shadowy military group operating in the Cordillera headed by an intelligence officer has been identified as the primary suspect behind the slaying. A hearing of the murder case had been set last September 19 in Tabuk. Interestingly—could it have been a mere coincidence?—Catindig’s article appeared in the *People’s Journal* on September 18, a day before the scheduled hearing.

One may speculate at this point: why this particular timing? Would it not be logical to think that such disinformation could be used to create the impression that “a communist, or suspected communist, can be expected anytime to blame the military”? Rather than focus on the outrage of a parent whose son had been treacherously murdered; rather than focus on the merits of the case for which we have been painstakingly gathering evidence and testimonies, why must public attention be drawn again to the spurious charges of “communist-coddler” and “NPA-sympathizer” which are bandied about from time to time, as if on cue?

My son’s assassination has spawned a horrendous sequel of other killings.

Already, two witnesses who were at the scene, and who could have been part of the group, have been killed. They have agreed to give information about this shadowy group who perpetrated the murder. A third witness, also a member of this group, is still in hiding and cannot be contacted by us, because he fears for his life.

The claim that “Representative Claver supplied food, guns to rebels” is absolutely false, has never and can never be proven, and at the same time is designed to becloud the larger issue of the terror tactics being employed by some vicious elements of the military, among those victims is my eldest son, Ayangwa. I recall that in May 1989, soon after I called a press conference in Congress to expose and denounce the Sabangan Massacre in Kalinga perpetrated by PC and CAGU elements, the local press again printed the same old charges versus Claver. Clearly, these charges have followed a pattern of deception, derogation and disinformation.

I am not surprised at the level of political sophistication in this country. Recall that in September 1987, Vice-President Laurel in his “expose” quoted from the NICA Director Canieso’s “confidential report” that the Free Legal Assistance Group (FLAG)—headed by Senator Diokno and of which I was a member for a long time, was a “communist” organization. If you can believe that, you can believe anything that comes out of benighted, blighted minds.

Now, a word on Col. Aguda, I have had disagreements with the colonel, especially with the way counter-insurgency operations have been conducted in the north, resulting into unnecessary hardships, injuries and deaths among innocent civilians, but it is not accurate to say that Con-

gressman Claver has “filed several charges of human rights violations” against him. I never did.

After I read Catindig’s article in the *People’s Journal*, I wired Brig. Gen. Orlando Soriano in Camp Upi, Isabela, requesting him to inform me regarding developments in the investigation of the charges against me, which he reported to have ordered. I have not received a reply from him up to this writing.

Catindig’s article ended curtly with “Claver could not be reached for comment.” I suspect he never tried. I could have been reached easily in my office in Congress, or in my house in Tabuk. And I suppose he had a deadline to beat: the day before the hearing of Ayangwa’s case.

As for Edgardo Tallung, his name and his un-Christian affidavit (extracted through God-knows-what-means), will keep cropping up for as long as the age-old troubles in the Cordillera remain, and may even outlive him. He shall be forgotten as someone who was once presented himself as a pastor to his flock and defender of his people. He shall only be remembered as a military asset forced or paid to lie.

But still and all, I wish him well. And I devoutly wish what we shall all live to see the day that peace, and justice, finally dawn upon the bloodied land of the Cordilleras, which is dear to us and to our ancestors. 💣



MILITARIZATION & THE KNIGHTS OF COLUMBUS

*Response to the position paper of The Knights of Columbus,
Council No. 10583 denying the documented and confirmed
military abuses against the people of Pinukpuk and Balbalan,
Kalinga-Apayao*

We not only live in a dark time of renewed repression against our long-suffering people. Worse, we have in our midst benighted minds and callous souls who deny the existence of criminal abuse and wrongdoing committed by the very agents of government duty-bound to uphold and defend the rights of the people.

