



Graduate School of Development Studies

**Youth life and Landscape:**

How indigenous youth in the Philippines perceive their participation and experience in the process of pursuing the Certificate of Ancestral Domain Title

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## List of Acronyms

AD – Ancestral Domain  
ADSDPP - Ancestral Domain Sustainable Development Priority Plan  
CADT – Certificate of Ancestral Domain Title  
CSWD – City Social Welfare and Development  
DAO – Department Administrative Order  
DENR – Department of Environment and Natural Resources  
FPIC – Free- informed Consent  
IP – Indigenous Peoples  
IPRA – Indigenous Peoples Rights Act  
KIN – Kitanglad Integrated NGOs  
KGV – Kitanglad Guard Volunteers  
MKRNP – Mt. Kitanglad Range Natural Park  
NCIP – National Commission on Indigenous People  
NIPAS – National Integrated Protected Areas System  
KIN – Kitanglad Integrated NGOs  
PASu – Park Superintendent Office  
PAMB – Protected Area Management Board  
Piglamahan - territory  
SPTF – Special Provincial Task Force

## Glossary

*Bae* – female ritualist/elder/ leader  
*Balaghbaysay*– arbitrator  
*Bangkasu* - altar  
*Baylan* – chief ritualist  
*Binukid* – mother tongue of the Bukidnon tribe  
*Datu*– male ritualist/ elder/ leader  
*Kagbataan*– customary laws  
*Magbabaya*– supreme God  
*Mananalsal* – blacksmith  
*Mangungyamo* – midwife  
*Pagalad* – warrior  
*Piglamahan* – ancestral domain  
*Tulunganun*– sacred places

## **Abstract**

This paper provided a glimpse of the agency of indigenous young people in relation to ancestral domain. This paper sought to make visible the perception of youth on the significance of ancestral domain to their lives and their experience in the process of pursuing their CADT. Using qualitative method and the Bukidnon tribe of Daraghuyan Ancestral Domain in Malaybalay City, as the case, this study illustrates that, the participation of indigenous youth in the application of CADT is motivated by the importance of preservation of their culture and tradition. Their participation benefitted and open new opportunities for them. It enable them to deeply grasp the meaning of their ethnic identity and build their confidence to fully assume as Bukidnon young people. With culture as their foundation and outside knowledge as their gain, IP youth can find balance and bridge the gap between tradition and modern ways. Thus, given the confidence to a secured land tenure, youth utilizes ancestral domain as a space where they exercise their identity and agency, thus, found themselves to fully develop their capacities and have the full control of their own lives.

## **Keywords**

Indigenous youth, social construction of youth, agency, perception, ancestral domain.

## 1. Introduction

This paper explores the experience of indigenous people in the process of pursuing the Certificate of Ancestral Domain Title<sup>1</sup>. It looks particularly into the experiences of indigenous young people in the process of application for ancestral land claim. It tries to look into how the youth have actively participated in the process of the land claim, their reasons for participating, and how this land claim participation has shaped their perception of themselves and their identity. It will be seen how this indigenous cultural identity is being employed to negotiate for social acceptance and eliminate discrimination by the mainstream society.

This research utilizes the agency of youth, particularly the participation of IP youth in the pursuance of security of land tenure, the importance of their roles, and how young people have learned about themselves in the process, to eventually become agents of change.

This study aims to make visible the experiences of Indigenous young people in their struggle for ancestral domain claim. It is usually a tendency in any study about indigenous people that they are treated as homogeneous minorities, a group of people with same aspirations and needs but there is a failure to consider the complexity of their lives (Hirtz, 2003). It is therefore the case that the struggle for ancestral domain of IP's and the aspiration of freedoms is spoken about, there is a failure to realize that even cultural communities which are considered having a different culture and tradition from that of "modern society", is composed of elders, adults, men, women, youth and children who may experience the same institutional marginalization but the impact may vary in different levels.

This research also provides insights about the indigenous youth's capability to negotiate for themselves within spaces of their interaction and to make decisions in charting out their own future within their ancestral domain. This study also clarifies the youth social construction as inheritors of ancestral domain in relation to the adults' imagined fear that IP youth may not continue to uphold their culture and tradition link to the vast and uncontrollable influences of modern society.

This research utilized the qualitative interview as the method of collection of data. The empirical basis of the analysis focused on young people of the Bukidnon Tribe in Malaybalay City, Mindanao Philippines.

The research findings show that youth participation in the process of application of their ancestral domain title has been perceived by the youth as their responsibility towards their community and of which they have control despite pressures brought about by cultural construction of youth. During the process, their participation has helped them realize their potential of being capable, such as using their technical knowledge in writing and usage of new

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<sup>1</sup> Certificate of Ancestral Domain Title under IPRA is a legal recognition and affirmation of indigenous peoples' traditional systems of land tenure.



technologies to complete the claim book required for CADT application. In the process of application, it is also the time when the youth are able to understand, if not fully, about what being a member of the Bukidnon Tribe<sup>2</sup> means and to become more grounded in terms of their tribal identity. Forming their Bukidnon tribe identity has become a useful tool for them to articulate themselves outside the community and to realize their goals of eliminating social discrimination and exclusion. It is a point in time in which the youth are able to realize that, if they cannot control the history of exploitation and discrimination in the past, they can at least have the control of what will happen, that is, their own future within their ancestral domain.

This paper is organized as follows: Chapter 1 gives the framework of the background of the problems leading to laying out the research questions, research locale and the methodology used in the study. Chapter 2 presents the defined key concepts that are used in the study, Chapter 3 offers Philippine-oriented literature which focuses on the discussion on the Philippines IP on the IPRA and IPRA ancestral domain claim processes. Chapter 4 explores how youth and socially and culturally constructed by actors within ancestral domain, the perception of youth of their ancestral domain and the experiences of youth in the application of the Certificate of Ancestral Domain Title. And Chapter 5 synthesizes insights generated from the empirical data that I have gathered.

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<sup>2</sup> Bukidnon tribe here refers only to the inhabitants of Daraghuyan Ancestral Domain not those Bukidnon tribe who are outside of the domain.

## 2. Research Problem and Methodology

The notion and importance of sacred spaces and sacred resources among the tribe cannot be simply grasped by outsiders. Most of these notions are often ignored or associated with myths or folklores. But for the Indigenous People (IP), affinity to the land and rich forested mountains is where they define themselves; the land is part and parcel of their lives. For, “land is life”, according to Macliing Dulag, a tribal chieftain in Cordillera, Philippines (Gaspar, 2000). For indigenous people, land is where they exercise their culture and tradition. The land is their market, their church and pharmacy (Mordeno, 2008). Losing the land means ceasing the existence of indigenous peoples. However, for generations, this same land is the source of their suffering. Because of land, indigenous communities around the world find themselves confronting the challenges of the changing world.

For centuries, from history of colonization, exploitation to state making, the IP's are continuously at a disadvantaged position. Policies of discrimination and assimilation have been part of national practices in the Philippines. Economic Development programs, projects and activities such as building of dams and infrastructures, logging and mining makes IP's more vulnerable and insecure. As a result of these external pressures, indigenous communities often have to fight for land. The passage of Indigenous Peoples Rights Act (IPRA hereafter) or RA 8371 of the Republic of the Philippines in 1997 gives indigenous peoples full shot for application of their titles. Through IPRA, IP's can now secure their ancestral territory (Borras, Kay et al. 2007). The process of applying, however, can be painful and overwhelming. While modernization changes society in so many ways, fighting for land for indigenous peoples means being confronted by new bureaucratic methods of application of land title and new technologies for the completion of land title requirements.

Thus, the paradox is that in the fight for land, indigenous communities have to employ the vocabulary of modernity (Hirtz, 2003) and use its strategies such as mapping, census surveys, and documentation of anthropological data for acquiring and preservation of traditional claims. And by these challenges imposed upon them by the modern world, the IP's need to sometimes, culturally produce ways to respond to external demands and articulate their interest to be understood by the outside world (Carniero da Cunha, 2003). In the midst of all these IP's struggles, Indigenous Youth often find themselves caught up between this push and pull tensions. Particularly, they find themselves trapped in the middle of the challenges of pursuing their security of land tenure. As members of the community and as social actors, how does indigenous youth use their agency to meet the challenges in helping their elders in pursuing their ancestral land title?

For the Daraghuyan, an indigenous tribe situated in Malaybalay City in the Province of Bukidnon in the Philippines, the bureaucratic application process is very extensive and costly. Daraghuyan has to undergo a bureaucratic delineation process which refers to identification and delineation of ancestral domains that shall be done in accordance with the general procedure specified by IPRA. Despite its lack of finances and technical knowhow, the Bukidnon

tribe of Daraghuyan, guided by their goals, spirit guides and collective efforts, pursue their Certificate of Ancestral Domain Title (CADT hereafter) application with determination and enthusiasm (Buhia, 2009; Talamdan, 2011).

During the process of the claim of the Daraghuyan-Bukidnon tribe, young people have been actively assisting their tribal elders in their application of their CADT (Kitanglad Updates, 2009). This is because aside from being regarded as the next generation of leaders and inheritors of the land and their customs and traditions, the youth are useful in many ways in the process of the claim. The Bukidnon tribal youth in Daraghuyan are young and physically strong and they are open and receptive to new ideas. They can easily learn to adapt new technology and its usage. This gives them the leverage to participate in securing the ancestral land title. Thus, given the position of indigenous youth within the community and in the context of ancestral domain, this inquiry wants to explore the ways in which the youth define their identity and perceive their agency in the midst of tensions between tradition and the influences outside of the community in the context of ancestral domain.

### **Framework of the Problem**

The continuing attacks on the freedom and security of land tenure of the Indigenous People suggest that their descendants, the indigenous children and youth, are also affected by these issues. In the context of ancestral domain, Indigenous People is referred to as one homogenous community. And as a community, indigenous people are regarded as the “different other” who have their own culture and traditions. But being homogenous does not mean that they have the same needs, perception, experiences or the same feelings about land marginalization. Thus, the term community in this study consists of elders (women or men), men, women, youth and children.

In most researches done on IP, young people are always depicted as passive to their elders, meaning they are subservient to their elders and the customary laws of the tribe. Therefore, being seen as the next generation and the inheritors of land, culture and tradition IP youth are expected to be proactive. Failure to engage in community activities is usually regarded as resigning from their duty to the tribe and may be read as averting from the tribe. Their failure to follow the customs and traditions may mark them as youth who are lured by modern ways who might renounce their customs and tradition. These perceptions about the youth in relation to ancestral domain pose some problems. The elders and adult members of the community fear that the youth might be influenced by the pressures of modern ways and that they cannot uphold or continue to live out their culture and traditions. Thus, the disappearance of culture and tradition is not only a feared possibility but as a problem that needs to be remedied in so far as the IP youth is concerned.

This paper will try to make visible the indigenous youth’s experiences and perception in the pursuance of their ancestral domain. It explores their roles and experiences while participating the process of pursuing their community’s security of land tenure. This study in particular, will regard indigenous youth as perceptive agents who are capable of understanding and

analyzing the situation that affects them and their community. And from that context, youth are also capable of changing their condition in their own unique way. This study will also try to explore the articulation of youth's indigenous identities within and outside their communities amidst the pressures; conversely, it will look into how exposure to external influences impacted the way/manner they relate and engage with other actors in their indigenous community. It argues that their participation in the application of certificate of ancestral domain title by the indigenous youth is motivated by the importance of preservation of their culture and tradition and that through the process of their participation, they are able to understand themselves and are able to confidently assume their identities as indigenous young people either inside or outside of their community. It also argues that the realization of their cultural identities can be a useful tool to advocate against social discrimination to the mainstream society. The fact that indigenous youth perceive that culture is their foundation while outside knowledge is considered gain and added learning and information to help and equips them to face their challenges. Given this chance to shift the youth's paradigm in regarding cultural or social construction of the indigenous youth, is an opportunity for them to develop their capacities and to take control their own lives.

## **Research Question**

### *Main Question :*

How do the indigenous youth perceive and understand their participation in the process of ancestral domain claim, and how do they use their individual agencies when confronted with outside influences when making choices pertaining to their ancestral domain?

### *Sub-Questions:*

1. In participating in the claim process, what have been the roles of the youth? What do the youth expect in terms of positive outcomes such as benefits and opportunities for them or challenges?
2. To what do the youth attribute their assertion to the land claims? Do their reasons include their desire to preserve traditional values to be integrated in the external development processes?
3. To what extent is their involvement in the assertion of their land claims a product of a perceived obligation to their community?
4. What is the extent of influence of the tradition or modern ways or the combination of both when exercising the youth's agencies? Were there conflicts that arose from such influences?

## Research Methodology and Respondents

This paper sees ancestral domain as a social sphere in which indigenous youth realize their beings as social actors in a community. As social actors, young people are seen as capable of understanding and explaining their world (Thomas and O' Cane, 1993). Qualitative method was used because it is "considered appropriate and sensitive to the cultural and language differences that exist in indigenous communities" (Chacos, 2004). Thus, this qualitative case study uses extensive primary data. Using agency as its main framework, this qualitative research privileges the voices of selected young members of the Bukidnon tribe.

