



# No End to Lumad Dislocation from Their Homeland: The Case of the Sarangani Manobo and B'laans in Davao Occidental

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**ABSTRACT.** The Lumads and Moros of the island of Mindanao have long been facing a history of dislocation from their homelands. This history started with the Spanish proselytization and attempted colonization of Mindanao, which then intensified with the entry of the United States of America as the new ruler of the Philippines. Policies were established to initiate a type of colonization that severely impacted Mindanao's indigenous population, changed its landscape, and altered its history. The end of the Second World War saw the expansion of agribusinesses and mining operations in the region. The encroachment of the mining industry into the uplands impacted the ancestral territories of the Lumads. Highlighted in this article is the case of the Sarangani Manobo and B'laans in Jose Abad Santos, Davao Occidental. This is a story of their displacement, their response to the passage of the Indigenous Peoples' Rights Act, their endeavor toward securing a certificate of ancestral domain title, and how they are losing their farmlands to peasants, businessmen, and even other immigrant Lumads.

**KEYWORDS.** Lumad · Moro · Sarangani Manobo · B'laan · Davao Occidental · dislocation

## INTRODUCTION

Mindanao's indigenous inhabitants have received few promises. They have seen their birthrights usurped and their traditions assaulted in the name of development. The island has a reputation for violence. History has involved an array of interests including foreign powers, the state, secessionists, revolutionaries, cults, politicians, land-grabbers, bandits and renegades, all attempting to enforce their political and economic objectives through the barrel of a gun. Mindanao has been a frontier, a society in formation with all the attendant chaos that such a process entails. (Turner and Turner 1992, 1)

Mindanao is witnessing intense contestations regarding access to land in view of increasing commercial interests, as well as continuing struggles for self-determination by Moro and Lumad peoples. Since the dawn of the colonial era—especially during the American occupation—the original inhabitants of Mindanao have been subjected to all kinds of dislocations from their ancestral territories. Mindanao has been labelled as the Land of Promise, which was used to entice the entry of land-hungry peasants from mostly the central islands of the Philippines, as well as corporate firms. Today, not only has this promise not been fulfilled for the vast migrant population but it has also resulted in the marginalization and disenfranchisement of Moro and Lumad peoples.

In the past five decades, there has been a strong assertion on the part of the Moro and Lumad peoples to regain control of their ancestral territories. On the part of the Moro population, various rebel groups—especially the Moro National Liberation Front and the Moro Islamic Liberation Front—have waged armed struggles against the state in the hope of seizing control over the BangsaMoro territories. Through the past three decades, the state has pursued peace negotiations but until today full comprehensive peace agreements have yet to be achieved to bring peace to troubled Mindanao.

On the other hand, the state responded to the Lumad's struggle to have control over their ancestral domain through the passage of the Indigenous Peoples' Rights Act (IPRA) of 1997, which serves as a peace agreement between the state and the Lumad communities. However, the full implementation of IPRA has not taken place, owing to the state's lack of political will to secure full land rights for the Lumads. Factions of the Lumad have sided with the communist New People's Army in the uplands as a way to advance their struggles, leading to the militarization of many Lumad upland areas. Other factions among them have been forced to take the side of the state's military apparatus and some have even been supportive of the encroachment of corporate business interests in the uplands, especially mining firms.

All these factors have continued to create spaces of violence leading to the constant dislocation of both Moro and Lumad communities. Given the current realities of the country's political economy, this scenario is not bound to change radically in the years to come.

## A SHORT HISTORICAL BACKDROP

In the prequest era, Mindanao was populated by various ethnolinguistic groups. The Asian trade that flourished from the ninth

to the thirteenth centuries connected Mindanao to various parts of Asia, and brought Islam to this part of the world. While the Tausog, Maguindanaos, Maranaws, Iranun, Kalagan, Samal (Sama D'laut) and a few other communities embraced Islam, other ethnolinguistic tribes held on to their indigenous belief system. These include the Subanen, Higaonon, Talaandig, and others. In the Cotabato-Davao regions, they included the Manobo, T'boli, B'laan, Teduray, Bagobo, Guingan, Dibabawon, Mangguangan, Tagakaolo, Mansaka, Mandaya, and others. Eventually, non-Islamized indigenous peoples in Mindanao would be referred to as Lumad.