On July 28, 1991, a group of concerned citizens from the government, ecumenical church groups, and non-government institutions put out a statement in the *Sunday*

Inquirer. We denounced the wanton abuses of the human rights of individuals and indigenous peoples' communities by the AFP, whose troops deployed in Kalinga-Apayao have been active since January 1991 in counter-insurgency operations, shelling, bombing, strafing and assaulting areas in Pinukpuk, Balbalan and Conner, with these operations: rape of women and the use of children as human shields, the destruction of hundreds of hectares of rainforests, burning and destruction of fields and crops, blockade of food supply lines to communities already deprived of their harvests, slaughter of farm animals and ransacking of houses by marauding soldiers of the Republic.

Were all these figments of the imagination? The Knights of Columbus, Fr. Victor Pil Council No. 10583, who signed the Position Paper, appear to have thought so. Mass hallucinations cannot possibly happen when you have institutions and individuals from many sectors engaging in fact-finding missions to ferret out the truth.

It cannot happen when you have—as we who issued the July statement do—a sheaf of affidavits executed by the courageous people of Pinukpuk and Balbalan, Kalinga-Apayao, attesting to the factualness of abuses and violations of human rights, specifically by soldiers and CAFGU elements of the AFP, as well as by despotic and oppressive local authorities such as Mayor Belac of Pinukpuk, himself the subject of many complaints among the people.

The Ecumenical Movement for Justice and Peace has conducted several fact-finding missions in the area since January of 1991. The last one it attempted was in September of this year. According to its findings in January alone, thousands evacuated closer to the highway as a result of military operations against dissidents. By May, many of them were still unable to go back. That month, a women's delegation on a mercy and fact-finding mission was stopped

by Mayor Belac. In July, medicines made available by the Medical Action Group for the evacuees were confiscated by this local tyrant. In September, a mercy mission tried to get back the medicine intended for the evacuees, but failed.

We doubt very much that Pinukpuk's Knights of Columbus have any idea of what mercy and fact-finding missions are all about, much less read or seen fact-finding reports and affidavits from victims themselves. Ensconced as they are in the poblacion, insulated willfully from the raging war and the endless suffering going on in the hinterlands, these people are truly BENIGHTED, concerned only about the reputation of the military, and preaching reconciliation without first addressing themselves to the actual, life-and-death problems of their countrymen! Human rights, peace, justice: these are real figments of the imagination, because they are practically non-existent in that God-forsaken part of our country.

We appeal to our brothers and countrymen in the Knights of Columbus, to allow some light of truth into their benighted minds, to cast aside their blinders and open their eyes, and to listen closely to the sounds of war and the anguished cries of the people of Kalinga-Apayao. We should perhaps send them copies of the voluminous fact-finding reports compiled this past year, not only by ecumenical church groups, not only by non-governmental organizations (NGOs), but also by GOVERNMENT AGENCIES such as the Department of Justice and the Commission on Human Rights, so that they may properly be guided.

If they are fearful and simply choose to ignore the injustice around them, may the collective outcry of the people of Kalinga-Apayao impart some courage on them. If they are totally ignorant of what has been happening, let the truth set them free. 

PART

4

**ON RURAL
DEVELOPMENT**





ROLE OF ELECTRIC COOPERATIVE IN REGIONAL DEVELOPMENT

*Speech delivered before the Kalinga Electric Cooperative
Conference on Power and Energy, March 18, 1989, Tabuk, Kalinga*

The “people-power” revolution at EDSA was said to have “energized” millions of Filipinos into the realization that they could take destiny into their own hands and convert it from a simple flux of events into a dynamo of democratic energy.

The downfall of the dictatorship for the many, marked the end of Philippine freedom’s decade-long “brown-out.” For those who had suffered imprisonment, torture and even death, it was not simply a “brown-out” but a total “black-out” of our freedoms and liberties. We who live in the Cordillera were no less victim to the extreme policies of the dictatorship. Can we ever forget the technocrat-

instigated, anti-people development scheme known as the Chico River Dam Project of the World Bank? How can we forget it when it signaled the beginning of a united Cordillera action against the impositions of the power elite who would PLAN FOR US, PLAN WITHOUT US? How can we forget the heroism of Kalinga leaders such as Apo Macliling Dulag? How can we forget those who paid with their lives against progress which ignores history, culture and birthright?

I think I am beginning to sound rather ponderous and weighty at this point, and it may or may not have anything to do with a politician's so-called propensity to break promises. But you will understand such an outburst, because you and I were very much affected by the Chico controversy.

