



From Zamboanga to Subic and Clark: Conflict and Cooperation in Ancestral Domains and Economic Zones

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ABSTRACT. Can an economic zone coexist peacefully and productively with an indigenous community? How can the friction between land use and land ownership be negotiated? And is legal battle the only nonviolent platform for settling land disputes? These questions were at the heart of the decade-long tug-of-war between the Zamboanga City Special Economic Zone Authority (ZAMBOECOZONE) and the Subanon tribe of Zamboanga City. As a result of dialogue, fifteen representatives from the National Commission on Indigenous Peoples Region IX, the ZAMBOECOZONE, the Labuan-Patalon-Limpapa Subanon Indigenous Cultural Organization, the Silsilah Dialogue Movement, and the Ateneo de Zamboanga University embarked on a joint study tour to Subic Bay Metropolitan Authority and to Clark Development Corporation from 8 to 10 January 2014. This research note offers both a narrative of that solidarity journey and a comparative three-way analysis of the Subic, Clark, and Zamboanga experiences. It concludes that despite the legal, cultural, and technical challenges, the overlap of their territories of conflict can still become a zone of partnership—with creative and self-critical contribution from university academics, government agencies, and dialogue activists.

KEYWORDS. Zamboanga City · Subanon · ancestral domain · economic zone · dialogue · Subic · Clark

INTRODUCTION

Landscape is never inert. People engage with it, re-work it, appropriate and contest it. It is part of the way in which identities are created and disputed, whether as individual, group or nation-state. (Bender 1993, 3)

Questions, in inchoate forms, lingered at the back of our minds when our Zamboanga team went to Subic in January 2014.¹ We wanted to learn how, despite previous frictions, the Subic Bay Metropolitan

Authority (SBMA) and the Samahan ng Katutubong Ayta ng Pastolan reached a joint management agreement (JMA).

1. Can an economic zone coexist peacefully and productively with a tribal community? Are their futures mutually exclusive? Do their dreams really have to exclude each other? Do their interests always have to clash?
2. Is legal battle the only nonviolent platform for settling land disputes? Is the overlap of boundaries an inevitable arena of conflict, or could it also be a veritable zone of partnership?
3. Are there economic managers who appreciate tangible gains like security by protecting intangible wealth like cultural identity? Can we develop indigenous leaders with courage and wisdom to face a new technology?
4. Can we build solidarity among stakeholders who have alternative ways of measuring development? Are there successful business models that are also culture-sensitive and environment-friendly?
5. What could be the role of academics, social artists, and peace activists in creating new ways forward? What lessons can we learn from the uneven success—and even from the blunders—in other economic zones? Are we open enough and humble enough to learn?

The joint study tour was triggered by the urgent need to find a way to resolve the decade-long legal tug-of-war between the Zamboanga City Special Economic Zone Authority (ZAMBOECOZONE) and the Subanon indigenous people of Zamboanga City.² This paper is a report on that trip and must be seen less as an academic or technical analysis but more as a contribution to an ongoing debate and dialogue. The first part outlines the three-day journey that the Zamboanga partners embarked on. The second part offers a comparative three-way analysis of the Subic and Clark experiences as well as the parallel stories between the Ayta and the Subanon experiences.

We listened to our intuition, and our intuition insisted that there must be a way to a shared peace of mind within a shared piece of land. That intuition was given a chance when new opportunities converged. By early 2013, the National Commission on Indigenous Peoples (NCIP) Region IX had a new director, Salong M. Sunggod. He used to

work in Central Luzon, where the Aytas have achieved moderate success in forging a JMA with the SBMA. Sunggod visited me at the Ateneo de Zamboanga University (ADZU) Social Development Office to explore a possible partnership. During that meeting, I introduced him to the staff of the Center for Community Extension and Services and reported on the ZAMBOECOZONE issue. The center, led by Loreta R. Sta. Teresa, had by that time supported livelihood and health programs and established a primary school for the Subanon children. So there was much to build on.

In addition, Cecilia Bernal, whom I met in a seminar with the Inter-Faith Council of Leaders, accompanied the process with insights gained from the Silsilah Dialogue Movement's long-time engagement with the Subanons in Zamboanga City, in collaboration with the Rural-Urban Missionaries.

It became clearer that the question then was not only on land use but also on land ownership. What would happen to all our initiatives if the Subanons would be pushed away from their ancestral domain? What would be the value of constructing a primary school if their land would be taken over by foreign locators recruited by the ZAMBOECOZONE? I asked Sunggod if he knew a parallel case from which we could draw out some comparative insights. He mentioned Subic.