The criteria for selection of the six members<sup>3</sup> selected for interview is that they are seen as potential leaders by their elders. Some of the respondents are the ones who are now entering formal schools. They are also seen as having actively participated in the year-long CADT application process. They were either selected by elders or have almost complete attendance in the record of activities undertaken during Ancestral Domain delineation process. The structured questionnaire which was designed ahead by the researcher provided a framework during the interview and gave allowance for follow-up question, discussion and clarification of issues whenever necessary. Semi-structured interviews also allowed the researcher to give the informants the freedom to express their views in their own terms to be able to provide reliable qualitative data. The experiences of the youth presented here may not provide a total representation of the whole Bukidnon Tribal youth or the Indigenous People of the Philippines as a whole but the experience they shared give us valuable insights on the experience of the youth in the process of CADT application and in relation to ancestral domain as a whole. This insight will be a guide for the general public and for those who have particular concern for IP to see IP youth in a different light, particularly, in the context of development services that will be made available to them.

Alongside the interviews done with six (6) young indigenous youth, a focus group discussion and a semi- structured key informant interview was also conducted with three (3) community leaders of Daraghuyan which included the tribal chieftain, an IP leader from Talaandig tribe which is also one of the three tribes in Mt. Kitanglad. Key persons were also interviewed from government agencies. They were chosen because of their relations with the IP's, such as the National Commission on Indigenous People (NCIP hereafter) commissioner, the NCIP provincial director in Bukidnon, the Park Superintendent officer of the Park Management Board, and member of the staff of Kitanglad Integrated NGO's. An informal interview was also done with the staff officer for youth concerns of the Malaybalay City Office of Social Welfare and Development (CSWD). The above series of individual interviews allowed the researcher to see the gaps in the perceptions and

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<sup>3</sup> Please refer to appendix 1 for the profiles of six young members who were interviewed.

opinions of the youth as seen through the institutional framework. These interviews were also conducted to help analyze the data already gathered from the young sources and to comprehend the levels of relationship of young people with other formal mainstream institutions.

*The Focus Group Discussion* was conducted with 12 tribal youth members in attendance. Because of the limited time of the young people who are either in school or working in their farms, only 12 members were present. These 12 members are seen as the active participants who have been lending their support during the CADT application process. The positive role that this group interview has given to this study is that, since the participants have the freedom to talk with other group members, it allows for free flowing and bouncing off of positive/ negative ideas about the application process and validated what had been mentioned or supplemented what would have been omitted by any one during the interview. The negative part of the FGD is that the presence of tribal chieftain during the discussion is somewhat limiting to a more critical discussion about their relationships with their elders, and possible conflicts, if any.

As a former staff member of the Kitanglad Integrated NGO's (KIN), I see this as both an advantage and a limitation. The advantage is that, since I was involved as a community technical assistant and a representative to the Special Provincial Task Force (SPTF) created during the delineation process of the Bukidnon tribe of Daranghuyan Ancestral domain, I was able to include some of her own observations. Because of my involvement, I was able to use my knowledge in the selection of the key informants for the in-depth interviews. Also, most of the youth who were interviewed and present during the focus group discussion were the ones I worked with during the application process. The disadvantage in my having worked with the respondents as an NGO worker, with my role now as a researcher is that maybe their perception of my being an NGO worker and my previous relationship with them may not have changed. The researcher has some doubts that, somehow during the interview, most of the responses they might have given were what they may think are what I wants to hear as an NGO worker. This was remedied by my close observation of their body language and nonverbal cues which may somehow relay what are not being said. She also scheduled follow-up interviews, and changed the phrasing of the questions so I could see if there are discrepancies or contradictions. The everyday experiences I shared with them during the course of six years of working together, coupled with my observations and insights during my recent three-week stay with them, makes me confident that I have gained useful insights in relation to the youth's issues as well as those of their elders which constitute my data and analysis in Chapter 4.

*Free and prior informed consent* (FPIC) was obtained from the leaders of the tribe before gathering the data. As agreed during the initial conversation with the Bukidnon Tribal chieftain, I was required to undergo a ritual with material requirements such as a live chicken, a piece of red and white cloth, and other altar offerings selected by the ritualist. Official consent was also given to me by the Park Management Board (PAMB). Without the FPIC and park

management's consent, I would not be given access to the park to pursue my study.

*Secondary Data Collection.* Other documents were obtained from old files and magazines from the Kitanglad Integrated NGO's office and the Park superintendent office. These data included maps, annual reports, geographic and demographic profiles, and reports on programs/projects related to the youth. NCIP has a complete anthropological data of the Bukidnon tribe which was useful for this study.

## **Background of Research Locale**

Bukidnon province, a landlocked plateau in Northern Mindanao Philippines, houses seven major tribes. With 829,378 hectares, about 59 % of northern Mindanao, the Manobo, Higa-unon, Umayamnon, Matigsalug, Talaandig, Tigwahanon, and Bukidnon tribe are spread around the hinterlands, living within the last mountain frontiers of Mt. Kalatungan, Mt. Pantaron and Mt. Kitanglad Range Natural Park. Ethnic groups comprise about 14% of the population. In Mt. Kitanglad alone resides the Higa-unon, Talaandig and Bukidnon tribes. In the olden times, all three tribes shared the same origin as told by their ancestors. The three tribes shared the same genealogy, socio-economic organization, political structure and datuship. They lived peacefully within their own cultural boundaries, with cultural markers designated through a specified ritual (Canoy&Suminguit, 2001).

Like the Talaandig and Higa-unon, the Bukidnons speak the Binukid language. They are a culturally distinct group as they worship only Magbabaya (God) and pay respect to the guardian spirits of nature. They believe that the trees, water, rock, land, etc. have spirit caretakers so that anytime they take or use these things they have to conduct a ritual to ask the spirits for permission. They continue to perform rituals in sacred places and mountains in the claim (Canoy and Suminguit, 2001). It is the task and responsibility that they have inherited from their ancestors and will be pass on to the next generation.

In earlier times, the Bukidnon lived in long houses called "tulugan". These are large structures that can accommodate 50-200 people. A datu managed the tulugan. The male members looked for food through "pangayam" (hunting) and "pagsakum" (clearing the forest) to plant root crops. Women assisted in planting and harvesting. Women were also good basket weavers and midwives. The forest was their market and pharmacy, and provided their basic means for survival (Canoy, 2005).

Together with the Talaandig and Higa-unon, the Bukidnons believe that they are the descendants of Apu Agbibilin. Their ancestor, Datu Makaatul maintained a good relationship with the late supreme Talaandig Chieftain Kinulintang Saway, whose descendants are the present leaders of Talaandig. Datu Kinulintang's wife, Bae Igmagulang, originated from Dalwangan. Sometime in 1967, Datu Dumapal, the eldest son of Datu Makaatul, married a maiden from Songco. The intermarriages brought the Bukidnon closer to the Talaandig. When the Talaandig supreme datu was in his reclusive period in the forest he summoned Datu Makaatul to ask him to also take the responsibility

of protecting the forest around Lawgawan, and Alanib up to Humagsil Creek, which is now their cultural boundary. Datu Makaatul reared Bae Inatlawan and her brothers and sisters to organize spiritual activities in their respective communities and to take care of the sacred grounds around the Daraghuyan ancestral domain claim. Until now they continue to have “tulungdanun” (yearly rituals) for these sacred places during which children’s and youth’s presence and attendance are expected<sup>4</sup>.

Daraguyan is the name of a mountain in Mt. Kitanglad which is hailed sacred to the Bukidnon tribe. Daraghuyan comes from the word “Daraghuy” which means a soft crying of voice that tells the story of human life on earth. It is here that a baylan or ritualist hears this daraghuy of a spirit who became a human baylan ? English term on earth. It expresses his anxieties over man’s troubles in life, and his mortality (Mordeno, 2008).

The Daraghuyan ancestral domain is situated in Dalwangan, Malaybalay City with an estimated area of 5,000 hectares. There are six clans in the area that constitute the population of 1,109 individuals with 149 households spread around the claim. Of the overall population, 80.6%, are full blooded Bukidnons. Another 14.8% are part Bukidnon acquired by marriage with other ethnicities from Talaandig, Higa-unon and migrant settlers. There are 48.0 % female and 52.8 male. An average household has six (6) family members. The youth and children constitute more than half of the population. Nine (9) went up to college with only one graduated with a 2 year computer degree. Majority of the young population are out of school youth. Most of young people who are out of school marry as early as 15 years old<sup>5</sup>.

For all methods of socio-economic activities, they practice rituals and offerings to guardian spirits as payment in order to maintain the blessings. Like the rest of indigenous peoples in the Philippines, they employ traditional hunting and gathering practices for collection of wild food. They have their own traditional political structure and justice system which is still upheld by the tribe to this day. Other cultural practices such as songs and dances, musical instruments, weaving, arts and crafts, can still be observed within the community.

Currently, with Mt. Kitanglad becoming a government protected area, the tribes’ livelihood consists mainly of farming. They are only allowed to farm at the buffer zones. They employ both traditional and modern farming methods. Other sources of livelihood are mat-weaving, selling home grown vegetables and flowers, making clay and rattan artefacts, traditional accessories, and jewelries.

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<sup>4</sup> Information is taken from Daraghuyan CADT claimbook

<sup>5</sup> From Daraghuyan CADT claimbook



### **3. Review of Related Literature**

The objective of this chapter is to understand indigenous youth particularly with regard to their relationship and participation within ancestral domain. The IP youth can be better understood if their construction as youth, in general, is studied, and how their intersection of ethnic or indigenous identity is positioned within social, economic and political structures. This requires us to put young people within the larger social structures and their relationship with other actors within Ancestral Domain. How they are constructed by influential actors in the society (elders, government and development interventionists) may not correspond to how IP youth experience their lives within the bounds of ancestral domain. “The wide gap between construction and experience is one key to understanding young people” (White, 2011). In this chapter, the social construction of youth and youth agency are being reviewed.

#### **The Social Construction of Youth**

The definition on who and what is youth continues to be challenged. There is no precise and agreed upon definition of youth (Ansell, 2005). To put the youth category as a subject and object of study in development intervention, youth is simply defined based on chronological age. The International development institutions such as UN and World Bank do not even settle on one definition. The United Nations (UN) defines young people as those who are below 18 years of age, of whom the youth is from 15-24 years old. World Bank on the other hand, classifies the age of youth as those between 12 to 24 years old (World Bank, 2009). Moreover, even countries who are members of the UN do not also have corresponding age brackets for the youth. In the case of the Philippines for example, youth is defined as those 15-30 years of age (R.A 8044) compared with Malaysia, whose youth council defines youth as those with ages from 15-40 years old (Ansell, 2005). Thus, it is not surprising that even the concept of youth has been interpreted and understood differently by governments, development agencies within local and national, and youth organizations and institutions anywhere else in the world.

Generally, by defining youth in terms of age, their position within the social context is often subordinated. The view of youth as being a period of transition from childhood to adulthood legitimizes the already secondary social position of youth. The consequence of the idea of youth as a stage of transition places adults in the position that they are the ones who are to raise, protect and discipline the youth such that they will turn out to become responsible adults. Given this fact, adults can legitimately impose their authority over young people. The aim of raising children to become responsible adults relates to the fact that youth are an asset or the “symbolic investment for society as a whole” (McRobbie, 1993, cited in Ansell, 2005; 14). Consequently, development intervention and policy for the youth in many countries is seen as “youth as problems” (Roche et. al, 2005) that needs to be treated. Concern for “troublesome youth”(Griffin, 2001, cited in Ansell, 2005)

was the dominant view associated with what Cohen (2002) termed, moral panics. Development measures that are based on this construction affect young people in different ways. Meanwhile, expanding the age limits of youth upwards make them, as what Ben White termed, “infantilized and juvenile” youth. This age prolonging made them become “excluded from the mainstream social, economic and political processes being seen as lesser members of society” (White, 2011). The problem of exclusion assumes that when society cannot fulfill their promise to youth such as employment, they are perceived as threatening to the societal system. Approaches to the study of youth are inspired by these fears that the future of society will not fall into place if youth were not raised or properly taken care of. Thus, through these western lens of viewing the youth as delinquents and troublesome create stereotypes that “undermine the positive contributions of young people to social, cultural, economic and political spheres” (Ansell, 2005) and limiting the youth potential as positive agents to social change.