Let me get back to that "electrifying" event in 1986.

So much water has passed under the bridge. Things appear to have gotten back to normal. And in the Philippine context, what is normal can be frightening. Many are now saying that the explosive energy generated by the firestorm against the dictatorship has largely ebbed. Cynicism is gradually on the rise as new generation of tyrants emerge.

My reading of the situation is that all is not lost. Partisan bickering, ideological conflict, selfish vested interests, and unreconstructed values may have "short-circuited" the democratization project on which the present government premised its ascendancy to power. But in our own little way, we can develop means and processes of realizing the good life under conditions of a just and lasting peace.

At this point, this is all we ask: PROGRESS and PEACE. What should be the attributes of PROGRESS? One, it must be people-oriented. Rather than construct monstrous hydroelectric projects in the area that would consign whole villages and cultures into the permanent oblivion of water

and mud, we instead concentrate on appropriate technologies that take into account the needs of the community and their cultural values. In this sense, community-based electric cooperatives such as Kaelco are true examples of "people-based dynamos of progress." In connection with this, projects should be able to provide affordable facilities and services to the community.

Two, it must be able to integrate community, regional, and national needs. If a giant dam is considered, planners must look at all possible angles. What percent of the population will it benefit? Will it be for good of the majority? How will it affect the interests of the minority who stand to lose in the scheme? Does it pose a threat to the environment? How much social income can the people derive from it? Is it the only way? Are there any alternatives or options open, especially in terms of medium-scale, appropriate technologies which are cost-effective and which pose the least threat to a particular culture and to the ecology? These are only some of the considerations that will have to be confronted.

On the other hand, all attempts at achieving progress will be meaningless if we do not attain the necessary conditions of peace and stability. This is not a simple chicken-and-egg formulation. Progress without solving conditions which gives rise to armed conflict can mean that progress will be imposed by decree, if not by force of arms.

The Kaelco may be a tiny dot in the general grid of progress. In fact, it is servicing or energizing only three municipalities and not the least of its problems is the lack of a regular administrator.

But under the general scheme of regional autonomy being hammered out right now by Congress, problems such as the ones besetting a well-intentioned but severely limited electric cooperative may become a thing of the past.

In the first place, autonomy envisions a greater share of public revenue going to the autonomous region and much greater control by the region's planners, administrators and citizens over the disposition of funds for development projects.

We envision a humming regional community of commerce, education, technology and industry with small and medium-scale enterprises benefitting from sufficient power generation, efficient infrastructure and transparent public legislation and planning.

When we say POWER, so many things come to mind. The power of the people to chart the course of their lives through democratic processes, the physical power for which the Cordilleran is noted, having transformed mountains and valleys into breath-taking rice terraces that inspire and awe any man alive. And of course, power generated from natural forces lighting up our homes, schools and hospitals.

I am confident that with the help of our Creator, faith in our resilience and our indomitable spirit of freedom, we can face up to the most complex challenges of modernization. We know that modernization and technology are simply means to an end. And because they are simply means, we can have alternatives towards progress if we so choose.

Our end, of course, remains the same. And that is: the integrity of our heritage, and the integrity of our ancestor's domain. 



LIBERATING FARMERS THROUGH AGRARIAN JUSTICE

Majority of our farmers still confront problems inherited from centuries of colonialism and underdevelopment. The most enduring of these is that of ownership and control of the resource on which they toil: LAND. Having invested labor power in the production of food for society—in the same way that their forbears did—they find themselves hungry, poor and perpetually indebted.

Productivity is not the main problem of Philippine agriculture today. Rather, it is the lack of political and economic empowerment. That is to say, rural poverty amidst conditions of general underdevelopment brought about by social injustice and grossly unequal distribution of social wealth.

I believe that any conference about agriculture must be cognizant of the political-economy of the agrarian prob-

lem. This has continued to be a primary determinant of development or underdevelopment. Therefore, I urge the future farmers and the future agricultural homemakers to look at agriculture as a human activity with social equity, collective productivity and growth and technological innovation. After all, rural development is not limited to high-yield varieties, bumper-crops, farm gate prices and farm-to-market roads but the liberation of the Filipino farmer from poverty and hunger.