Though one of Spain's earliest expeditions to the Philippines reached Mindanao in 1526, the idea of colonizing Mindanao for the extraction of its resources only came at the last stage of Spanish colonial rule. In earlier stages, Spanish colonization of Mindanao was mainly in the hands of Catholic missionaries, whose prime concern was proselytization. These missionaries (Jesuits and Augustinian Recollects, in particular) arrived in Mindanao during the sixteenth to seventeenth centuries and spread across the island. Following a method used in Latin America, their attempts at evangelization placed particular importance on the leading classes of indigenous society and their children (de la Rosa 1990, 63). When the Spanish monarchy and its governance system could no longer continue providing adequate financial support to its colonies in the late eighteenth century, it became more urgent for officials in the colonies to expand the collection of revenues, primarily in terms of tribute. So they looked beyond the areas that had already been colonized. The Davao Gulf area was of particular interest as it was already known to be a location where trade thrived.

The Davao Gulf area was rich in natural resources and conditions for shipping were favourable as well. However, the Spanish settlement established in 1849 in what is now Davao City had failed to attract Filipino settlers from other islands, due to the region's isolation, difficult transportation, and fear of the local Muslim population (Corcino 1998, 123-24). Davao "became a penal colony without walls or barbed wires, becoming the dumping ground of deserters and various kinds of offenders from the other parts of the Philippines" (Tiu 2005, 33).

The non-Islamic indigenous population (Lumads) in Davao was subject to aggressively organized *reducciones* by colonial forces and to pacification drives by the friars in their attempts at proselytization. The

Lumads resented being forced to work and to pay tribute. Acceding to live in the settlements at certain times, they often disappeared into the forests when the priests and soldiers left. When the Katipunan Revolution broke out in Luzon in the late nineteenth century, the Spanish forces were still pacifying the Lumads in Davao.

After the Philippine Revolution against Spain and the subsequent shift of colonial power in the Philippines from Spain to the United States of America in the early 1900s, the colonial perspective intensified. Washington DC's government bureaucrats were convinced that Mindanao's potentials were immense. A growing number of American businessmen were attracted to the opportunities of exploiting these resources.

### SHIFTS IN CONTROL OF LAND WITH AMERICAN COLONIZATION

Policies were established to initiate a type of colonization that would severely impact Mindanao's indigenous population, change its landscape, and alter its history. This included the passage of land laws that abrogated the existing customary laws of both the Moro and the Lumad peoples, and that opened up the vast lands to land-hungry migrants from the northern and central parts of the Philippines as well as to American business corporations. The fertility of these vast tracts of land, the conducive climate, and the assumption that land was easily available were factors that convinced American businessmen to set up agribusiness plantations, cattle ranches, and the like.

Within two generations, there would be a radical demographic shift in the population of Mindanao. Christian migrant settlers from the Central Visayas and Luzon came in search for land and livelihood opportunities, with land access facilitated by the colonial government's policy of "opening under-populated and huge . . . areas" (Hayase 2007, 150) and access to jobs provided by the nascent logging industry and plantations. In some cases, Christian settlers acquired land from the Lumads in exchange for salt, cigarettes, and other consumer goods that they brought with them. Early migration of Christian settlers to Mindanao took place through Cotabato, where "Christians settled in the 'public land' along the Pulangi River Basin and Koronadal Valley to the south" (150). Most of these areas used to be hunting-and-gathering grounds of Moro communities that were later abandoned. The settlers secured land rights through legal registration facilitated by the National Land Settlement Administration. The number of migrants

(settler farmers and plantation workers) continued to rise leading to the displacement of Moro and Lumad peoples from their ancestral territory. As this process continued, more of these Moro and Lumad communities became minoritized.

In Davao district, the Americans “succeeded in establishing their complete hegemony over the territory” (Tiu 2003, 41) with superior weaponry, just a decade after taking over the district from the Spaniards in 1899. “As the Americans consolidated their rule, the region was transformed into huge plantations. An effective colonial administrative machinery was set up, followed by educational and religious penetrations that completed the conquest of Davao” (41). Roads were constructed and telegraph lines set up. Transportation and communication improved, thereby enticing more migrants to come and seek their fortune (May 1992, 126-127). The number of inhabitants increased exponentially owing to immigration.

Soon after the American occupation, around 200 former American soldiers and teachers (Thomasites) arrived to establish coconut and abaca plantations, encouraged by Gen. Leonard Wood, first governor of the Moro Province (1903-1906), making Davao the most Americanized town in the country (Corcino 1998, 124-25). As American plantations expanded, more workers were needed. Since local indigenous people could not be enticed to work for them, the Americans recruited labor from other parts of the country, including Japanese workers who were finishing their construction work on Kennon Road in Mt. Province (Tiu 2011, 33).