The general social construction of youth that is already limiting to young people being posed here is even more disadvantage to young indigenous peoples. It leads us to question “how much more if you are young and indigenous in a society where young people are perceived as problematic?” This is to say that the experience of young people being marginalized can also be diverse and can be measured on different levels depending on the intersection of gender, class and ethnicity. This means that young people with ethnic minority background in society do not only face being inferior because of age, or for being on a liminal status but also being subordinated because of their being minorities. Thus, construction of indigenous people being minorities put indigenous young people even in a more disadvantaged position. The long- standing suffering of the indigenous people around the world being constantly marginalized and disenfranchised in their rights to ancestral lands (Stavenhagen, 2005) suggest that youth and children are also being affected. Being minorities, IPs are not only subject to racial discrimination but they are either deprived of access to basic social services or being treated as a problem by the states. Thus, from the point of view of the state government, development intervention is deemed necessary to correct the problems of IP’s. In the special rapporteur in 2005, Stavenhagen mentioned that;

“Indigenous children make up the most vulnerable segment of society. In various parts of the world, they suffer disproportionately from malnutrition, poverty and discrimination. They are sometimes subjected to police brutality, and their human rights are violated with impunity. Because many schools fail to respect their cultural and linguistic specificity, indigenous children also tend to be viewed as incompetent or retarded students; this worsens the vicious circle of marginalization and discrimination.”

This report can be illustrated in many research studies conducted and development interventions related to indigenous young people around the world. In the US for example, the standardization of education leaves young indigenous people to be always in constant need to be given special

consideration. This is indicated in the US review on literature of Culturally Responsive Schooling (CRS). It states that “for the past 40 years of CRS advocacy, most schools and classrooms are failing to meet the needs of indigenous students” (Castagano & Brayboy, 2008). In Europe, the Roma gypsies are” traditionally regarded by societies as a social problem, which is to be dealt with by the state repression and education” (Ramberg, 2004). In Australia, indigenous Australians’ being over-represented in the Australian criminal justice system (Cunneen, 2007: 266) may have a relation to the continuing colonial legacy (White,2002). Thus, cultural difference becomes a social pathology which may lead to intervention and eventual criminalization, pointing out such faults as drunkenness or the use of offensive language. Rob White (2002) describes how indigenous young people in Australia are being criminalized for swearing and how offensive language are drawn on by the police to legitimize their intervention in the lives of indigenous young people. This shows that cultural difference is treated by Australian dominant society as social pathology and criminalizes it, and further ostracizes the already marginalized indigenous young people.

### **Youth as Social Agents**

The latest emphasis on the study of youth, in relation to society is studying youth in their own right and their own perspective (White, 2011). This perspective gives autonomy to the youth research by looking at them as actors rather than emphasizing their vulnerability as victims of marginalization or simply passive or subordinate to adults’ decisions. “Young people are highly competent social agents who actively negotiate their own political identities”(Cheney, 2007). In fact young people exercise some control over their own situations and are capable of changing their condition. Agency in this study is referred by Giddens (1984) as “human action” stated as “the ability to define one’s goals and act towards it” (Kabeer, 1999:438). Agency is how young people can be creative in utilizing strategies for survival (Cheney, 2007).

Youth are also regarded as social shifters, recognizing their agency either as individuals or groups arising from the situation or events that happen within the social structure (Durham, 2000). On the other hand, De Boeck and Honwana (2005) examines children and youth in Africa and depicts their varied experiences and expectations that addresses the imagination of young people as “both makers and breakers of society, while they are simultaneously being made and broken by that society”. In the book of makers and breakers, the studies suggest that “young people although perceived as marginal and liminal have the capacity to mediate through challenges and entanglements they face”. “Youth has this kind of tremendous power to mediate contradictions and negotiate themselves in the society where they are located”(de Boeck & Honwana, 2005). Following Durham, de Boeck and Honwana, this study particularly utilized the use of agency of indigenous youth in relation to ancestral domain.

The absence of documents of indigenous youth in relation to ancestral domain may be linked to the idea of homogenous presentation and collective

representation of indigenous people. However, there are also some studies in the framework of culture, race, gender and rights that indicates indigenous young enactment of agency that arise on different sites, locations, situations, circumstances, participation or resistance to social stigma. Anthropological studies of “silent Indian” in the US, are usually presented with a racist discourse. However, Douglas Foley (1996) in his study of Mesquaki, illustrated that indigenous youth uses “silent Indian” as illustration of “situational speech style” which is used against the whites at school. Agency can also be “a result of pain”(Weiss, 2005) or to avoid pain from discrimination and even in reclaiming the right to their identity. For example, as a result of colonization of Brazilian Indians, many indigenous people are displaced or forced to obliterate their ethnic identity. And being disparaged and shamed of their identity, young Brazilian Indians choose to sometimes renounce their identity (Carniero da Cunha, 1995). However, in reclaiming their loss of identity, Brazilian Indians have to sometimes reinvent their culture to send the message across (Carniero da, Cunha, 1995). Thus, the enactment of agency for these young people needs to employ creative ways to be understood. Even in the cases in which indigenous young people have been changed because of education and the influences of the modern ways, or those whose education has replaced indigenous values among young people, there are also those who want to reclaim and revitalize their indigenous identity. The case the Navajo youth, for instance, was said to have been deeply concerned about the crisis of their native language, a reason for their participation in reclaiming the language project. They perceived that Navajo language is essential to the self-identity of a Navajo child and the Navajo way of life and that revitalization of language is also reasserting self-determination as an inherent human right (Mc Carty et.al, 2006). Thus, recognizing youth agency and creating spaces to participate and navigate their own identities, indigenous youth will make better progress and in control of their lives.

## **Perception**

Recognizing the perception of youth regarding their knowledge about the world and their environment is important to guide them to pursue their action specifically when youth participation in any cultural community project is being talked about. As this study utilizes youth agency as a concept to guide this study, perceptions is readily important as this research values youth own voices and experiences. Indigenous youth perception is a guide in acquiring knowledge about their life experiences. Perceptions, “describe one's ultimate experience of the world and typically involve further processing of sensory input” (Peter& Norman, 1977). Perception is how the indigenous youth see and experience the world.

To elaborate further, according to Robert Audi (1998)“Seeing is perceiving; and perceiving is a basic source of knowledge- perhaps our most elemental source, at least in childhood.” To help us justify the truth of perception, Audi also laid out important elements of perception; the perceiver, the object perceived, the sensory experience in which the object appears to the perceiver, and the causal relation between the object and the perceiver, by

virtue of which the object produces the experience (Audi,1998). In this study therefore, causal relations refers to the ancestral domain and the cultural structure within the community in relation to youth. The perception taken, with regards to the experience of indigenous youth are epistemic knowledge of their life world. As one author puts it, “perception is acquiring knowledge or belief about our physical environment (including our own body). It is a flow of information” (Armstrong, 1973:22).

#### **4. Philippine Indigenous Peoples and the Struggle for Ancestral Domain**

This chapter presents Philippine-oriented literature on IP, youth and ancestral domain. It includes the process in implementing IPRA and its outcomes including issues and problems and to what extent the youth are engaged in this process. It will also focus on the national perspective on questions of youth and their agency in the context of land claim making.

##### **Background of Indigenous People of the Philippines**

The Philippines’ being considered as a pluralistic society can be justified by its 110 ethno-linguistic groups that spread around the archipelago (refer to ethno-linguistic map in appendix 2). These ethno-linguistic groups are socially and politically classified as the indigenous peoples (IPs hereafter). The IPs represent about more than 10% of the Filipino population. They are mostly concentrated in the mountain ranges in islands and islets of Luzon, Visayas and Mindanao. The thick forested areas enabled them to preserve their unique customs. They maintain a subsistence economy and are relatively isolated from the urban society. Ideally, IP communities basically survive in their own land through hunting, fishing, swidden farming and gathering forest food and herbs for medicine. They also lived harmoniously through exercise of just governance with a datanship system of leadership, led by a council of elders. The leaders are usually those that are recognized and respected in the community and customarily, those who have special skills and knowledge either as a hunter, blacksmith, herbalist, midwife, historian, arbitrator, weaver or agriculturist (ADB, 2001).

Mindanao Island on the other hand, wherein Bukidnon Province is located, also has its own unique form of diversity. The population is distinguished into three different groups which they particularly refer to as Tri-people. They are composed of 18 ethnic groups of indigenous peoples or lumad, Christianized majority usually refers to as the mainstream or dominant society and 13 ethno-linguistic Muslims groups. The term Lumad, a Visayan word meaning “born of the earth”, refers to non-Christian indigenous peoples of Mindanao (Rodil, 1994). For centuries, IP’s and Muslim’s solve their own conflicts through traditional resolution and agreements and lived peacefully within their own territory for a long time. At present, indigenous people consists of about 10% of the country’s population.

## **IPs and the Struggle for Ancestral Land Security**

The Philippines' indigenous struggle for ancestral domain and the recognition of their rights to land can be traced from centuries of colonization by Spaniards and Americans. Through various colonial instruments such as the regalian doctrine, IPs land and territories were grabbed and they were driven out from their territories (Gaspar, 2004). Under the Spanish regime, a religious instrument that was employed to native subjects destroyed their doctrines and spirituality. On the other hand, education by the Americans suppressed the indigenous knowledge system and alienated IPs from their culture and tradition. American Regime also reinforced the state control over public domain. Under their colonial control, the Philippine archipelago and the resources therein are considered a state domain (Vidal, 2004). A series of land laws has encouraged private ownership. Land are privately owned, titled and registered under the Land Registration Act. This law also facilitated the opening of Mindanao to resettlement and corporate investment. Along with other factors that have been implemented by the state such as, agricultural and industrial enterprises, pasture leases, infrastructure projects and opening the forest to logging and concessions (Lingating, 2005) these, and the government economic centered approach to development that is unfavorable to IP's heightened their marginalization and exploitation. Encroachment of migrants to ancestral areas as a result of intense poverty, forced IP's to live with them or disenfranchised them due to the absence of land titles. Aside from that, migration resulted to IPs strong influence from subsistence to cash economy. Moreover, the lack of capital for farming on the part of IPs proved limiting while it was more beneficial to migrant farmers, as the availability of hiring labor became cheaper.

Displaced IPs who went to live in upland areas on the other hand, maintained their subsistence economy. However, with the implementation of environment policies such as NIPAS ACT of 1992 which declared mountains and marshland as protected areas forced IPs to either occupy land permanently or migrate to lowland or urban areas. Restrictions imposed by DENR, included disengagement in shifting cultivation and restrictions on the collection of wild plants and hunting of wild animals. IPs were forced to permanently settle within designated agricultural zones and use new mechanisms in farming in their occupied lands or were forced to leave the area.

The IPs' demands for their rights to their security of land tenure and the right to govern their ancestral territory in accordance with customary laws, started to be recognized only in 1986 (Rodil, 1994). Over the years, IP movement and mobilization flourished as anxieties over land tenure were most apparent. The government response to lessen the negative impact of colonization, and to further state democratization and intensification of economic and social development in the country, Section 22, Article 2, of 1987 constitution stipulated the government adoption of a policy to recognize and

promote the right of indigenous peoples within the framework of development and national unity. Furthermore, Section 5 Article XII of the constitution, provides for the protection of the right of indigenous communities to their ancestral lands. To implement the constitutional mandate and to ensure that the economic, social, cultural well-being, and their rights will be fully recognized and respected, the Indigenous Peoples Rights Act also known as IPRA 8371 was passed and signed into law in 1997. This act covered more comprehensive rights to indigenous people such as right to self- governance, social justice, human rights, cultural integrity and rights to land and management of its resources. It created the National Commission on Indigenous Peoples (NCIP) office, under the office of the President, to take responsibility of formulating and implementing policies, plans and programs and the recognition of rights of Indigenous People or Indigenous Cultural Communities. Prior to the absence of IPRA, DENR through DAO 2 ?what is this, facilitated the application of AD title as a government mechanism to protect IPs' rights to land (Lingating, 2005). IPRA, however, was the landmark legislation in the history of the Philippines in accordance with international agreements (Manzano, 1998).

IPRA defines Indigenous Peoples as those cultural communities who have continuously occupied the land since time immemorial, who have retained their social, cultural, economic and political institutions. Also included are those who are displaced from their lands and those who have resettled in their territories. IPRA also provides four basic rights of IPs. The following rights includes, right to ancestral domains and lands, right to self- governance and empowerment, right to social justice and right to cultural integrity. And in accordance with IPRA, it recognizes the guaranteed rights of IPs/ ICCs to ancestral domain such as, right of ownership, to develop and manage lands and natural resources, to claim parts of reservations, to regulate entry of migrants, and traditional resource use, that includes, to resolve conflicts and to determine and decide priorities for development through the formulation of the Ancestral Domain Sustainable Development Priority Plan or ADSDPP (Lingating, 2005). What is noteworthy about IPRA according to former NCIP Commissioner Lingating (2005) is that "it emphasizes the government's recognition of indigenous people's ownership over the ancestral domains and not just usufruct rights."

From IPRA, ancestral domain is defined as;

“ Refer[ring] to all areas generally belonging to Indigenous Cultural Communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or processed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure*, or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands, individually owned whether alienable and disposable or

otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators” (IPRA, Chapter II, Sec. 3a).