The theme of this Third Regional conference of your organization cannot be more apt: BAYAN MUNA BAGO ANG SARILI. It has been said that this slogan is more applicable to people in government than to the ordinary farmer who must think of his family's next meal as he ekes out hard living from the rugged land with bare hands. But I suppose it is the youth of the land—indeed those who represent the future—who can best understand this fortuitous slogan.

This predominantly agricultural country is expected to remain underdeveloped in agriculture for some time to come. We are not even talking yet of our backward industry which, under present conditions, can grow only if we have viable agriculture.

I wish you Godspeed and success in your third regional conference. 🍎



TO BE FREE FROM WANT & FEAR

*Speech delivered at the Agro-Industrial Fair
Tabuk, Kalinga-Apayao, 1990*

Recent events have not been propitious for us here in the Cordillera. It is as if we are being sent one bad omen after another. Events seem to be telling us that unless we find peace in our hearts and seek it in the hearts of our fellowmen, we are doomed to a life of violence.

I would not want to bring up the matter of a personal tragedy before you. But what happened to my family only a couple of months ago is perhaps symptomatic of the level of civilization we find ourselves in. Human dignity, honor, the laws of God and of men demand that the ends of justice be served and just retribution must come sooner or later.

In a large sense, a personal tragedy such as that which befell us would simply be a reflection of the human con-

dition in our national society. There is a cycle of violence which is rooted in the inability of the system to harmonize conflicting interests. There is a fundamental conflict of interests in our society because the vast majority of the people demand social justice, economic progress and genuine development premised on the empowerment of the people. On the other hand, those who control political and military power and command tremendous economic resources have failed to meet this demand. Instead, they have widened the chasm between themselves and the people by carrying out a policy of war and confrontation instead of dialogue and consultation.

On the regional and national levels, two events directly affect us in a very detrimental manner.

One is the defeat of the Organic Act for an Autonomous Cordillera Region except in Ifugao. Of course, the one-province autonomous region has come under ridicule because this development has completely defeated the very spirit of regional autonomy. It is precisely because of this anomaly that more time is needed for re-evaluation, hence the recent decision to postpone for next year the elections for regional government.

Another development is the political turmoil in Region 2, with which the Cordillera region is contiguous. Should all-out war break out in Cagayan, there is no doubt that the arena of conflict will widen and we might again see the widespread outbreak of violence in our homeland.

What are the lessons we can derive from these two developments?

Regarding the failure of the Organic Act, I can say that this has been a case of resistance to gradual reform resulting in the triumph of the political and economic status quo.

And regarding the Cagayan situation, I would say that this is a continuing manifestation of the basic instability of a government that started out with very credible and commendable socio-political goals, but failed to wield enough political will to ensure agro-industrial basis for national development.

This is clear enough if we look back at the root cause of insurgency and the coup attempts. Hunger and poverty, lack of jobs and justice, graft and corruption, dependence on foreign power, lack of true independence and sovereignty, a backward economy which is export-oriented and import-dependent. Specifically, a backward agricultural economy which cannot feed millions and have had to import rice. We export the best agricultural products such as premium bananas and giant prawns. Imported goods freely flow in to the detriment of our agricultural and manufacturing sectors.

It has been pointed out that long before the Marcos dictatorship, the Philippines was enjoying an enviable position among the Asian economies. In terms of economic growth rate, we were only second behind the fast-rising economy of Asia. Countries from all over were sending their experts to learn more about agriculture from us. In the industrial sphere, we were starting to have the beginnings of a national industrial sector protected from unfair competition coming from the giant foreign multinationals.

All that changed when the Marcos dictatorship came to power. In the beginning there was spectacular promise of change—agrarian reform. A five-year economic plan, infrastructure, development of science and technology and agro-industrial development. But the ways things turned out, development schemes became no more than showcase projects, many of which were mere ruses for enormous bureaucrat profits through graft and corruption, kickbacks

and commissions. The much-touted Green Revolution indeed realized greater yields of grain per hectare but it did not liberate the Filipino farmer because the new high-yielding varieties needed expensive farm inputs such as inorganic fertilizers and chemical pesticides. The poor Filipino farmer who had been issued certificate of land transfer found himself unable to keep up with the amortizations on his land and at the same time that he kept worrying how he could pay of his other debts incurred due to high costs.