There was strong resentment among Lumad and Moro communities against the encroachment of American colonizers as they found themselves displaced with the expansion of the plantations and land being taken over by migrants. They could not “match the advanced technology of their new adversaries,” and they were “weakened by both military and religious assaults” by the colonial forces (Tiu 2003, 41). By late 1905, social unrest was sweeping the region. Even as they could not put up a collaborative rebellion, indigenous communities and Davao Moros resorted to various forms of resistance (Gaspar 2011, 56-80). This included the assassination of Davao’s district politico-military governor, 2nd Lt. Edward Bolton, by a Lumad chieftain who resented the colonizers’ encroachments. Other Lumad communities retreated to the forested uplands. At that time, the indigenous communities did not have a high level of solidarity among themselves to go against the colonizers, nor were they in a position to sustain their

resistance as the Americans pushed their colonial agenda in southern Mindanao.

In Davao, Japanese migrant workers eventually progressed from being plantation workers to actual owners, primarily of abaca plantations. As the Japanese business interests in Davao expanded from abaca plantations to timber and coconut (and the establishment of banks, stores, schools, and hospitals), American business interests deteriorated in the face of labor, production, and marketing problems. Many Americans were forced to sell their plantations to the Japanese (Tiu 2011, 35-36). "The failure of the American dream in Davao set the stage for the Japanese takeover of that province's abaca plantations," pushing the Japanese to protect "their investments by playing the patronage game with emerging Filipino politicians" (Abinales 2000, 180). The success of Japanese businesses in Davao further attracted migrant families. In Japanese plantations, Filipinos were treated more decently and received better social welfare than in plantations run by Americans (Abinales 2000, 85). As "the idea of Davao as a land of promise caught the nation's imagination," the population of Davao province increased rapidly (Corcino 1998, 126). By 1936, migrant Filipinos constituted the largest group in Davao totaling 79,092 compared to the Lumad population that stood at 68,346 and the Japanese at 12,244 (Abinales 2000, 85).

Plantations in Mindanao expanded to other exports crops, notably sugarcane, tobacco, and coconuts. Americans introduced pineapple and rubber. This not only highlighted the strategic importance of land in Mindanao, but also signaled the entry of both highly-mechanized farming and big foreign firms that would later become transnational corporations involved in agribusiness plantations (Gaspar 2005, 22; Gaspar 2000).

One of these was the Del Monte Corporation, which was set up by the Philippine Packing Corporation in 1926 as a subsidiary for the large-scale production and canning of pineapple, mainly for export. From 1,024 hectares, Philpak was able to sublease almost 20,000 hectares from the US Navy in the province of Bukidnon. When this hectareage reverted to the Philippine Commonwealth, Philpak succeeded in persuading President Manuel Quezon to make it a lease under the National Development Corporation. Later, Dole Philippines, a subsidiary of Castle and Cooke USA, took over 5,569 hectares—covering the B'laans' ancestral domain—in South Cotabato through the National Development Corporation. Goodrich, Firestone, and

Goodyear also established rubber plantations in Basilan, Cotabato, and Zamboanga between 1919 and 1929 (May 1992, 129). Ranches were established in Bukidnon. The ranches and plantations were promoted “in order to discourage the influx of lowlander farmer-settlement into tribal areas,” areas which could then be controlled by the business corporations (129).

### IMPACT OF POST-WAR EXPANSION OF AGRIBUSINESS AND MINING OPERATIONS

The encroaching of agribusiness plantations into Lumad ancestral domains led to conflict between two world views on how to deal with the land.

Kinship and capitalist modes of production are not [complementary] relations. For the Lumad, the ethos of private, individual accumulation of material wealth and the commodity-form of exchange completely undermine the cultural fabric that had insured their survival as a people for hundreds of years. Their kinship mode of production, based on an ideology of reciprocal exchange, worked for the sharing and redistribution of goods and resources, thus enabling the survival not merely of individuals, but more significantly, of the community. (Gaspar 2011, 53)

After the Second World War, the arrival of migrant farmer-settlers and agribusiness expansion resumed with a vengeance. This time, however, the Japanese—who were defeated during the Second World War—had been expelled from Davao. Logging operations had reached the uplands and more Lumad were displaced from their homeland. Toward the 1960s, Mindanao, especially the Davao–Cotabato region, would see the rapid expansion of plantations.

With a peasantry of only recent origin and often uncertain tenurial status, as well as with a suitably typhoon-free climate, Mindanao was an attractive site for the expansion of commercial export crops. This occurred in the 1960s, following the stagnation of import substitution industrialization and accelerated in the 1970s with the declaration of martial law . . . [which] represented the ascendancy of the export-oriented project of the finance and internal bourgeoisie, which led to greater transnational agribusiness linkages. Between 1960 and 1980, the amount of land planted to food crops for domestic consumption in the Philippines grew by 37 percent, but land planted to commercial crops for export expanded by 146 percent. (Collier 1992, 205)

The region of Davao—which now covers Davao City, Davao del Norte, Davao del Sur, Compostela Valley and the newly created province of Davao Occidental—has been one of the most hotly contested areas where the Lumad peoples are pitted against business investors and migrant-settlers who strive to own land. Maintaining basically the same policies as the American colonial government, the administrations of the Republic of the Philippines of the last seven decades persisted in drawing foreign investments to Davao and adjacent provinces with little regard to the Lumads' rights to their ancestral homeland (until the passage of the IPRA in 1997).