### **Issues of IPRA and its Implementation**

The passage of IPRA elicited issues and views from different sectors of society. Some sectors consider IPRA as “a landmark of legislation” (Manzano, 1998 cited in Ting, M.T. Jr. et.al., 2008) while others see it a “simple compromise in form and in substance” (Leonen, 1998 cited in Ting, M.T. Jr. et.al., 2008). Leonen further suggests that “it was not so much the case of a law waiting for the IPs to be prepared to comply with it, on the contrary it was the IPs who were waiting for the law to help the government understand their needs and demands” (Leonen 2001 cited in Ting, M.T. Jr. et. al., 2008). Former Justice Isagani Cruz and Cesar Europa alleged that certain provisions of IPRA, contradict the constitution. The case was dismissed due to the fact that the majority of vote, to declare IPRA as unconstitutional, was not obtained within the Supreme Court. The Supreme Court divided equally by 7 to 7 vote and retained even after re-deliberation (Cruz, 2000). Due to this controversy, IPRA received little economic and political backing. And the lack of support for IPRA, has stirred other issues that deter NCIP to implement its policies and programs, examples of which are the freezing of funds even after the dismissal of the unconstitutional cases, NCIP personnel being accused of incapability to manage, and the appointment of NCIP leadership being dent with political power play. Consequently, IPs have suffered because there are no services rendered for them.

Budgetary constraint and the political interplay of power relations within NCIP affected the efficiency of the implementation of the IPRA law. It is also surprising that the commission’s yearly budget is only small to be used for the operation of its programs and projects compared to the pork barrels given to senators and congressmen. Accordingly, only few CADTS and CALTS are approved every year throughout the Philippines. In Bukidnon Province for example out of 200 or more ancestral land tenure applications, only 1 application is appropriated with funds per year (interview with NCIP Provincial Director of Bukidnon). As of September this year, NCIP updates on issuances reported about 258 approved Certificate of Ancestral Land Titles (CALTs) with 8,609 right holders having a total area of 17,307.7072 hectares; there were also 156 approved Certificate of Ancestral Domain Titles (CADTs) with 912,395 right holders having a total area of 4,259,331.544 hectares and 296 Certification Precondition (CP) issued (NCIP Updates 2011).

The opening of lands to mining and logging concessions by the government along with private groups resulted to the problems of competing land claims and resources (Vidal, 2004). Treating AD as a resource basin of wealth and a profit centered driven development program destroys not only the environment and economic sustainability but also creates issues of division



among the tribe. Vidal (2004) further reiterates that “IPRAs still is a probable measure to advance rights of the IPs over management of their domains but overlapping claims over land resource utilization may not ensure their effective control.” The layered structure of statutory laws on land tenure and natural resource use resulted to overlapping claims. Reinforced by pluralist nature of IPRA, it creates a many set of claims (ibid). This implies that IPRA with an embodiment of pluralist legislation does not guarantee IPs security of land tenure and management of its resources ( ibid). Moreover, IPRA is also considered to be in conflict with the management of the protected areas, particularly in cases of protected areas, under the National Integrated Protection System Act (NIPAS), which is also an ancestral domain of a certain tribe. Which laws and decisions should be followed? To cover these gaps (as experienced in Mt. Kitanglad Range Natural Park), there should proper coordination among protected area stakeholders. On the other hand, the need to change the locus of decision-making from national agencies to local levels is proved to more viable. Lastly, the sensitivity and recognition of cultural tradition and local knowledge as well as flexibility of negotiating between stakeholders is found to be helpful (Sumbalan,2008).

At present, a Buhid-Mangyan group from Bongabong, Mindoro Oriental is asking the immediate attention of the present president, Aquino, to take action on the cancellation of Certificate of Land Ownership Awards (CLOAs) issued by the DAR from within their Ancestral Domain Claim (CADC-130) and to award them their Certificate of Ancestral Domain Title (CADT) over their ancestral lands. This means that these conflicts over ancestral domains that are not yet solved will have great impact on indigenous youth.

### **Institutionalized Demand for Ancestral Land Recognition**

Aside from the conflicting interest over claims as a result of layered legislation, it is extremely difficult to secure IP ownership to their ancestral land (Vidal, 2004). The painful and bureaucratic process of Application of CADT, suggests an institutionalized demand for recognition to the detriment of IP applicants. To facilitate Ancestral Land tenure applications, NCIP as an agency, provided a checklist of documents as requirements to apply for title certificate. Provided in Chapter 8, Section 52 of IPRA, the documents required as proof per application for CADT application includes “the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owners which shall be one of the following authentic documents referred to in appendix 3. Although, the law requires only one document as proof, it was not clearly specified to what extent a certain document will serve an approval. First, as IPRA is a new legislation, requirements may change anytime as NCIP deems it necessary. In obtaining the CADT, provincial office regulation may adapt to the local situation. On the part of NCIP province, the reason may be to enhance credibility as land issue is a very sensitive one, to ensure the IP sincerity and authenticity as to prevent false claims by riders and interested groups or individuals, or pressure from conflicting interest groups. On the part of the IP communities, they

comply with the requirements of the NCIP, no matter what and without complaints, in their desperate attempts to ensure NCIP approval. Looking at the requirements (Figure 2), it can be seen that the idea of meeting these requirements under fluctuating parameters proves difficult for IPs (van Opstal, 2009). Obviously, obtaining these documents needs technical assistance, thus, the significance of modern technologies, and sufficient budget to finance the operation process. Where do the IPs get these funds?

Another issue here that needs to be emphasized is that, to be traditional on recognizing the rights of indigenous people to their ancestral domain, IPs have to employ modern mechanism (Hirtz, 2003). Hirtz states further that “the process of recognition upon which indigeneity is affirmed upon national legal system and local government institutions and even NGOS, IP communities had to adopt modern means to be legally affirmed.” Thus, in the process of application of ancestral domain title, indigenous young people were symbolically participating, as they are more receptive to these new technologies than their adult counterparts. Owing to the fact that they are regarded as inheritors of ancestral domain, it is surprising however that, indigenous young people in relation to their ancestral land are silent and unseen in many research studies.

### **Situating the Blind Side of Ancestral Domain**

Many research studies about indigenous young people in the Philippines are seen with the lenses of adults. This is because they are erroneously treated as indigenous people in collective homogenous communities with the same claims and needs (Hirtz, 2003). The risk of a group perceived as collective is that there is a failure to see their multiplicity and the complexity of their lives (Hirtz, 2003). A group, particularly indigenous people, may have the same goals, culture and tradition but they are also a community of persons who are composed of elders, men, women, youth and children.

The construction of youth in Philippine society as being in a transitional stage is limiting youth to a subservient species. Youth is a child going to be an adult who in need of guidance and protection from the adult. Hence, the government, to enhance its development program and expand its services to youth, Republic Act No. 8044, known as the "Youth in Nation-Building Act," was approved in 1995. This act provides for the establishment of a National Comprehensive and Coordinated Program on Youth Development to enable Filipino youth to fulfill their role in nation-building (RA 8044 of 1995). It established the National Youth Commission, an autonomous policy making and coordinating body of all youth-related institutions, programs, projects and activities of the government. In the context of nation-building, the State declared in RA 8044 that, "Youth" is the critical period in a person's growth and development from the onset of adolescence towards the peak of mature, self-reliant and responsible adulthood comprising the considerable sector of the population from the age of fifteen (15) to thirty (30) years." Obviously, youth here, is seen only as an age category, and the State loses sight of youth intersections of class, gender and ethnicity. Consequently, most of the government interventions to youth are seen in the light of youth in urban

areas. The National Youth Commission mentioned in their 1998 youth report, that the IP youth belong to the category of youth with special needs. Youth with special needs are defined as those belonging to the range of 15 to 30 years old who are marginalized by existing societal forces, emphasized as needing special care, attention and protection. In the report it also mentioned that indigenous youth are in a particularly disadvantaged position in terms of education. The formal system of education is not sensitive to their culture and tradition. Other than that, there is also high incidence of discrimination owing to educational attainment and ethnicity. Their plight is also confounded by problems of natural calamities and displacement (1998). Thus, owing to the provisions cited above, indigenous youth as seen by the state is considered a very vulnerable special group in need of their help and attention. Development interventions emanated from this perspective which resulted to programs unsuitable to young IPs' needs.

Complementary to this definition of youth by the state in the context of nation-building is emulated in the IPRA under the principle of children's rights. Section 27 of IPRA states that, "the State shall recognize the vital role of the children and youth of ICCs/IPs in nation-building and shall promote and protect their physical, moral, spiritual, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth." To do this, IPRA stipulates that "the state shall...provide a complete, adequate integrated system of education, relevant to the needs of the children and young people of ICCs/IPs" (Section 28, IPRA). Furthermore, IPRA states that it "the state shall provide equal access to various....opportunities to ICCs/IPs through educational system...scholarships, grants and other incentives without prejudice, (acknowledge their right to establish and control their educational systems and institutions...providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning" (Section 30).

However, the IPRA provision intended for indigenous young people focused too much on education of young people which is good but not comprehensive enough to help young people. For one, NCIP does not have enough operational funds, problems of ancestral domain with adverse factors still prevail, poverty problem is not mitigated, access to education is still limited, integrative system of education is just on the preliminary stage and other basic services are either limited or not accessible at all, and lastly, social discrimination is still felt by indigenous youth.

The obvious factors that contribute to these problems such as mining concessions, degradation of environment and natural resources, encroachment of migrants, coupled with imposition of environment policies, and influences of the cash economy resulted to migration of youth to urban areas to look for greener pastures and enhance their social mobility. The State of the World Minorities and Indigenous People report in 2009 found that, more than half of the 101 million children who are out of school youth are from minorities. This is also true for the Philippines.

However, despite the problems that the young IPs faced, they also have demonstrated resilience and agency to survive. (Martinez, 2009) in his study provided an intergenerational perspective to explain variegated adaptive response to the rapid changes in the community. The study revealed that young students are as intelligent, contributed to the household income and survival, and are adaptive or resistant to pressures of change. Generally, “responses to social change vary from active and passive resistance to change, accommodative adjustment resulting to syncretic response and passive adaptation to change” (Martinez,2009). Agency as seen here, in the context of indigenous young Filipinos resulted from the need for survival in this complex world.

## **5. The Making and Breaking of Social Agents**

This chapter presents the findings of the researcher’s fieldwork for the case study with the Bukidnon tribal youth of Malaybalay City, Bukidnon, particularly the Bukidnons of Daraghuyan Ancestral Domain. It uses extensively the voices of indigenous youth and presents their own opinions and ideas of how they discern their participation in the process of CADT application. First, the social and cultural construction of indigenous youth will be presented. Then it will proceed to their perceptions about their participation in the process of their ancestral domain delineation, such as the benefits they have gotten from it and the lessons they have learned.

### **The Pressures of Social and Cultural Construction of the Bukidnons Youth**

For the Bukidnons, the youth in general are referred to, in their language as “batan-en”. In a detailed description of youth by the elders, the life of a person undergoes from being a small child ‘ligsek’, from 6 below, to a period of transition from childhood to youth “laga-laga” for girls and “malmalaki for boys, from 7-10, to being youth which is called “laga” for female and “malaki” for male which starts from 11 to 25 years of age. Youth could also refer to single men and women who are not yet married despite their age. At 35 or 40, a single man and woman could participate in any youth activities by choice and are relatively, considered as youth. According to the elders, the characteristics of “laga-laga” and “malmalaki” are described as children that can already learn and can be instructed. This is also a stage of life in which a child can be naughty or disobedient. The “laga” and “malaki” on the other hand, are characterized as “hamtungna”, which means either spiritually, physically and mentally responsible beings. Physical change for laga is menstruation and for malaki, the change in voice. As the laga or malaki change their status to marriage despite their young age, they are no longer considered as youth but young couples. Additionally, according to the elders, in the olden times, eleven (11) years old can be arranged to be married already. However if the girl has not yet menstruated, she will stay in her parents’ house to be taken care off by them. When she is old enough, she will be sent to stay with her husband. At present, arranged marriage is not practiced by the tribe.

Another important conception of youth derived from the tribe's belief is that, according to elders, humans live with the existence of spirits. A person is born with *Moulin-olin*, spirit guides. This is evident in the performance of tribal rituals. For a Bukidnon youth, his/her life undergoes a series of rituals. Rituals are fundamental to one's life. Rituals are performed from womb to tomb. When a mother is pregnant, a *panlang* ritual is performed, this is a time when the baby inside the womb is given guidance to become a good person and a request to a baby to get out of the womb smoothly. The word *panlang*, means advice. The *gimokoran* ritual, is performed to a newborn to ask the spirit to watch over the child and guide him/her to become good and kind, this is also for his health and speedy growth. *Panlig-on* ritual is performed when the child reached his/her first birthday to protect him from sickness and become good and kind. This ritual is done every year until his 11th birthday. *Pamuyag-muyag* ritual is when the child reaches his 12th birthday, during which it is believed that the child is courted by good and bad spirits. It is also believed that, the child is often confused at this stage. He is always torn between two opposing forces of good and bad. When the child does bad, it means that, he is commanded by bad spirits. The ritual is for the good spirit to always accompany the child and guide him/her to be good and obedient. *Panlisig* ritual is performed when a child is about 16 years old; it is believed that the youth talk about things thoughtlessly and discreetly. If they talk about good things the good spirit will be with him/her. If they talk about bad things the bad spirit will come with him/her. The ritual is for the bad spirit to leave and the good spirit to come. BaeMalugdang elaborates further that, "a person is always accompanied by good and bad spirits. If a person always does bad things, it is the bad spirit who commands him/her to do so. That is the reason why a person is bad. And if the child is good then the spirit with him/her is also good." At about age 18 and up the youth is now mature and responsible; there is no need to guide him/her as he already knows what is good and bad.