Thus, after two decades of Marcosian misrule and thievery, our resources begun to be depleted. We were nowhere near farmer emancipation or industrial development than when we started. In fact, by the time Marcos was ousted, the Philippines had already lagged behind all others in Asia, except for Bangladesh. In 1985, our growth rate plummeted to negative 5.7 percent. Our people were among the most malnourished in the world and one of the highest rates in terms of human rights violations documented by local and international human rights organizations.

Now almost five years after the downfall of the dictatorship, how better off are we? Are we developed agriculturally, and industrially? Are there less malnourished children? Are there fewer hungry people? Are there more jobs for our huge workforce?

In short, at the present time, do we have MORE FOOD, MORE FREEDOM, MORE JOBS, and MORE JUSTICE? If we can say yes to these, then the war, the violence, the hatred, the oppression around us are figment of our imagination.

Despite the best-laid plans of a charismatic president and those who had visions of social democracy and people's development when they were still part of the opposition to the dictatorship, many structures remain to be dismantled before we can move towards economic take-off.

One structure is the elite ownership of vast tracts of prime agricultural lands. So far, the Comprehensive Agricultural Reform Law has not made any dent because of the opposition of landlords and politicians who have interests to protect. With true agrarian reform, our millions of rural peasants, farm workers, and agriculturists will realize increased incomes. The quality of life in the countryside will improve at the same time that an impetus for basic manufactures will be generated. One of the elementary realities about Philippine economy is that we do not possess basic industries such as those for the manufacture of basic chemicals and capital goods. We have to import all these. What we have right now are semi-manufacturing, processing, packaging, assembly and reprocessing.

Another area that should not be overlooked is the ecological dimension. At this point, I urge my countrymen to lay EQUAL EMPHASIS ON ECOLOGY. What use is the most balanced Agro-Industrial Development in the world if this is at the expense of or to the neglect of the natural environment?

Above all, let us insist on POLITICAL WILL. But this is not merely what the social scientist refers to as the political will of the administrator, of the government or of the state. This is also what we, the people, have always felt must take precedence over everything else: the will to have the public interest served, not the vested interests of those who ruined this country while enriching themselves beyond imagination.

I believe in three basic imperatives that we as a people need to follow:

The first is a SENSE OF SOLIDARITY. As Cordillerans, we must put an end to the feelings and motivations which divide us. As Filipinos, we must believe that the salvation of our family, our clan, our community, our ethnic group, is

possible only if we believe in common destiny for the vast majority of Filipinos who have remained marginalized.

The second is a DESIRE FOR PEACE. This makes it possible for us to convene together, conduct dialogues, thresh out our problems, seek solutions to problems common to all of us and draw strength from our spiritual resources as a freedom-loving people.

And the third is an abiding FAITH IN THE POWER OF THE PEOPLE TO EFFECT CHANGE. Politicians like myself can only serve to articulate the demands and aspirations of citizens and constituents. I am powerless without my mandate. Whenever you perceive that those who wield institutional power become remiss in representing your demands, aspirations, and interests, then it becomes incumbent upon you to put up formal and informal organs of collective consultation and political initiative so that your voice becomes unified and infinitely stronger than the empty promises or threats from those who usurp power for their selfish ends.

So I would like to leave with you these brief reflections. It is really so much easier to give a speech and to make admonitions than to produce something from the ground. But thoughts, ideas and theories sometimes have the effect of organic fertilizers. They can help make some things grow in the rich furrows of man's mind and imagination. I only hope my words today could have even a minimal effect to that end.