Foreign and foreign-affiliated firms, including corporations based in Mindanao or whose major activities are in Mindanao, have diversified operations in the region, including Dole/Stanfilco (bananas, pineapples, fish products, and rice); San Miguel Corporation (coffee, cacao, and hybrid corn seeds); Filipro/Nestle (coffee and soya beans); Menzi Agricultural Corporation (rubber, coffee, palm oil, and fruits), and Philippine Packing Corporation (banana and pineapple) (Tadem 1992, 7). From Davao del Norte and Davao City, banana plantations expanded to Davao del Sur in the 1990s, with the Lapanday Group of Companies as a major investor. Davao del Sur is also a main producer of sugarcane (apart from Bukidnon), with the expansion of the Davao Sugar Central Company.

Oil palm cultivation is expanding rapidly in Mindanao, which is affecting ancestral domain claims of Lumads. Started in the 1950s in Basilan by Menzi Agricultural Corporation, several companies owned by Malaysian, Singaporean, and Filipino investors followed suit in the next decades. The expansion has been massive since the 1990s and is actively promoted by the Philippine government. It also engages small land owners, including agrarian reform beneficiaries who were previously plantation workers.

The Lumads' "rights on their ancestral lands are not always recognized, fully respected and often misinterpreted" in this expansion of oil palm plantations despite the passage of IPRA (Bigot 2013, 11). IPRA includes a provision on the procedure for free prior and informed consent, which states that before any project can be implemented, a consensus of all the members belonging to the involved community should be obtained. However, free prior and informed consent "or others Indigenous peoples' rights have been violated" in several oil palm plantations that are "located or overlapping on ancestral domains in several provinces such as Bukidnon, Sultan

Kudarat and Palawan” (11). For example, one non-government organization operating in Opol, Misamis Oriental—the Pesticide Action Network Asia and the Pacific—reported a case of land rights violation by the company A. Brown, which planned to establish oil palm on ancestral lands without the consent of the Higaonon community (11). Currently, plans for massive expansion of oil palm plantations are targeting more Lumad territories, including 6,000 hectares of ancestral domain of the B’laans in Columbio (Sultan Kudarat) and the ancestral territories of the T’bolis in South Cotabato.

Massive commercial logging after the Second World War, followed by extensive mining, has also severely impacted Lumad control of their ancestral homeland. In fifty years’ time, most of the forests in Mindanao have disappeared. Mindanao’s rich and bountiful minerals underneath the logged-over land (gold, copper, nickel, chromite, silver, zinc, lead, and coal) subsequently attracted American, Japanese, British, Canadian, Austrian, and Australian transnational corporations (Tadem 1992; Coumans 2012; Tio 2012). Mindanao’s share in the mining industry’s exports is immense.

The state has energized the mining industry with the Philippine Mining Act of 1995 (Republic Act 7942), which authorizes the government to enter into a financial or technical assistance agreement with contractors. The IPRA does not deter the impact of the Philippine Mining Act in the ancestral homeland of the Lumads for various reasons. Once the certificate of ancestral domain title (CADT) is issued to a Lumad community, the elders and/or the Barangay Tribal Council could decide to lease their CADT to a mining firm for a fee. Or a mining corporation with assistance from state agencies could coerce a tribal community to allow mining operations to begin in a contested ancestral territory. Besides large-scale corporate investments, unauthorized small-scale mining had already developed across Mindanao since the 1980s involving both migrant settlers and Lumad miners.

A recent study made through the research centers of three Jesuit-run universities in Mindanao (Tio 2012; Ateneo Institute of Anthropology and Ateneo Tropics 2013) showed the extent of mining expansion in Mindanao and its repercussions on Lumad populations.

In Tampakan (South Cotabato), Columbio (Sultan Kudarat) and Kiblawan (Davao del Sur), the Sagittarius Mines, Inc, has tried to take over 23,590 hectares for its mining operations. The company was able to secure a financial or technical assistance agreement with two certificate of ancestral domain claims from B’laans and rights over

individual ownership from Christian landowners who have informal land titles and individual stewardship certificates issued by the Department of Environment and Natural Resources (DENR). The firm employed a divide-and-rule tactic vis-à-vis the B'laans, resulting in two factions: one supportive of the firm and one opposed to the entry of mining operations. As a result, there have been outright armed confrontations between the two groups resulting in a number of deaths.