The importance of this cultural construction of youth is that, it entails the position of the youth within the community. Youth for the tribe are literally seen not as age cohorts but individuals who depend on the commands of the spirits. DatuMakapukaw explained that, "individual life such as the elders, youth or children depends upon Magbabaya, the creator". Thus, youth are molded to become persons who respect the "kagbataan", golden rules or culture and tradition as well as persons who will dwell in harmony with nature. Nature is referred to here as the balance in the relationship between humans and spirits of nature. Thus, the importance of ancestral domain is seen as a place wherein young people learn their craft about tribal life. In an interview with Datu Makapukaw, he reiterated that, "ancestral domain is our market, our pharmacy, our church, our house, our university, our life." The individual learns his/her craft from parents. For example, being a mananalsal (blacksmith), mangunguyamo (midwife), baylan (chief ritualist), pagalad (warrior)balaghusay (arbitrator) is first learned from parents but parents are only the medium of this indigenous knowledge. This knowledge comes from the source.

On the other hand, in a more worldly illustration of the socio-economic and political context of ancestral domain, youth is generally seen by their elders

as the inheritors of ancestral domain. This means that inheritance does not only cover the physical land but also entails the culture and traditions of the tribe. The preservation of the culture and tradition means that youth continue to adhere to them. The importance of acquiring a certificate of ancestral domain title means security of land tenure. Without land, there is no space for indigenous young people to continue to live as a Bukidnon tribe.

Indigenous young people as perceived to be inheritors of land, is also shared by development intervention groups. They are seen with positive and negative potentialities to serve a particular interest. Kitanglad Integrated NGO's as environment advocates sees indigenous young people at the forefront of its environmental cultural and sustainable advocacy. However, before this has to happen, the youth should be enlightened and organized into productive undertakings to become responsible and have high regard for their identity, cultural roots and traditions and balanced education. KIN believes that by engaging young people with community undertakings by simply including them in project community activities and helping fund their formal education, youth can become good actors for community development. Protected Area Management Board (PAMB) through its secretariat, the Park Superintendent (PASu) on the other hand, shares this perception with KIN and reiterates further that youth may have potential for the growth of population within the park which will have an impact to its preservation. Thus, youth should be educated particularly on environmental preservation. For PAMB, formal education is deemed important. Corollary to this, they give livelihood projects to parents. PAMB believes that by helping the parents augment their income through livelihood projects, they can afford to send their children to school. However, the management plan for Mt. Kitanglad Range Natural Park, does mention youth in their project areas of concern. In fact, during an interview with a staff member of the Park Superintendent Office mentioned that there is a move to include youth in the implementation of program and projects in the near future. However, he also mentioned that there are also youth who are deputized as Kitanglad Guard Volunteers (KGVs), who function as sentinels for violators of park laws. Lastly, the city government of Malaybalay launched a scholarship program, particularly for indigenous clients, with a minimum standard of grade requirement to passing grade compared to non-indigenous students whose grade requirement are set at average grade. This indicates that indigenous students are seen by the government as intellectually behind those non-indigenous students.

From these different cultural and social construction of youth, the proceeding discussion presents how the Bukidnon tribal youth actually perceive themselves through the experience of their participation in the process of pursuing their CADT.

### **Significance of Ancestral Domain according to Bukidnon Youth**

The youth explained their involvement in the process of application of their ancestral domain as their contribution to support the goals and objectives of the council of elders. Disenfranchisement and dislocation have been

experienced by the whole community and unsecured land is also seen by youth as a threat of losing the ancestral domain. By helping in the process of CADT application, it is interpreted by the youth as their obligation to the community in the context of preserving and the continuing their culture and tradition.

“As the next generation, how can we continue our culture and tradition if the government will not allow us to enter our domain? Where will we pray? Ancestral domain is where we exercise and implement our culture and tradition” (Rowins).

It has to be noted that, to a certain extent, it is ideal to think that, the youth want to support the elders to preserve their culture and tradition. It leads us to think, how would IP youth preserve or even practice culture and tradition in the midst of influence of development intervention and the encroachment of modern ways? From the answers shared to the researcher during the interview, there are more practical reasons why youth indeed were convinced that ancestral domain is very much significant to them. Other than the elders’ expectation and the obvious general view that youth are the next in line and inheritors of the Bukidnon tribe, youth are also wary about their future security.

“If there is no AD we would be like beggars, we would be like the other IP’s who lost their land to loggers and miners and went to the city and beg. Where would we get our livelihood? The territory is where we get our food and plant our crops and get our medicine. I don’t like to be a beggar.” (Jacky Chan)

Aside from economic reasons, youth also take pride in their heritage and is convincingly aware that they understand their right to the land and would like to put a stop to discrimination of indigenous people. They would also like others to accept them and their ways.

“If we don’t have the ancestral title this will be the time that our right as indigenous peoples to our land will be tampered and disrespected. We will become again squatters of our own land. How do we continue to exercise our identity? Where will you find us? The first thing that people ask is where do we live? How can I say, I live in Daraghuyan if it is not even ours by the legal standard. People will laugh at me because I don’t have documents to show it, which is what they are looking for. They would say I’m a squatter. It is important for others to understand who we are as Bukidnon tribe, our culture and tradition, our history, the wisdom of IKSP what is this, spell out, or translate? that we learned from our ancestors.”(Rowins)

Accounts of young indigenous people, being discriminated from the outsiders, show deep emotional wounds that increase their motivation to support their CADT application. During the FGD, youth and children alike

shared their experiences about how they are socially discriminated. They are discriminated because they are either poor or/and indigenous. Being indigenous is considered as poorest among the poor and is held with a low regard by unenlightened mainstream society.

“When I entered high school, my classmates laughed at me when I speak bisaya language in binukid sound. They also laugh at my kinky hair.” (Argielyn)

“Other people think we are dirty, untidy and lazy. Maybe because we work in the farm most of the time and we live in the mountains, we usually have muddy feet.” (Ruthie Boy, FGD)

“They think we are beggars. Once when a classmate and I saw the beggars, they ask me if we are like that. If you are a native (IP) they think we are lazy and poorest among the poor.” (Gretchel)

The strong “kagsabuwa” or sense of solidarity is observably of significant value to the tribe and to the youth. The community is where they get their strength. Culturally, it is ideal for a member of the Bukidnon tribe to participate in every community activity. According to BaeInatwan, “usually elders, youth and children alike help in community activities.” In the event when parents are not really available to attend, a son and/ or daughter is there to represent the household. Kagsabuwa could be discerned in many occasions, for example, it could be helping in another person’s farm during weeding, planting and harvesting, building a house, in wedding, in hunting or even sharing the brunt of life tragedies. In this case, the youth claimed that in helping with the CADT application, it was of their best interest to be in camaraderie with the community. The youth claimed that they were not forced by the elders to help. It was their own discretion and decision to help. They were also given the freedom to choose which task they wanted to be involved in. Most of them chose a task that one can handle, however team spirit was emphasized during the application process. Jonas claimed that they were not forced to do something for the application for CADT. He also emphasized that elders have the command from their spirit guides, “So, we imitate the actions of our parents and elders.” This will lead us to the next discussion on the roles of youth and their perception of their experiences in the process of delineation of ancestral domain.

### **Youth roles and experiences during CADT application**

The youth shared that CADT application is a difficult and long process. In the petition for application by the claimants, the NCIP provincial branch laid down other things aside from the checklist of requirements prescribed by IPRA as proof. These included that all of these data presented should be written in Binukid and translated into English language. Requirements such as genealogy, census and mapping should be done according to the NCIP prescribed format. In addition, the determination of boundaries required the



installation of markers and then followed by the perimeter survey. Just as Hirtz (2003) stated, the Bukidnon tribe had to employ these modern means to be recognized as traditional. The requirements prescribed, evidently needed a far-reaching effort besides money and technical know-how on the part of the IPs. Apparently, elders may have all the traditional knowledge but they need the technical knowledge to complete the requirements. Technical assistance is also needed for translation in English and mapping surveys. The youth is useful when an elder needs someone to write for their testimonies.

During the FGD, the youth listed down tasks that they were involved in during the application process. Most of the tasks included in the list involved activities such as writing, using GPS and other technologies, surveys and carrying heavy materials. The list also included smaller assignments such as cooking, carrying out errands, fetching water, washing plates and entertaining during community meetings and taking care of NCIP and NGO employees that work as technical assistants for CADT.

“From our experience, it was difficult to embark on applying for CADT. They asked for so many documents of different kinds, and most of these things involved a lot of money. With regard to documents we don’t know about these things. Our elders only know oral tradition, they don’t know how to read and write. But for us, since we know how to read and write, we offered to do the task. Sometimes because they (outsiders) think of us IPs as ignorant they would abuse us. Thus, we have learned how to read and write so we can truly help our elders.” (Merly)

The organization of assignments and schedules of completing the task was prepared usually during the meeting of the council of elders in which several youth were also present. Tasks that were always assigned to the youth were that which entailed working together with the supporting NGO. It was mostly on the completion and arrangement of the CADT claim book. Most of the tasks related to this were documentation of anthropological data, interviewing elders for their testimonies and histories, taking and arranging photographs, and doing the census survey and sketch maps. Other fieldworks that also required the presence of youth was mapping which has two component, such as the installation of boundary markers and perimeter survey of the 4,234 hectares of ancestral land that included protected and buffer zone areas <sup>6</sup>.

Bringing the form prescribed by NCIP, youth embarked on the census survey on the five small villages within the Daraghuyan ancestral domain in about five months’ time. Groups that were assigned by Bae Inatlanwan were

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<sup>6</sup> Land division within the park includes Protected Area, A & D and bufferzones. Protected area are restricted to hunting, gathering for food and other wild plants and other agricultural activities while A & D and bufferzone areas are for agricultural activities.

spread out to survey the five villages. Most of the youth members who have done the survey are those who are skilled in photo documentation and know how to read and write and are also strong enough to walk through mountains and creeks. Most of those who have volunteered for the task are elementary graduates or high school undergraduates who have stop attending school. The forms have to be filled up by every household and along with taking a photo of the whole family. Taking valuable photos along the way inside the domain was also done such as those areas designated as hunting ground and sacred spaces.

While working on the census survey, the youth claimed that they also encountered some resistance from their fellow tribes people which makes it sometimes even more difficult. However, they shared that they always find ways to face the problems by properly explaining to them the purpose of the survey.

“Some people don’t like to be involved in the census. They don’t like us to write their names in the forms. They were afraid that we come from the government and they were afraid we will send them to jail. However, we explained to them that the said survey is important to ancestral domain and that it will only be for documentation purposes. We let them be aware of what will happen to them without AD. When they do understand, they would change their mind and consent to fill up the census forms. Some of those who do not want to be involved, they are not forced to be included in the census but we usually invite them to attend our monthly general assembly.” (Ronaldo)

With regard to mapping, installation of boundary markers was done first as a requirement before a perimeter survey was to take place. There was a total of twenty nine (29) boundary markers that were installed around Daraghuyan AD. Twenty four (24) of them are natural stone markers and five are made of cement. From the stories during FGD, it was shared that most of the participants during installation of these markers were males and few were females including the tribal chieftain who is there to lead. Accounts also showed that, rain or shine, the task was done according to schedule. The installation of markers was finished within eleven months. A year after that, the perimeter survey was done by an appointed engineer from NCIP. This time, youth was given the task of using the transit system and the Global Positioning System (GPS) device to determine the actual map of the AD.

Youth attendance was also significant during community meetings and assemblies, AD conflict resolutions and dialogues. At the time of NCIP social preparation, and series of evaluation of census, arranging of claim book, testimony of elders and, and the genealogical survey, youth had been there to lend a helping hand, usually cooking for the evaluators and seeing to it that they were properly entertained and taken cared off. They also assisted their elders during rituals that were performed before commencement of an activity or after.

In this discussion, it is emphasized that youth as participant to the CADT application accepted their role “to help in the activities.” Youth were there to

support the goals of their elders. Youth as illustrated, were there to bridge the gap between elders and the challenge of modern ways. But how did the participation, according to youth benefit them? To answer this question will be the context of the next discussion.