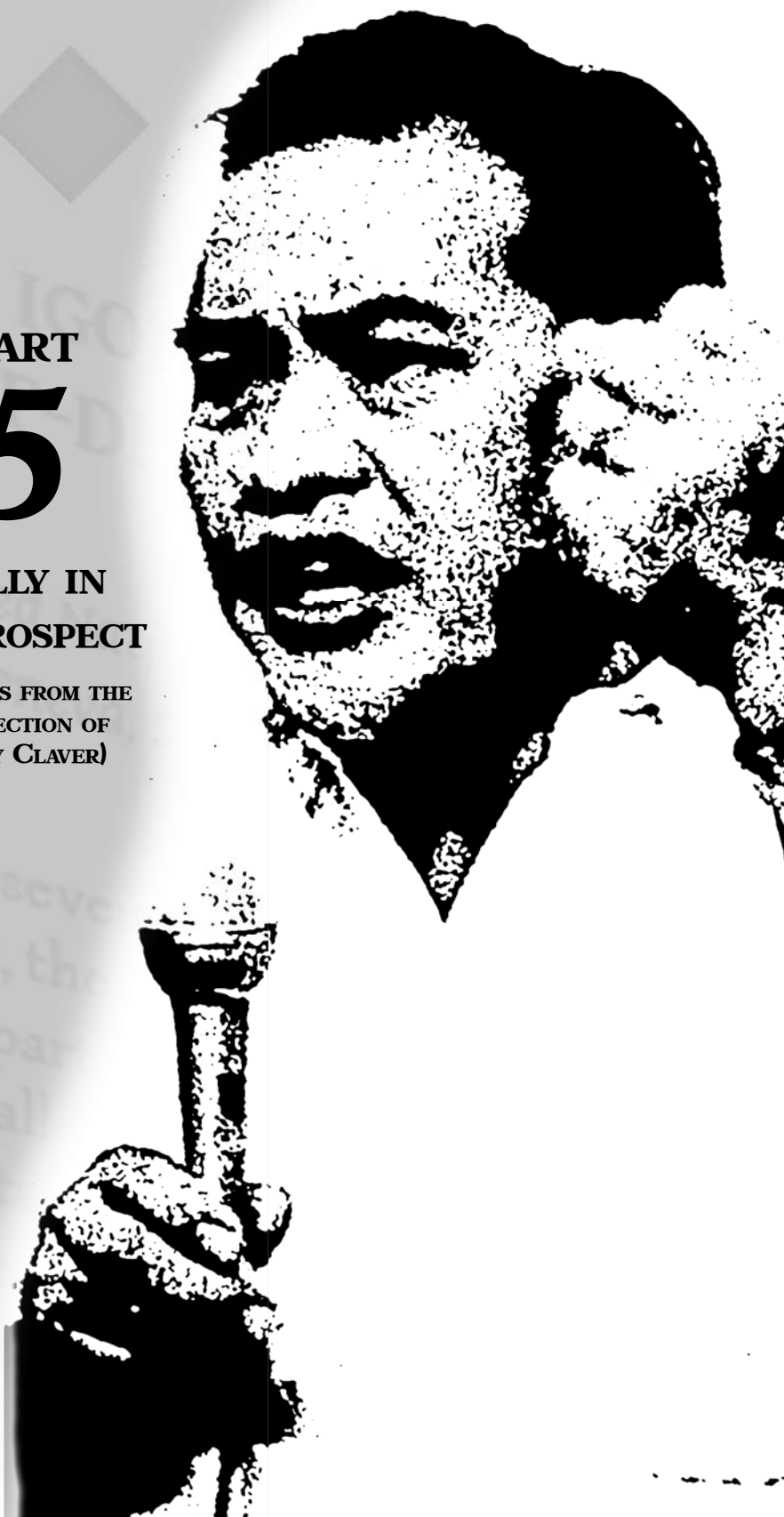
Thank you for being a good audience and I wish you all a good day. 🍎