In Bayog, Zamboanga del Sur, TVI Resource Development (a Canadian firm) took over 4,799 hectares, secured through a mineral production sharing agreement in 1997 through the Zamboanga Minerals Corporation. The Subanens in this area were again divided into pro- and anti-mining camps, resulting in tensions between the tribal people themselves. Where once the people were united, the entry of the mining firm kept them divided.

In Siocon, Zamboanga del Norte, the TVI managed to take over 8,213 hectares through an mineral production sharing agreement, which was originally issued to Ramon Bosque and Benguet Corporation in 1994; the mineral production sharing agreement deed of assignment was later transferred to TVI and approved by DENR in 1998. Once more, the mining firm caused the division of the Subanens. One group, the Apo Manglang Lupa Posaka, was opposed to mining, while another group, the Siocon Subanon Association Inc. plus the Council of Elders (approved by the National Commission on Indigenous People [NCIP]), were in favor of the mining.

In Claver, Surigao del Norte, the Taganito Mining Corporation was able to secure rights to over 5,000 hectares through the mineral production sharing agreement, stipulating that the Mamanuas can get PHP 500,000 financial assistance yearly from 2006 to 2013 for their livelihood. Once more, this has led to a division among the members of the tribe, with the elders in favor of and the younger members opposed to the project as the mining was seen to have depleted their marine resources leading to the decline of their fishing activities.

From data gathered at the ground level, it is clear that the encroachment of the mining industry into the uplands has impacted the ancestral territories of the Lumads in Mindanao. There are "overlapping claims at mining applications and ancestral domain; [except] in the ARMM [Autonomous Region of Muslim Mindanao] area [which] is the only homogenous area where there is no mining application" (Tio 2012, 24). It is a sad fact that, increasingly, the

vulnerable, remote indigenous communities closest to the mines—predominantly those of the Lumad—are the ones most affected. One can also see that as mining expanded, there were Lumad communities that embraced mining in their homeland and those who opposed it. Civil society organizations across Mindanao have opposed both the exploration and expansion of mining because of its impact on the environment and the lives of the Lumads, and because of severe human rights abuses as security forces, military, and paramilitary forces are used to quell increasing opposition.

### THE CASE OF JOSE ABAD SANTOS, DAVAO OCCIDENTAL

The municipality of Jose Abad Santos (JAS), Davao Occidental, is presently most vulnerable to the encroachment of agribusiness plantations and mining, to the detriment of the Lumad communities. The majority of its population is Lumad. Founded as a municipality in 1948, its population was 69,631 in 2010 (National Statistics Office figures). Of these, Sarangani Manobo constitute an estimated 80 percent of the population, migrant settlers 10 percent, and B'laans and Sangils or members of households with intermarriages of the different ethnolinguistic groups 10 percent. While the Manobo and the B'laans are original inhabitants of Davao, the Sangils (also referred to as Sangirs) are originally from Indonesia. The people live in 26 barangays spread across 600 square kilometers or the equivalent of 73,443 hectares, with Caburan as its center.

Until ten years ago, JAS—especially the fifteen barangays nearest to the province of Sarangani and facing the islands of Balut and Sarangani—was very difficult to reach from Davao City to its east and General Santos to its west. Davao del Sur's access to JAS through the national highway had been very limited owing to the lack of roads and bridges. Almost one-half of the municipality could only be reached by pump boat from General Santos. Even if a road now connects the town to Sarangani Province, it is still not passable during rainy days because of floods and landslides. This is why, unlike most towns across the Davao Region, JAS remains one of the few municipalities where the majority of the population is Lumad.

Since the 1950s, families from outside the municipality have reached JAS and have started to accumulate ownership over the Manobo's ancestral domain. This time, however, an interesting development has arisen. Those from the outside are no longer from



Figure 1. Map of Jose Abad Santos, Davao Occidental. Map by Mike Gonzales from Wikimedia Commons.

Visayas and Luzon but from Davao, including those with Mandaya ancestry from Davao Oriental (the Mandayas are the Lumads of Davao Oriental).

Statistics on how much of the ownership has transferred from the Manobos to outsiders is still not available. But one family—the Guillerimos of Manay, Davao Oriental with Mandaya ancestry—now has control over hundreds of hectares in Barangay Nuing. There is a lot of optimism that with the creation of Davao Occidental, roads and bridges will soon be improved making JAS accessible from its neighboring towns to the east and the west. But the improved infrastructure could also worsen the dislocation of the Lumads from their ancestral territories.

Having experienced their gradual displacement from their ancestral territories, and now surrounded by the expansion of mining operations and plantations—banana, pineapple, oil palm, coffee, and other crops—in the neighboring towns in Davao del Sur, the Lumads in JAS fear that they will eventually lose full control over their homeland. A few datu and tribal chieftains continue to encourage their people to hold tight to their ancestral domain. With the assistance of civil society organizations supported by the local church, there has been pressure on the NCIP to assist them in securing CADTs.