Why not go to Subic? During our meeting on 15 August 2013, we noted from existing documents that there were strong parallels between Subic and Zamboanga in terms of the dynamics between an economic zone and the ancestral domain claim of indigenous people. However, there was still a debate on the land ownership of the Subanon in Zamboanga, while the SBMA and Ayta Ambala tribe had already reached a JMA in Subic. How did they do it there? To what extent was their case really comparable to the case of the Subanons? What lessons could we learn from their experience? These could be a reasonable set of learning objectives for a joint study tour. And for the Subanons, a trip to Subic could be a life-changing exposure to see for themselves how the Aytas organized their communities to protect and develop their ancestral domain. However, would the ZAMBOECOZONE officials be open to a joint study trip to Subic?

I met with Christopher Lawrence Arnuco, who had just taken over the leadership of the ZAMBOECOZONE and had started introducing to the government-owned and controlled corporation innovative ways of thinking and doing things. He agreed to send some of his officials to join our ADZU meetings. The stage was now set for a multistakeholder

dialogue. ADZU hosted a series of meetings at the Social Development Office, and that delicate process promised a fresh start.

The trip was set in September 2013, but the three-week Zamboanga Siege that same month, sparked by the Moro National Liberation Front devastated Zamboanga City (cf. Alejo 2015).³ The fighting frustrated our trip—but not our plan. Three months after the government security forces regained control of Zamboanga City, we pushed through with the journey on 8-10 January 2014.

THE THREE-DAY JOURNEY

With us in the journey were the fifteen members of the so-called Zamboanga team representing NCIP IX, ZAMBOECOZONE, Barangay Labuan, Patalon, and Limpapa (LPL) Subanon tribe, Silsilah Dialogue Movement, and ADZU. NCIP chair Leonor Quintayo was in full support of our trip.

From the ZAMBOECOZONE, we had Salvador E. Lazaro, legal assistant and officer-in-charge of the Legal Services Division, Joselito J. Nuevo, planning officer, and Francis Jose D.V. Azcarraga, manager of the Administration Department. From the Labuan-Patalon-Limpapa Subanon Indigenous Cultural Organization, we had Timuoy Bakil Gumandao, Timuoy Langkap, and Timuoy Abelardo Sanggadan, their president, and Efralyn Ansilan, representative of the Subanon indigenous people's women and youth group. The NCIP Region IX was represented by Salong M. Sunggod and Edward L. Labiano. From the NCIP Zamboanga City were George Jocutan and Richard R. Pamaran. Also with us was Carlito F. Santos, secretary of the Dialogue with Creation program of Silsilah Dialogue Movement. ADZU was represented by Loreta R. Sta. Teresa, Janed A. Chan, Mark A. Candido, and myself as then assistant to the president for social development. The financial assistance provided by Teresita Uy-Sebastian made part of the trip possible.

Day One: Visit to NCIP Central Office

NCIP Region IX director Sunggod welcomed the team at the airport and brought them straight to the NCIP central office at Quezon City. During the dialogue, the members shared their situation, their experiences, and their views on the issue as far as their office was concerned. The members signified their interest toward the study trip in the hope of gathering pertinent data that could be of help to peacefully resolve the land conflict. ZAMBOECOZONE legal assistant

Lazaro hoped that they “can find the solution in this travel . . . Thank you for calling us your partners now.”

The visiting group explained the problem and what the key players have done so far to address the issue. The officials of the NCIP central office, on their part, shared their experiences with the Aytas of Zambales and the SBMA and what they went through before they entered into a JMA. Sunggod thanked the team members for their effort and for shouldering their own expenses. This showed their commitment in addressing the issues between the Subanons and the ZAMBOECOZONE.

I asked if what we were doing was the right thing to do. NCIP chair Quintayo promptly gave a positive response, saying that the experiences and the success of the Aytas could be a template for the Subanons and the ZAMBOECOZONE. This was seconded by Gillian Dunuan, who assisted the Aytas in their journey toward obtaining their rights over their ancestral domain in Subic. She stated that the situation of the Aytas and of the Subanons were parallel and that it would be good for the group to be exposed to all the key players in drafting and executing the Subic JMA implementing rules and regulations (IRR). The Subanons shared their feelings and perceptions on the issues. Subanon representative Sanggadan told the group that it was important for them to resolve the issues and that the land should be given to them as they are the rightful owners.

We then traveled to Subic and arrived at dusk. During dinner, the team members exchanged their initial reflections and expressed how they were impressed by the warm welcome of the NCIP central office, especially with the hosting of Quintayo herself. They felt good to have shared a long trip, good food, and simple lodging. That alone was already an achievement, given years of friction.

The trip helped improve the camaraderie among the members. The informal conversations, the jokes, and the laughter shared by the group to endure long hours of travel helped to enhance, together with the dialogue with the NCIP central office, the bonding of the team, and set the mood for the day’s activity. The day ended with the members sleeping under one roof over their heads.