## **The Fruits of our Labor**

### ***Strengthening of a Bukidnon tribe identity***

In the span of five years, the process of CADT application has also brought about benefits and opportunities for the youth. During the FGD, the youth shared that the CADT application process opened up new opportunities for learning. Rowins said, “If we did not pursue the claim we could have been stripped of our land. The government can easily send us away easily and we would have nowhere else to go.” Jacky also spoke of gaining knowledge about the importance of boundaries, especially those which are of cultural importance. He stated further that, it is important for them as the next generation to know where our boundaries are, so they can avoid conflicts with other tribes in the future. Merly added that, during the CADT process, it was also a way in which she had the opportunity to learn the meanings of the cultural ways of doing things, example, the ways of doing the rituals and those rituals that are specific to different places. It has to be noted that when the Bukidnon tribe speak of sacred places, it means that there would be a specific ritual for that place. For example, the Daraghuyan range is considered central to the domain because it is the most important to the tribe. From the sharing of elders, it is equivalent to a cathedral in a city. For the youth, “knowing these boundaries and its specific rituals and the corresponding histories gives me a sense of valuable meaning to my identity as a Bukidnon tribe” Merly reflected.

The 800 pages of the CADT claim book tells us a bit of who the Bukidnon tribe are. However, the book only contains the fundamental knowledge of the Bukidnon tribe. Nevertheless, the youth expressed pleasure in knowing that the completion of the claim book has been the instrument in owning the ancestral land title<sup>7</sup>. Also, this information contain in the documents about the Bukidnon tribe will help foster understanding of outsiders about them.

### ***Outside knowledge as gains and culture as medium of advocacy against social discrimination***

The training and seminars on the fundamentals of technologies and tools used as devices in the CADT fieldwork was also accepted by the youth as their

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<sup>7</sup> The Certificate of Ancestral Domain Title although has not yet been formally awarded to Daraghuyan Ancestral Domain in 2009, however from the interview with the NCIP Provincial Director, the initial title serve as legally binding.

additional gains. To facilitate the youth in doing their responsibilities, the supporting NGO, KIN, initiated a series of major trainings for basic computer, basic usage of GPS in the field, using a tape recorder, digital camera and basic photography. Other trainings initiated included soil painting, arts and crafts that were given by a group of successful tribal artists from Talaandig tribe of Mt. Kitanglad. The training for indigenous music, soil painting, and arts and crafts gives the youth the opportunity to explore their own talents and creativity. Merly shared that, “with their culture and arts, the training gives them an eye opener for the opportunity to show their history, culture and tradition through their creation. An indigenous art has story to tell, a useful as well as effective medium to speak about the tribe to the outside world.” At the time of this field research, the youth still continue to paint in soil painting, make wood sculptures, create arts and crafts, and continue to practice and enhance their music and dance. And for the last three years they have always been invited to the Kalinawa Art Exhibit, a yearly art exhibition intended for painters and artists in Malaybalay City. Daraghuyan entries even get an award every year. During the 4th Indigenous Peoples Visual Art Exhibit in MalaybalayBukidnon, Rowins got first prize in the three-dimensional category with his entry entitled “Kinabuhì” which means “Life”.

Alongside exploring their very own indigenous arts, youth also tried to develop their cultural dances and music. Merly and Ronaldo decided to form a group who will be responsible for developing a theater presentation that would depict the life of the Bukidnon tribe. The cultural presentation will depict the Bukidnon tribe’s life ways using indigenous music and dance. They have recruited other young people around the village and arranged schedules for series of practices. This opportunity allows young people to build up confidence in relation to their cultural identity and talents to be enhanced and developed. The group developed into an organization called Daraghuyan Tribal youth.

The youth mentioned the coming of livelihood projects and other programs such as the Mt. Kitanglad Heritage Center which is a kilometer away from the motorcycle drop-off, the only means of transportation in that area are motorcycles. The implementation of the livelihood programs with NGO’s help supplement the family income a little but is not enough to solve the household’s financial problems. The Mt. Kitanglad Heritage Center which is the World – Bank project through Kitanglad Integrated NGO’s is being used as a service center for many activities such as meetings, trainings, entertaining and hosting of visitors that are coming from different sectors, organizations and individuals. Here, the youth usually show their dance and music presentations to welcome the guest. The Mt. Kitanglad Heritage Center provides a space for the youth to develop and practice their talents and at the same time fulfilling their goals to let others understand their culture and tradition.

### ***The chance to pursue education***

The one major advantage the youth pointed out in the process of CADT application is the chance for them to continue their education. As shared by the NGO fieldworker, “the youth were eager to learn.” This was evident from

their attendance in many KIN trainings, even if these trainings were intended for their elders. They are also eager to go to school. Often, however, their parents are not able to finance the costs that accompany the public school system. Since they are mainly subsistence farmers, they do not have a regular income. It has to be noted that in the census survey, most of the Daraghuyan population have educational attainment of at least high school, a very few high school graduates and only one college graduate<sup>8</sup>. During planning, monitoring and evaluation of projects and programs of Kitanglad Integrated NGO's, youth always expressed their need to attend formal school. Those who attempted to be in school usually drop out for various reasons such as long distance from home to school, inability of parents to provide school supplies and school uniforms, lack of food and other school materials. One girl related that she was usually ashamed of her material inadequacies especially that other children would tease about her dirty clothes and muddy feet. As shared by a school teacher, every year, dropouts from Barangay Dalwangan Elementary school are usually coming from IPs.

The need for the continuation of education was seen by KIN as their opportunity to develop a new approach to community development. In his editorial of Kitanglad Updates magazine, Mordeno (2008) clearly stated that "Since KIN's actual involvement in Mt. Kitanglad in 1996, its programs and projects have been biased towards improving the social conditions of the protected area buffer zone communities. Economic interventions simply serve as incentives for voluntary participation in forest protection, influenced by the popular idea that ensuring the economic survival of the local communities is vital for the forest or resource protection. What is often overlooked is the equally important need to invest in the development of human capital, whose impact may not be immediate but will be felt after the project fold up." Kitanglad Integrated NGO's, despite its lack of funds, embarked on a scholarship program the first objective of which was to subsidize the students' school-related expenses, to mention, expenses such as tuition, school uniform, school supplies and projects, bags, miscellaneous fee, lunch allowance, rent for boarding house and transportation. However, because of lack of financial support and donors, KIN can only provide school fees, school uniform, school supplies and transportation for elementary, high school and college students. It is to be noted that most local and international donors focus their resources on economic development projects rather than education-related endeavours.

From the beginning of the scholarship program and five years thereafter, an increase in the number of applicants as young as 7 years old was seen. This means that tribal children and youth are eager to go to school if they are given opportunities. KIN tried to include all of the applicants as far as the funds could go. However, because there are many scholars being supported, funds were usually gone even before the year end. The improved performance in school and decrease of drop out prompted KIN to look for other means to support the Educational Assistance Program. Consequently, the tribal youth

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<sup>8</sup> Information on educational attainment is taken from the CADT census survey.

together with KIN embarked on fund-raising activities within the city. During such activities, the cultural presentation was usually highlighted. Once, the youth also ventured on economic alternatives such as developing their home gardens and selling vegetables in the market.

***A chance to advocate against racial discrimination and realizing culture as its tool***

While in formal school, youth related that at first they experienced discrimination from their classmates. However, by the time they were in school they were ready to face the social discrimination challenge. Many opportunities were opened to them such as access to scholarship programs, fulfilling their advocacy for elimination of social discrimination and inclusion and integration to local development projects and programs.

“When our tribal youth were invited by our school to present in one of our school activities, we performed the cultural presentation entitled “Kinabuhi hu tribu ha Bukidnon.”<sup>9</sup> After this activity, my group became popular in school. After that, we had some invitations including street dancing in during the “Kaamulan Festival<sup>10</sup>.” I was also treated differently by my classmates, and with respect. I felt even more self-assured after that. As a Bukidnon, many opportunities are open for me.” (Argielyn)

In the FGD, Rowins’ gave a piece of advice to his fellow youth about an opportunity to counter discrimination.

“We should not be ashamed if people tell us we are beggars, dirty, lazy. If we are ashamed, get angry or hide ourselves because of what they think about us we lose the opportunity to help them understand who we really are. A person who understands and lives out his culture will not be ashamed of his tribal identity. Once, a youth group of Talaandig tribe went to Cagayan de Oro City to have a cultural night concert. They brought with them their drums, pulala<sup>11</sup> and other music instruments and people told them they are beggars, but they have talents to show the people. We should not be ashamed. We should not be discouraged.” (Rowins)

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<sup>9</sup> Translated as “Life if the Bukidnon tribe”, this presentation is a musical and dance presentation featuring the everyday life of the Bukidnon tribe through the use of music and cultural dances.

<sup>10</sup> Kaamulan Festival is a yearly cultural festival featuring the 7 tribes Bukidnon Province. This festival highlights street dancing, tribal sports and other modern activities. This festival as observed is highly touristic and commercialized.

<sup>11</sup> Wind music instrument

## **Bridging the gap, negotiating the future**

In the words of Bae Inatlawan<sup>12</sup>, who has much influence on the youth as leader and role model;

“Culture and development should go together, with culture alone the tribe cannot survive, with development alone, the tribe will die. She further emphasized that, “The youth, who are our next generation has to painstakingly gain knowledge from the outside world with our culture as a foundation. It will be hard for them to live today if they only have the culture but it will also be harder if their only concern is development.”

Many youth during the FGD consciously confirmed this. Most of them expressed that although they were lured by the comfort of living in the city, they also felt that city life is abnormal.

“The city is very comfortable if you have money to spend. Money is the denominator for survival; it puts many of us in a socially disadvantaged position.” (Jonathan)

“In the piglamahan<sup>13</sup>, I don’t have many desires; everything I need is already here. In the city it’s like I always have to look for money to survive, if you don’t have money you cannot survive, money is always in your mind and where to get it for your next meal.” (Merly)

“Here in the piglamahan, we are rich. We have enough but if we (Bukidnon youth) are in the city it’s like we are the poorest among them.” (Argielyn)

In the FGD, tensions with elders regarding the influences of modern ways are also tackled. But for the youth it is not an issue. Merly shared, “tensions between elders and youth are always present because of our differences in age and temperament. Even elders have misunderstandings especially between siblings, but conflicts are usually resolved through ritual. “In our tribe, we don’t have to wait the next morning for conflict to be resolved.” Jacky further stressed that , “We respect our elders so we follow our kagbataan or customary laws. Elders only make very little mistakes because they always have with them their “moulin-olin” or spirit guides.”

Although the youth expressed that the modern ways largely influence them, they stated that to survive in this complex society, the youth have to adapt appropriately. One should also know how to balance one’s life.

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<sup>12</sup> Bae Inatlawan is at present the tribal chieftain of the tribe who lead the processing of CADT application.

<sup>13</sup> Translated as ancestral territory

“We have to adapt to whatever is appropriate when we are in a place or in a situation. We don’t like to have conflicts. But we have to follow the law of man and nature. Example, when we go to the city we have to cross the street along the pedestrian lane; if we do not cross there its either we have penalty for jaywalking or we go to jail. Probably we will be run over by cars. So, since I’am not in my own place I have to follow the law. If we are in their place we have to accept their laws. When we are in our place, we respect our laws. Then there is no conflict. This is common sense.” (Rowins)

Finally, for the Bukidnon youth, they see their future inside their ancestral domain as a fulfillment not only of their dreams but also of their tribe’s. “My dream is to live in our “piglamahan” with dignity,” Ronaldo pointed out. During the workshop, the youth expressed their aspirations about what they want their ancestral domain to look like in the future. The overall picture described by the youth points to a tribal village that emphasizes its unique differences yet also determines its relationship with the outside world. The picture implies that IP youth want to preserve and adhere to its culture but are also open to the outside world. To name a few, the ancestral domain in the drawing includes the protected area, tulungdanun (sacred) area, bangkasu (altar) agriculture area, food processing area, tourist area and tribal school etc.

In the FGD, they all affirmed that they wanted to study to help develop their ancestral domain. Those who are now in school expressed that they want to go back to their community to share the knowledge they have learned from the outside. Those who are not in school shared that; they want to do their best to study their culture.

“All of our knowledge put together will make us stronger. We will live in peace and harmony.” (Merly)

The indigenous youth motivation to participate in the process of delineation comes from the sense of understanding of the importance of ancestral domain and the corresponding benefits that it will do to them. Their participation has strengthened their cultural identity that has empowered them to use their agency towards advocating against ethnic discrimination.



## Conclusion

Following the thoughts of Ben White (2011) on the wide gap between social construction of youth and their experience, along with the idea about youth agency (Durham, 2000; Honwana & de Boeck 2005; Cheney, 2007), this paper provided a glimpse of the agency of indigenous young people in relation to ancestral domain. This paper sought to make visible the perception of youth on the significance of ancestral domain to their lives and their experience in the process of pursuing their CADT. I used qualitative methods by utilizing semi-structured interview, key informants interview, and focus group discussion. The concepts on social construction, youth agency and theory of perception were used as lenses in my study. Chapter 3 describes the Philippine Indigenous Struggle for ancestral domain and its corresponding government's law and initiatives in relation to IP especially concerning to youth. This chapter argues that the struggle of indigenous people in the Philippines also affects indigenous youth. However, because we treat IP communities as homogenous we failed to understand its complexities. Thus, in the absence of recognition of IP youth in relation to ancestral domain, we fail to look into their needs and aspirations.