PART

5

**BILLY IN
RETROSPECT**

**(PHOTOS FROM THE
COLLECTION OF
BILLY CLAVER)**





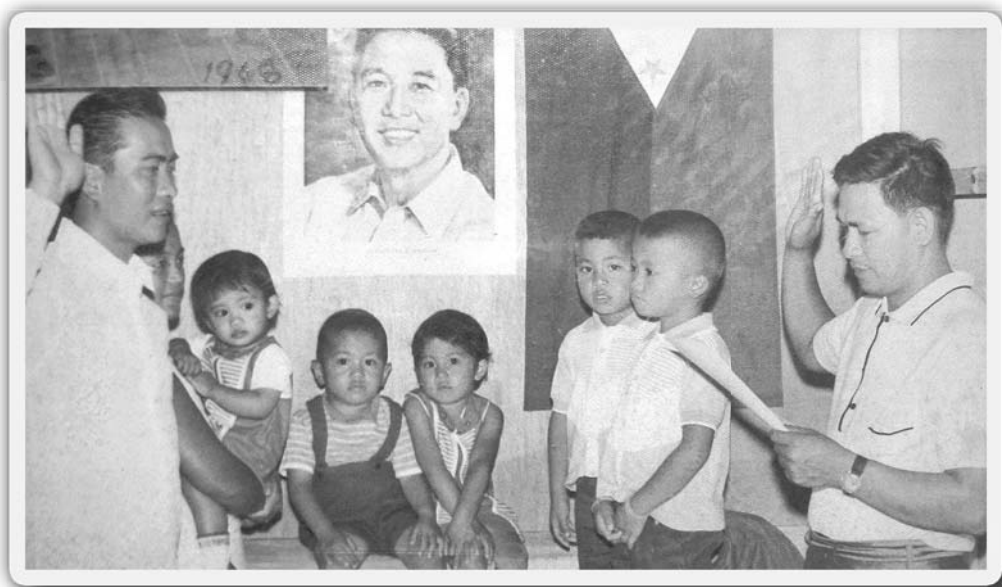
The union of Billy and Jane Claver, July 2, 1961 at Baguio Cathedral.



Oathtaking, elected Councilor number one, Mankayan, Benguet.



Acceptance speech, Councilor, Mankayan, Benguet, 1962.



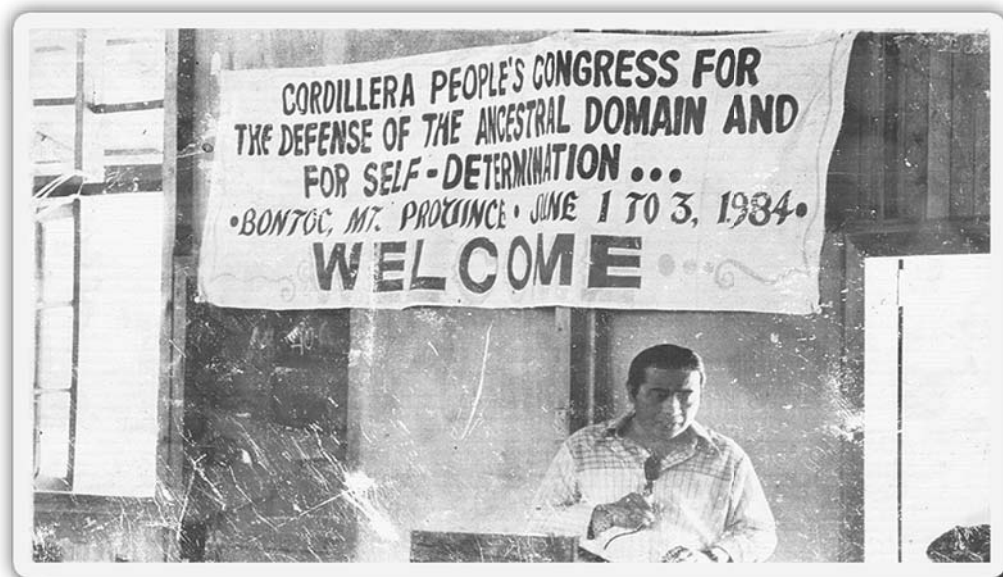
Oath Taking, Municipal Judge, Sagada, Mountain Province, 1968. With wife Jane and children from left: Enden, Dwahgan, Cabnah, Balag-ey and Ayangwa.



Sponsorship speech introducing Ancestral Domain Bill in the 1971 Constitutional Convention.