The process of applying for CADTs began after the occurrence of a long drought in 1997–1998. JAS and the other municipalities in the Davao region experienced the lack of rains for two planting-to-harvest seasons. Hunger stalked the uplands as the people ran out of rice, corn, banana, root crops, and other food products. A country-wide relief and rehabilitation program known as Tabang Mindanao (Help Mindanao) was set up by civil society organizations, which included the Assisi Foundation based in Davao City whose staff came to JAS to set up water systems, bring relief goods, and later provide rehabilitation assistance. Sonny Villahermosa, the priest in charge of the Nuing Mission Station, bridged the Lumad communities with Tabang Mindanao. Consequently, such assistance reached the uplands of JAS.

Through this linkage of Villahermosa, the *datus*, or tribal chieftains, heard about the passage of IPRA in 1997. As in most indigenous villages in the uplands of Mindanao, the *datus* in JAS were caught between the pressure to hold on to their indigenous ways and practices and the pressure to adjust to the changes taking place in their villages. Mostly illiterate, they still held some power and authority over their people, although they are no longer as influential as the *barangay* officials. Many of these *datus* still had fragments of the memory of their customary laws and a few still play their traditional role in conflict mediation in the villages. Even though their ancestors were *baganis* (warriors), most did not resort to violence for fear of the consequences. They worried a lot about losing control over their land; they sought assistance from whomever they thought could be of assistance to them—the mayor, the parish priest, the pastor, the school principal, or anyone they considered as having more power than they.

As the rehabilitation program progressed, the Assisi Foundation staff held discussions with Villahermosa and the chieftains regarding a long-term solution to address the poverty situation and assist the community in securing full control of their ancestral domain. They offered to be the third party that would link the community up with the NCIP for the implementation of IPRA in their area. The staff set up a training center in the uplands where they ran seminar-workshops so that the people would understand what IPRA was all about. These seminars were not just for the chieftains, the elders, and those whom the people considered their leaders; women and youth were also invited to join these study sessions. Consequently, all sectors of the indigenous communities supported the campaign to apply for a

CADT. They organized travel tours for the chieftains and leaders to other areas that were already applying for their own CADT.

The more the people understood what IPRA was, the more excited they were in cooperating to secure their CADT. As there were only a few migrant settlers who penetrated the uplands of Molmol, they did not encounter too much resistance from the settlers. Naturally, the chieftains and the people in the uplands were glad that this process was taking place as it would ultimately benefit them by ensuring that they would not lose control over their ancestral territory. They also felt confident that with all the support they got, they would be able to secure their CADT.

Fortunately, the provincial office of the NCIP in Davao del Sur was established in Digos City shortly after the passage of IPRA. Geovanni Soledad of the Assisi Foundation lost no time in convincing the NCIP staff to partner with them for the CADT application in JAS on behalf of the Manobo and B'laan. As the NCIP staff members were just learning the process of reviewing a CADT application, they suggested that they would only cover one barangay, namely the village at the foot of Mt. Golo in the JAS uplands, which was Barangay Molmol. The Assisi Foundation found the money to pay for the survey of the land as well as other documentary-related expenses, which were necessary given that the CADT application had voluminous paper requirements, including information on the genealogies of the main clans, the local history and myths, the government system, the belief system, the customary laws, as well as the description of their cultural artefacts.

All this documentation work took years to finish. Finally a census was taken in 2010 indicating that there was a total of just over 300 Lumad families inside the territory that had a total population of more than 1,700. When surveyed, the total land area to be covered by the CADT totalled 2,540 hectares. A barangay tribal council was elected from among the chieftains, headed by Datu Amado Estoon. The indigenous peoples' organization that would then implement the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) was organized from among the adults and was called MALOKA (which literally means "to be awakened," but it is also an acronym for Malahutayong Agrikultura, Lumadnong Organisasyon, Kinaiyahan Panalipdan [Sustainable Agriculture, Indigenous Organization, Defend Nature]). A set of officers was then elected for MALOKA.

After all the legal documents were submitted to the NCIP National Office, the Commissioners in an en banc meeting approved the CADT application of the Manobo-B'laans of Molmol, JAS. The title holder of this CADT is Datu Amado Estoon. By then, Fr. Villahermosa had left JAS and was assigned elsewhere.

The priest who took his place had no idea what he had to do to support MALOKA. Thus, he ignored them. Meanwhile, thinking that their work was already finished and it was the role of the NCIP staff to do all the needed follow-up for the ADSDPP, the Assisi Foundation staff stopped serving JAS as they moved to other Lumad areas needing their help. Unfortunately, without anyone pushing them to sustain their work in getting the CADT issued, and without anyone setting up the ADSDPP, the NCIP staff also stopped monitoring and assisting MALOKA. One other reason was that they wanted to explore another CADT for the other uplands of JAS which could cover as much as 60,000 hectares.