The study shows a lot of insights from the perspective of the IP youth. The study reveals that the participation of indigenous youth in the application of CADT is motivated by the importance of preservation of their culture and tradition. This motivation do not necessarily comes from the general construction of youth as the descendants or as inheritors of land but they don't deny this however. More than being descendants to ancestral domain youth are aware that land is also their security for survival. Practically speaking, for the youth, without ancestral land means, loss of livelihood, culture, tradition and identity. On the other hand, their perception about their ancestral domain and its importance is a consequence of the histories from their ancestors and the experiences that they have on disenfranchisement and discrimination from dominant society.

The study also illustrates that their participation to CADT application enables them to grasp deeply the meaning of their ethnic identity and build their confidence to fully assume as Bukidnon young people. The deep understanding of ethnic identity build a strong foundation for young people to face the challenges and influences outside their community. In fact, the youth perceives that knowledge gained outside their community is an investment that enhances their social mobility and networking. Information coming from outside equips and capacitates them to face life's challenges. Networks can help them realize their goals particularly on their education. Moreover, the realization of their indigenous identities can be utilized as a useful mechanism to advocate social discrimination from the mainstream society. Thus, this study posits that given the confidence to security of land tenure, youth utilizes ancestral domain as a space where they exercise their identity and agency, and consequently, will have control of their own lives.

The study provides insights on the perception of the youth as regards their survival in the context of a fast globalizing world that devoured economic and

cultural barriers. We know for a fact that indigenous communities are the hardest hit by the onslaught of globalization. Particularly, in a land where various stakeholders interact with different interest and agendas, such as the Daraghuyan Ancestral Domain that sets at the center of Mt. Kitanglad Range Natural Park, a resistance would mean struggle without certainty of success and where adaptation and cooperation become the key to survival. How the youth use their agency as compared to how they are socially and culturally constructed is enlightening. As illustrated, IP youth agency is the one that find balance between cultural tradition and modern ways. It respects their culture but they are open to new ways. It uses resistance or openness in perceiving what is acceptable and unacceptable to their values. IP youth agency can bridge the gap between tradition and modern ways.

Will the tribe continue to annihilate or be annihilated? And if not, how do we approach with our interventions without being aggressive? Although most of development agenda maybe well intentioned, if we do not know whom we are serving, our purpose would find no meaning. Being a researcher and a development worker, I would be gratified that this sharing of the IP youth perception and experiences in their participation in the process of pursuing security to land would be beneficial to the young people.

## References

- ADB Report (2001) *Indigenous People/ Ethnic Minorities and Poverty Reductions Philippines* Manila: Asian Development Bank.
- Ansell, Nicola (2005) *Children Youth and Development* New York: Routledge.
- Armstrong, D.M. (1973) *Belief, Truth and Knowledge* Cambridge: Cambridge University Press.
- Audi, Robert (1998) *Epistemology: A contemporary introduction of the theory of knowledge* New York: Routledge: Taylor and Francis Group.
- Borras, S., C. Kay and A.H. Akram-Lodhi (2007) 'Agrarian reform and rural development', in S. Borras et al. (eds), *Land, Poverty and Livelihood in an Era of Globalization*, pp. 1-40. London and New York: Routledge.
- Buhia, G. (2009) 'People of the Mountain' O.N.E OXFAM-Hongkong. Accessed 24 July 2011 <<http://www.oxfam.org.hk/content/434/one200909.pdf>>.
- Camacho, A. (2006) 'Children and Migration: Understanding the Migration Experiences of Child Domestic Workers in the Philippines', MA thesis. The Hague: Institute of Social Studies.
- Canoy, M.E.S. (2004) 'Managing Development and Cultural Integrity within Protected Domain: The Case of Mt. Kitanglad' MA thesis, Philippines: Ateneo de Manila University.
- Canoy, M.E.S and Suminguit V.J. (2001) 'The Indigenous Peoples of Mt. Kitanglad Range Natural Park'. Accessed June 29, 2011 <[http://old.socialwatch.org/es/informeImpreso/pdfs/articlef2001\\_phi.pdf](http://old.socialwatch.org/es/informeImpreso/pdfs/articlef2001_phi.pdf)>.
- Carneiro da Cunha, M. (1995) 'Children, Politics, and Culture: The Case of Brazilian Indians', in, Stephens, S. (ed) *Children and the Politics of Culture*, pp. 282-291. Princeton: Princeton University Press.
- Castagano, A.E. and Brayboy, B.M.J. (2008) 'Culturally Responsive Schooling for Indigenous Youth: A Review of the Literature'. Accessed October 15, 2011 <<http://rer.sagepub.com/content/78/4/941.full.pdf+html>>.
- Chacos, E.T. & R.J. Vallance (2004) 'Research in Aboriginal communities: cultural sensitivity as a prerequisite'. Accessed October 20, 2011 <<http://www.aare.edu.au/04pap/tch041021.pdf>>.
- Cheney, K. (2007) *Pillars of the Nation: Child Citizens and Ugandan National Development* Chicago: The University of Chicago Press Ltd.
- Cohen, Stanley (2002) *Folk Devils and Moral Panics: The Creation of Mods and Rockers* (3<sup>rd</sup>edn). New York: Routledge.
- Cruz, I. (2001) 'An Indecisive Decision'. Accessed 28 October 2011 <<http://separateopinion.wordpress.com/2010/07/02/an-indecisive-decision-february-10-2001-2/>>.
- Cunneen, C. (2007) 'The Criminalization of Indigenous People', in Tania Das Gupta et. al (eds.) *Race and Racialization: Essential Readings* Ontario: Canadian Scholar Press.

- Durham, D. (2000) 'Youth and Social Imagination in Africa: Introduction to Part 1 and 2' *Anthropological Quarterly*, 73 (3): 113-120.
- Foley, D. (1996) 'The Silent Indian as a Cultural Production' in Levinson, B. et.al (eds) *The Cultural Production of the Educated Person: Critical Ethnographies of Schooling and Local Practice*, pp. 79-93. Albany: State University of New York Press.
- Gaspar, K. (2000) *The Lumad Struggle in the Face of Globalization* Davao City, Philippines: AFRIM Mindanao Inc. Davao City, Philippines.
- Giddens, A. (1984) *The constitution of Society: Outline of the Theory of Structuration* Los Angeles: University of California Press.
- Hirtz, F. (2003) 'It Takes Modern Means to be Traditional: On Recognizing Indigenous Cultural Communities in the Philippines', *Development and Change*, 34: 887-914
- Honwana, A. & de Boeck, F. (2005) *Makers and Breakers : Children and youth in Postcolonial Africa* Oxford: James Currey Ltd.
- Kabeer, N. (1999) 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment' *Development and Change*, 30 (4):435-464.
- Kitanglad Updates* (2009) 'It's a Small World If...', 3 (2008-2009):27-28.
- Leonen, M. (2004) 'Weaving Worldviews: Implications of Constitutional Challenges to the Indigenous Peoples Rights Act of 1997' *Journal of the Integrated Bar of the Philippines* 30 (1):153-184.
- Leonen, M. & Ballesteros, A.G. (2001) A Divided Court: A Conquered People? Notes on the Supreme Court Decision on the constitutionality of Indigenous peoples Rights Act.
- Lingating, Ruben (2005) 'Land Rights and Certificate of Ancestral Domain Title and it's Requirements in the Philippines', paper presented at the Seminar on Indigenous Peoples' Sustainable Management of Land and Forest Resources, Kuching and Kuala Lumpur, Malaysia, (21-23 April).
- McRobbie, A. (1993) 'Shut up and dance: Youth culture and changing modes of femininity' accessed 16 November 2011 <<http://you.sagepub.com/content/1/2/13>>.
- Manzano, F.U (1998) 'A Closer Look at Indigenous Peoples Rights Act of 1997', *INTERSECT*, July p. 7.
- Martinez, R. (2009) 'Iraya Youth of Mindoro: Towards an Intergenerational Sensitized Ethnography' Accessed 29 October 2011.<<http://irayajournal.blogspot.com/2009/05/conference-paper-2.html>>.
- Mc Carty, T. et.al (2006) 'Reclaiming the Gift Indigenous: Counter-Narratives on Native Language Loss and Revitalization', *The American Indian Quarterly*, 30 (1&2): 28-48.<[http://muse.jhu.edu/journals/american\\_indian\\_quarterly/v030/30.1mccarty.html](http://muse.jhu.edu/journals/american_indian_quarterly/v030/30.1mccarty.html)>
- Mordeno H.M. (ed.) (2008) *Keepers of Dreams: Stories and Images of the Bukidnon Tribe* Malaybalay, Philippines: Kitanglad Integrated NGO's.
- Ramberg, I. (2004) 'Islamophobia and its consequences on young people' *European Youth Centre, Seminar Report, Budapest*. Accessed October 19,

2011<<http://www.eycb.coe.int/eycbwwwroot/hre/eng/documents/Islamophobia%20report/Islamophobia%20final%20ENG.pdf>>

‘Republic Act 8371’ *Indigenous Peoples Rights Act of 1997*. Accessed 7 November 2011

<[http://www.congress.gov.ph/download/ra\\_10/RA08371.pdf](http://www.congress.gov.ph/download/ra_10/RA08371.pdf)>.

‘Republic Act 7586’ *National Integrated Protected Areas System Act of 1992*. Accessed 7 November 2011

<<http://www.internationalwildlifelaw.org/REPUBLICACT7586.html>>.

‘Republic Act 8044’ The Youth in Nation Building Act. Accessed 9 November 2011 <<http://www.youth.net.ph/about/ra80044.php>>.

Roche, J. et.al (2005) *Youth in Society* London: Sage Publications.

Rodil, R. (1994) *The Minoritization of the Indigenous communities of Mindanao and Sulu Archipelago* Davao City: AFRIM, Mindanao Inc.

Sumbalan, A. (1999) ‘The Mt. Kitanglad Range Natural Park Experience’ a paper presented to Protected Area Management in Mindanao Workshop, CMU, Bukidnon, (8-12 March).

‘The Long Road to Daraghuyan: Chronicles of an Ancestral Domain Claim’ (2009) *Talamdan-Views on Mt. Kitanglad, Philippines* 11 (1). Accessed 11 November 2011. <<http://talamdan.wordpress.com/2011/10/09/157/>>.

Ting, M.T. Jr. et.al. (2008) ‘Modernity vs. Culture: Protecting the Rights of Indigenous Peoples of the Philippines’ *European Journal of Economic and Political Studies*, (1):pp. 77-98. Accessed 3 November 2011

<<http://ejeps.fatih.edu.tr/docs/articles/53.pdf>>.

UN (2005) *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen. United Nation Economic and Social Council*. Accessed 9 November 2011 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/101/57/PDF/G0510157.pdf?OpenElement>>. <<http://www.austlii.edu.au/au/journals/AUIndigLawRpr/2005/17.html>>.

van Opstal, E. (2008) *Emergent Spaces: Articulations of Indigeneity in Malaybalay City*, MA thesis. Lieden, Nederland :LiedenUniversiteit.

Vidal, A. T. (2004) *Conflicting Laws, Overlapping Claims: The Politics of Indigenous Peoples Land Rights in Mindanao* Davao City, Philippines: AFRIM, Inc.

Weiss, B. (2005) ‘The Barber in Pain: Consciousness, Affliction and Alterity in Urban East Africa’ in Honwana, A. and de Boeck F.(eds.) *Makers and Breakers: Children and Youth in Postcolonial Africa* Oxford: James Currey, Ltd.

White, Ben (2011). ‘Who Will Own the Countryside? Dispossession, Rural Youth and the Future of Farming. Valedictory Lecture delivered on 13 October 2011 at the International Institute of Social Studies, The Hague.

White, R. (2002) ‘Indigenous Young Australians, Criminal Justice and Offensive Language’, *Journal of Youth Studies* 5 (1): 21-34.

World Bank (2009), ‘Who are Youth?’, *Children and Youth* ‘ Accessed 2 November 2009.

<[http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTCY/0,contentMDK:20261632~menuPK:565270~pagePK:148956~piPK:216618~theSitePK:39644\\_5,00.html](http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTCY/0,contentMDK:20261632~menuPK:565270~pagePK:148956~piPK:216618~theSitePK:39644_5,00.html)>.

'1987 Philippine Constitution'. Accessed 4 November 2011  
<<http://www.chanrobes.com/philsupremelaw1.htm>>.