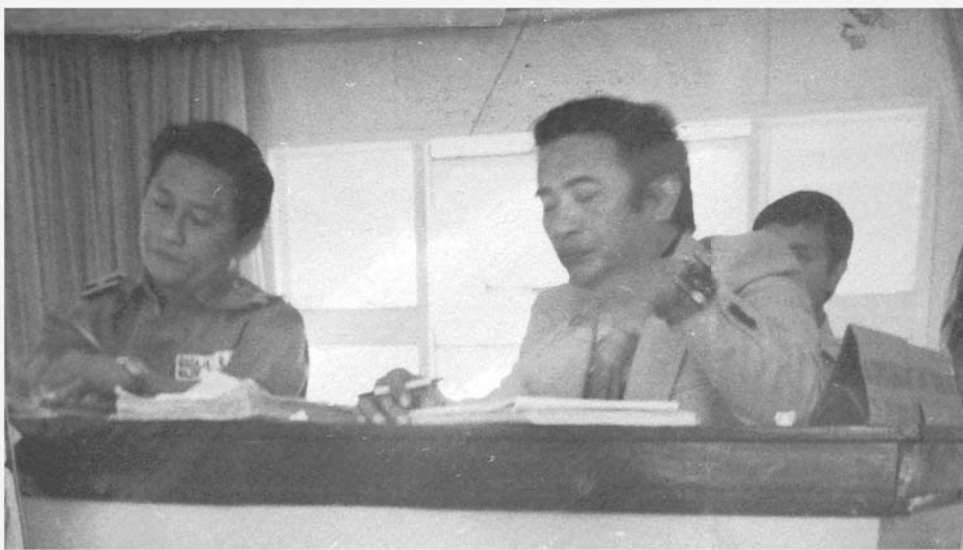


Scheduling the Ancestral Domain Bill for Adoption by convention.



Cordillera Peoples Alliance Founding Congress.





For the prosecution. Trial and conviction of Lt. Adalem for the murder of Macliing Dulag, Camp Dangwa.



FLAG lawyers Atty. Joseph Humiding and Atty. Pablito Sanidad observing proceedings at the Adalem trial.



With wife Jane Abeya Claver and Cory Aquino, Presidential Campaign, Tabuk, Kalinga, 1986.



Former President Cory Aquino flanked by Jane and Billy. Explaining the difference between Agrarian Reform and Right to Ancestral Domain.



Demanding justice for victims of human rights violations.



Oath taking as member, Presidential Commission on Human Rights, 1986.



Taking up the Cordillera Autonomy issue with former President Cory Aquino, 1989. Billy at far right.



Reaching out to indigenous peoples in Mindanao on the proposed Commission on Cultural Communities and Ancestral Domain (CICCAD), 1990.



Plenary debate on Cordillera Autonomy, House of Representatives, 1990.



Human Rights luminaries during the conferment of the Code of Kalantiyaw by former President Ramos to Justice JBL Reyes, 3rd from right, 1993.



A light moment with a flat gong.



Billy and Jane, an enduring bond of more than 50 years of marriage.

Senator Tañada, Atty. Claver and I are members of an organization called the Free Legal Assistance Group. There are 117 of us but unfortunately for your region, we only have Atty. Claver, and he is overworked.

- Senator Jose W. Diokno, quoted by the NORTHERN CHURCHMAN during a symposium on Civil Liberties, July 20, 1980, Bontoc, Mountain Province.

Atty. William F. Claver has been in the forefront of human rights advocacy in our region, especially in the areas covered by the Episcopal Diocese of Northern Philippines, since the declaration of Martial Law.

- The Rt. Rev. Richard Abellon, Bishop of the Episcopal Diocese of Northern Philippines, during a symposium on Civil Liberties, July 20, 1980, Bontoc, Mountain Province.

Atty. Claver dared to stand up for the rights of the Cordillera people during Martial Law when many lawyers were intimidated by the military. He selflessly defended victims of human rights violations who are mostly poor farmers. Had there been two or three lawyers with Atty. Claver's daring and dedication, it would have been easier for our people during Martial Law.

-Rev. Eduardo P. Solang, former Provincial Board Member, Mountain Province and past Chairman of the Cordillera Peoples Alliance, April 24, 2003.