Without any back-up from civil society institutions and ignored by the NCIP, the members of the barangay tribal council and MALOKA officers became disillusioned and lost heart. Not having been provided adequate capacity-training that would have prepared them to be self-reliant and not having any financial backing while faced with tensions between the barangay officials or the local government unit who opposed the issuance of the CADT, the chieftains and the indigenous peoples' organization officers were helpless in securing the title from the register of deeds as well as in pursuing the ADSDPP. Even as their CADT was already technically approved by the NCIP, they had no legal document in their hands that provided them with the mandate to come up with policies in terms of administering the 2,540-hectare land.

In just a few years, the people lost interest in their CADT. Conflicts arose among the chieftains, as many of them began to be approached by all sorts of outsiders who entered Molmol for various reasons. Most came to inquire if there was land that could be bought, others to set up a small business or engage in trading activities. There were even those who were in search of mining possibilities and a few were looking for the "fabled Japanese treasure" allegedly buried there. Some of the datos were enticed to conduct business with such outsiders, creating suspicion and disunity among their ranks.

Soon enough they forgot the provisions under the IPRA law and as their CADT was still not issued to them by the register of deeds, they

believed that they could just decide to do what they wished with their own piece of land within the CADT territory. They could continue to cultivate these or sell or mortgage their piece of land to anyone with the money to pay for such transactions. True enough, a quarter of the households within the CADT territory sold their land. The new owners—mostly local businessmen aiming to expand their land ownership—did not lose time in paying for tax declarations as the first step in securing a title to the piece of land. Close to one-half of the households mortgaged their land and/or their coconut trees. The going rate now is between PHP 30,000–PHP 50,000 per hectare of land with mature coconut trees. As is practiced, the party that mortgages the property gets to harvest all the coconut trees for as long as the original owner is not able to pay back the mortgage. The land is returned to the original owner if he pays double the amount; that is, if the mortgage paid was PHP 50,000, to claim back his land, the original owner has to pay PHP 100,000. Naturally, given the big amount, it is rare that the original owner is able to get back his property.

Considering the poverty in the uplands, the Lumad families are forced to sell their property. In many instances, the money is used for hospitalization (when families have a very sick member, they are forced to spend exorbitant amounts as they have to travel all the way to General Santos City for medical care; transportation costs alone would involve a lot of money as *habal-habal* [motorcycle taxi] rides from the uplands to the city could cost more than PHP 1,000 one way for one person). Some might need money for their children's tuition fee so they can obtain higher levels of education, some may want to buy a TV set or even a cellphone.

Thus, an increasing number of Lumad families in JAS are losing part or all of their farmland not because of the incursion of agribusiness plantations or the entry of mining operations but because of land-hungry peasants wanting to own a piece of land or businessmen who want to invest in land with coconut trees. And these are no longer just “outsiders” or migrant Christian settlers from the lowlands. Increasingly, a few Lumad families—mostly from other parts of the Davao region who have had some education or accumulated some capital to be able to buy land or engage in business—are the ones taking over the land of the indigenous peoples of the JAS uplands.

## A NEW LEASE ON THE CADT

From late 2010 to late 2014, the Molmol CADT was in limbo even as chieftains and MALOKA leaders thought there was nothing more that could be done to get back on track. There was a change in the administration of the Nuing Mission Station with the arrival of Fr. Richie Cuaton, CSsR, as administrator. Unlike the priests he replaced who came after Fr. Villahermosa, Fr. Cuaton was interested in assisting the Lumads with their land problems. Along with his mission staff, he looked into what happened with the CADT by talking to the chieftains and the MALOKA officers while paying visits to the Assisi Foundation and NCIP offices. He realized that there was still a way to get the campaign back on track but it would involve a lot of work, including retrieving records and files of the CADT application.

In April 2015, he and his staff convened a meeting in Molmol with the chieftains, the elders, the MALOKA officers, the officials of the local government unit, and the staff of the provincial offices of the NCIP, the DENR, and the Department of Agrarian Reform. The idea was to review what happened with the CADT application and to identify the reasons why there was no movement in the issuance of the CADT by the register of deeds. This forum led to the discovery that the DENR was remiss in its responsibility for carrying out the next step after the NCIP approved the CADT in principle. Before the register of deeds could issue the title, the DENR should have submitted its approval of the entire area to be covered by the CADT. It was discovered by the DENR that the earlier survey conducted by the NCIP with the Assisi Foundation did not yield accurate information as there were migrant settlers who claimed pieces of land within the 2,540 hectares. There was a need for a resurvey, but the DENR Community Environment and Natural Resources Office had no funds or personnel to conduct such a resurvey. When challenged to be the one responsible for the resurvey, the NCIP staff rationalized that they did not have the funds to conduct such a resurvey either.