## Appendices

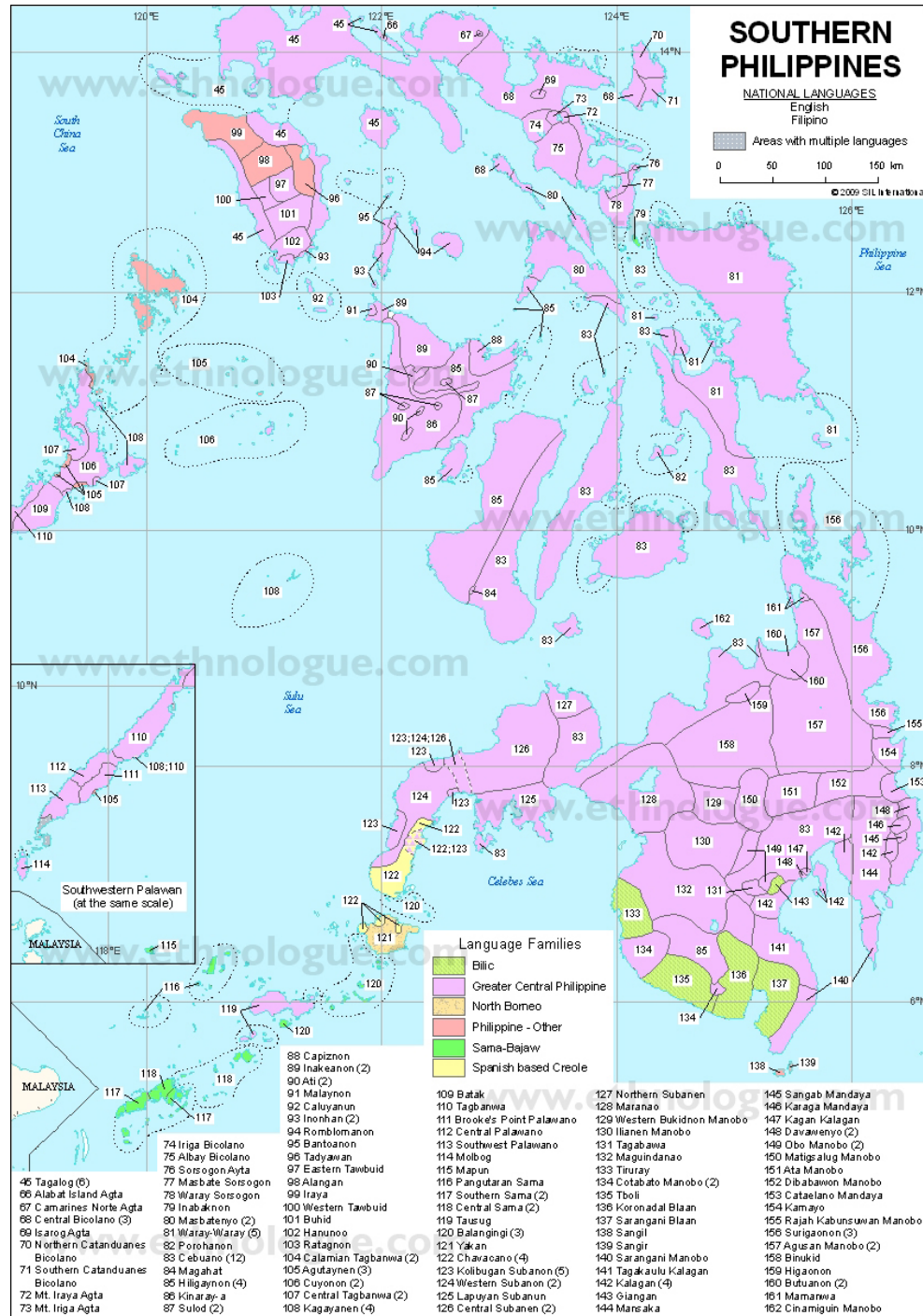
### *Appendix 1. Profile of Interviewed IP youth*

Name	Profile
Ronaldo Docenos	<p>He finished grade 2 in the elementary school but grew up and lived with his grandfather in Sugod, a clan dwelling place within Mt. Kitanglad Range Natural Park. He is now 25 years old and was designated by PASu office you need to spell out as special Kitanglad Guard Volunteer within the park. He is also a current leader of the youth. Ronaldo was involved in the installation of boundary markers, in-charge of GPS and photo documentation during the perimeter survey to come up with data required for the CADT application. He is being groomed by elders to become a datu (tribal leader).</p>
Merly Omarol	<p>Her educational attainment is third year in Bachelor of Arts. She grew up in an area located between Sugod, inhandig (forest villages) and Barangay Dalwangan (city). She is now twenty (20) years old. She has been active in the completion of the CADT application and is one of the leaders of the youth. She was called the dayan-dayan of the tribe, which means a person who gladly welcomes everyone in their village. She leads the tribal youth in many of their activities. She is mentored to become a Bae (Baylan) in the future.</p>
Argielyn Omarol	<p>She is in her second year of Bachelor of Science in Elementary Education and intends to graduate as a teacher. She is studying in a sectarian college in Malaybalay City. She spent her childhood in Puntol (a settlement in Daraghuyan) and grew up in Sitio Damitan (a mixed village of migrants and IP's). She is now 17 years old. She was also active in CADT application. She was one of the pioneering scholars of KIN educational Assistance Program.</p>
Jonathan Gican	<p>He is now in his second year in college, and is taking up Bachelor of Science major in Environmental Science in one of the state universities in Central Mindanao. He is 18 years of age and is the youngest and the only family member who has gone to college. He grew up between a settlement in Daraghuyan and Barangay Dalwangan. He is one of the pioneering beneficiaries of KIN Educational Assistance Program.</p>

	He is also one of the leaders of the tribal youth.
Gretchel Yam-oc	She is now in her 3 <sup>rd</sup> year in college, and is taking up Bachelor of Science in Food Technology in the only state university in Malaybalay City. He is now 17 years old and is the eldest in the family. She grew up outside Daraghuyan and was brought up by her mother as a Christian. Gretchel went to live with her aunt (tribal chieftain) in Daraghuyan when she was in third year high school. She is also one of the pioneering beneficiaries of KIN Educational Assistance Program.
Rowins Omarol	He reached up to 3 <sup>rd</sup> year in high school but decided to become a farmer and stay in Daraghuyan area. He grew up in an area between Inhandig (village) and Barangay Dalwangan. He is now 24 years of age. Together with the other youth, he was active in the CADT application process, doing boundary monument installation and perimeter survey.



Appendix 2. Ethno-linguistic map of the Philippines



Source: Lewis, M. Paul (ed) (2009) *Ethnologue: Languages of the World* (16<sup>th</sup> ed)  
Dallas, Texas: SIL International. Accessed 14 November 2011.  
<http://www.ethnologue.com/>

**CHAPTER VIII  
DELINEATION AND RECOGNITION OF ANCESTRAL  
DOMAINS**

**Sec. 51. *Delineation and Recognition of Ancestral Domains.***- Self-delineation shall be guiding principle in the identification and delineation of ancestral domains. As such, the ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the Scope of the territories and agreements/pacts made with neighboring ICCs/IPs, if any, will be essential to the determination of these traditional territories. The Government shall take the necessary steps to identify lands which the ICCs/IPs concerned traditionally occupy and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the rights of the ICCs/IPs concerned to land which may no longer be exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities, particularly of ICCs/IPs who are still nomadic and/or shifting cultivators.

**Sec. 52. *Delineation Process.***- The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

**a. *Ancestral Domains Delineated Prior to this Act*** - The provisions hereunder shall not apply to ancestral domains/lands already delineated according to DENR Administrative Order No. 2, series of 1993, nor to ancestral lands and domains delineated under any other community/ancestral domain program prior to the enactment of his law. ICCs/IPs enactment of this law shall have the right to apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the process outlined hereunder;

**b. *Petition for Delineation*** - The process of delineating a specific perimeter may be initiated by the NCIP with the consent of the ICC/IP concerned, or through a *Petition for Delineation* filed with the NCIP, by a majority of the members of the ICCs/IPs;

**c. *Delineation Paper*** - The official delineation of ancestral domain boundaries including census of all community members therein, shall be immediately undertaken by the Ancestral Domains Office upon filing of the application by the ICCs/IPs concerned. Delineation will be done in coordination with the community concerned and shall at all times include genuine involvement and participation by the members of the communities concerned;

**d. *Proof required*** - Proof of Ancestral Domain Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owners which shall be any one (1) of the following authentic documents:

1. Written accounts of the ICCs/IPs customs and traditions;

2. Written accounts of the ICCs/IPs political structure and institution;

3. Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;

4. Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;

5. Survey plans and sketch maps;

6. Anthropological data;

7. Genealogical surveys;

**8. Pictures and descriptive histories of traditional communal forests and hunting grounds;**

**9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and**

**10. Write-ups of names and places derived from the native dialect of the community.**

***e. Preparation of Maps* - On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office of the NCIP shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;**

***f. Report of Investigation and Other Documents* - A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains Office of the NCIP;**

***g. Notice and Publication* - A copy of each document, including a translation in the native language of the ICCs/IPs concerned shall be posted in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial and regional offices of the NCIP, and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: Provided, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: Provided, further, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;**

***h. Endorsement to NCIP* - Within fifteen (15) days from publication, and of the inspection process, the Ancestral Domains Office shall prepare a report to the NCIP endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Ancestral Do-**

**mains Office shall require the submission of additional evidence: Provided, That the Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification: Provided, further, That in case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP: Provided, furthermore, That in cases where there are conflicting claims, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the selection below.**

***i. Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies -* The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;**

***j. Issuance of CADT -* ICCs/IPs whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; and**

***k. Registration of CADTs -* The NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral lands titles before the Register of Deeds in the place where the property is situated.**

**Sec. 53. Identification, Delineation and Certification of Ancestral Lands.-**

**a. The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;**

**b. Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;**

**c. Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 52 (d) of this act, including tax declarations and proofs of payment of taxes;**

**d. The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;**

**e. Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be**

published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: Provided, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: Provided, further, That mere posting shall be deemed sufficient if both newspapers and radio station are not available

f. Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domains office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individual or indigenous corporate claimants, the Ancestral domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and

g. The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate or corporate (family or clan) claimant over ancestral lands.

**Sec. 54. *Fraudulent Claims.***- The Ancestral Domains Office may, upon written request from the ICCs/IPs, review existing claims which have been fraudulently acquired by any person or community. Any claim found to be fraudulently acquired by, and

issued to, any person or community may be cancelled by the NCIP after due notice and hearing of all parties concerned.

**Sec. 55. *Communal Rights.***- Subject to Section 56 hereof, areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: Provide, That communal rights under this Act shall not be construed as co-ownership as provided in Republic Act. No. 386, otherwise known as the New Civil Code.

**Sec. 56. *Existing Property Rights Regimes.***- Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

**Sec. 57. *Natural Resources within Ancestral Domains.***- The ICCs/IPs shall have the priority rights in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the ICCs/IPs concerned or that the community, pursuant to its own decision making process, has agreed to allow such operation: Provided, finally, That the all extractions shall be used to facilitate the development and improvement of the ancestral domains.

**Sec. 58. *Environmental Consideration.***- Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to main-



tain, develop, protect and conserve such areas with the full and effective assistance of the government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirement of the existing laws on free and prior informed consent: Provided, That the transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: Provided, further, That no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this section without the written consent of the specific persons authorized to give consent.

**Sec. 59. *Certification Precondition.***- all department and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certificate shall only be issued after a field-based investigation is conducted by the Ancestral Domain Office of the area concerned: Provided, That no certificate shall be issued by the NCIP without the free and prior informed and written consent of the ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is pending application CADT: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

**Sec.60. *Exemption from Taxes.***- All lands certified to be ancestral domains shall be exempt from real property taxes, specially levies, and other forms of

exaction except such portion of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantation and residential purposes and upon titling by other by private person: Provided, that all exactions shall be used to facilitate the development and improvement of the ancestral domains.

**Sec. 61. *Temporary Requisition Powers.***- Prior to the establishment of an institutional surveying capacity whereby it can effectively fulfill its mandate, but in no case beyond three (3) years after its creation, the NCIP is hereby authorized to request the Department of Environment and Natural Resources (DENR) survey teams as well as other equally capable private survey teams, through a Memorandum of Agreement (MOA), to delineate ancestral domain perimeters. The DENR Secretary shall accommodate any such request within one (1) month of its issuance: Provided, That the Memorandum of Agreement shall stipulate, among others, a provision for technology transfer to the NCIP.

**Sec. 62. *Resolution of Conflicts.***- In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which cannot be resolved, the NCIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: Provided, That if the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions: Provided, further, That in any decision, order, award or ruling of the NCIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from receipt of a copy thereof.

**Sec. 63. *Applicable Laws.***- Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession and settlement of land disputes. Any doubt or ambiguity in the application of laws shall be resolved in favor of the ICCs/IPs.

**Sec. 64. *Remedial Measures.***- Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good". The NCIP shall take appropriate legal action for the cancellation of officially documented titles which were acquired illegally: Provided, That such procedure shall ensure that the rights of possessors in good faith shall be respected: Provided, further, That the action for cancellation shall be initiated within two (2) years from the effectivity of this Act: Provided, finally, That the action for reconveyance shall be a period of ten (10) years in accordance with existing laws.

Resources : <http://www.chanrobles.com/republicactno8371.htm>