Finally, through all kinds of networking and collaborative work, the office of the mayor of JAS was brought into this situation. Fr. Cuaton was able to convince Mayor James Joyce to ask the local government unit of JAS to allocate the funds for the resurvey. While this process is currently ongoing, the same staff, with the help of the Mindanawon Initiatives for Cultural Dialogue of the Ateneo de Davao University, are also conducting capacity-building seminar-workshops

for the chieftains, elders, and MALOKA officers. There is also a move to get the NCIP to work with MALOKA in setting up the ADSDPP and the policies regarding the administration and management of the CADT.

The NCIP is currently processing another CADT in JAS, which initially intended to cover 78,000 hectares spanning nineteen barangays. However, there is the possibility that some clans may seek their own certificate of ancestral land title. The NCIP has begun consultations on this application, but there is still much work that needs to be done before a title can be approved and issued. Unfortunately, some of the Lumads in this area have also started to mortgage their land to outsiders. An NCIP staff member estimated that the remaining territory that can be covered by another CADT will only be around 30,000 hectares.

While it is possible that the Lumads in JAS will be able to secure the rights to their remaining ancestral domain in JAS, there is also the very great possibility of their losing control over it, similar to what is happening in other Lumad communities, which have both succumbed to the pressures of expanding agribusiness plantations and mining operations. At present, JAS is surrounded by areas in the Davao-Cotabato regions that have experienced massive incursions of plantations (bananas and sugarcane in Davao del Sur and oil palm in Cotabato City, Cotabato, South Cotabato, Sultan Kudarat, and Sarangani) and mining (Davao, and Cotabato City, Cotabato, South Cotabato, Sultan Kudarat, and Sarangani). JAS itself has great potentials in agriculture for its rich land (both coastlands and uplands) as well as the mineral resources underneath its mountain ranges. If and when the infrastructure improves with the full operation of the newly-created province of Davao Occidental—and there is strong likelihood that this will happen as it did in the adjacent towns of Sarangani Province—its accessibility will hasten the entry of more investments. Incursion into JAS from the outside, owing to optimistic business prospects, has already intensified.

One fears that the ancestral domain of the Manobo in JAS which can be regained will be reduced to a much smaller area. At present, the sense of unity among the Lumads is quite weak. They have very few strong leaders who can strengthen their ranks together, with the skill and ability to navigate the complex procedure of securing titles to their remaining ancestral domain. The civil society organizations operating in this town are also limited and have little clout in assisting the

Manobo. And the NCIP is disadvantaged with limited staff, resources, and equipment.

## CONCLUSION

A concerned advocate for Lumad rights entering the municipality of JAS today may well ask the following question: Given the intensified incursion into the municipality by outsiders owing to optimistic business prospects, will the municipality go the way of the majority of Lumad communities across Mindanao, which have *not* been able to regain control over their ancestral domain? Or will they be included in the list of Lumad communities that have successfully regained their ancestral territory, which can then be fully developed for the sake of their children's children?

There still remains a little hope on the part of the Lumads in the JAS uplands to sustain their control in terms of ownership of their remaining ancestral domain. The civil society institutions supporting them share this hope as they have seen progress in terms of the issuance of their title as well as the completion and implementation of an ADSDPP. But so much work still needs to be done in making sure that the register of deeds will finally issue the legal document, in coming up with a workable ADSDPP that will be supported by a range of government agencies, in empowering the chieftains and the MALOKA officers so that they can manage their CADT for the benefit of the owners-claimants themselves and the generations to come, and in strengthening the ranks of the Lumad people themselves whose unity will assure that their ancestral domain will remain in their hands.

In some parts of Mindanao, there are already success stories with regard to the Lumad's assertion and struggles to keep their homeland; how their ancestral domain is now safe from being landgrabbed by those who had salivated over its natural resources; and how they are doing their best to make the land productive in order to combat poverty. But there are also many others who continue to face the risk of being dislocated from their ancestral domain, despite IPRA, and become squatters on their own land.

For those advocating Lumad land rights and a brighter future for the indigenous peoples of Mindanao, there is a need to remain in solidarity with them so that there will be an end to the tragic tale of the Lumads losing their identity as they are forcefully ejected from the land of their ancestors. ❀

## ACKNOWLEDGEMENT

The following were interviewed for this paper: Edgardo Gasta Florentino (Principal of Nuing Elementary School), Hermie Obiso Sanos (Principal of Nuing High School), and Nenita Alongo (NCIP Coordinator for Davao del Sur).

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