Day Two, Morning: Visit to an Ayta Community in Barangay Pastolan

In Subic, Roberto V. Garcia, chair of the SBMA, convened his core managers to give us a visual presentation of their programs, as well to

answer our questions. We also personally talked to the Aytas. The exchange of stories with the Aytas was led by village chair Conrado Frenilla and Pastolan Development Association chair Bonifacio Florentino. Also with us was NCIP Bataan representative Pacito Liborio.

Alex Hermoso of People's Recovery, Empowerment, and Development Assistance (PREDA) joined us on the second day. PREDA was the nongovernment organization (NGO) that assisted the Aytas. Then, at the SBMA office, Gigs Estalilia of the SBMA Public Relations Department gave us an orientation. He had arranged a visit to the Ayta community.

After an hour's trip, we arrived at the Pastolan Village, Barangay Tipo, Hermosa, Bataan. The Ayta elders and some members of the tribe greeted us. At the sound of the bell, the whole community—the men, women, children, and the elderly—gathered at the multipurpose hall. The study group was pleased because of the warm welcome offered by the community. Frenilla, Florentino, Liborio, and Edmond de Jesus, a community development officer at SBMA, also graced the occasion.

The assembly began with a prayer led by Marissa Pabayan, a member of the Pastolan Tribal Council. It was followed by an introduction of the leaders and members of the tribe by Estalilia. The dialogue proper started with the provision of the background and purpose of the site visit given by Sta. Teresa, followed by an introduction of the members of the team and the organizations they represented. It was then followed by a sharing of experiences of the Ayta tribe about their struggle with their ancestral domain claim within the Subic free port.

Florentino asked what the problems of the Subanon were. Subanon representative Ansilan zeroed in on the misunderstanding between the Subanon and the ZAMBOECOZONE about land claims. Florentino appreciated the presence of NCIP and ZAMBOECOZONE, as well as of ADZU and the Silsilah Dialogue Movement, saying that the presence of these different stakeholders could facilitate the Subanon's land claim compared to what the Aytas went through.

He recounted that when the United States Navy had its base in Subic (1899-1992), they, the Aytas, had no rights to their own land. The Americans paid their rent for Subic to the Philippine government. When the Americans left, they thought their fellow Filipinos would have a better understanding of their plight. Such was not the case. The

previous administration of the free port banned them from entering the area. Hence, they could not sell their agricultural products. He reported this incident to the people in authority, and they assured him that they would address the issue at their level. The problem, however, was only truly addressed when there was a change in administration of the SBMA and NCIP. The people who assumed position in the SBMA were “*maka-Ayta*” (pro-Ayta), as they called it. Hence, their clamor was finally heard. He also emphasized the importance of a multistakeholder approach in their efforts to have their rights fulfilled and to push for a JMA. The mayor’s office, the church, NCIP, different NGOs, and the academe were all involved. With the signing of the JMA’s IRR, the SBMA provided the tribe with livelihood projects. The Aytas would receive 5 percent share from the locators within the free port. The SBMA began hiring the Aytas for jobs within the free port and paid them wages. Scholarship grants were given to Ayta children and youth. They received PHP 5,000 quarterly, for a total of PHP 20,000 annually.

Lazaro observed some similarities between the Subic-Ayta-NCIP and the ZAMBOECOZONE-Subanon-NCIP situation in terms of the overlapping of land and the application for the ancestral domain title after the establishment of the free port. He pointed out, however, that the Ayta had gone beyond the application of a certificate of ancestral domain title (CADT). The Subanons, however, were still in the process of registering their ancestral domain title.

The representative of the NCIP Bataan agreed that the CADT is a prerequisite document toward JMA; however, it should be accompanied by with the ancestral domain sustainable development protection plan (ADSDPP). The ADSDPP became the basis for the content of the JMA and served as the overall master plan that outlines the details on how the Aytas intended to utilize their land. The Aytas, with the assistance of the NCIP, went through a painstaking process to develop the ADSDPP which, in turn, held up the JMA for a period of time.

Frenilla advised the Subanons to be cooperative and united. Woman-leader Erlinda Ignacio asserted the importance of empowering the women. And Florentino expressed his pride that they had not sold their souls for bribes of those who were just out to exploit them.

Florentino asked the ZAMBOECOZONE to support rather than oppose the Subanons. Ignacio aired a similar call for cooperation in securing a CADT. Pabayan gave a stinging but all too charming version of the Sermon on the Mount and asked the ZAMBOECOZONE not

to be stingy of their love for the indigenous people. “*Yung maliit na puso ninyo, lakihan ninyo na*” (Your small hearts, make them bigger), he said.

In response, ZAMBOECOZONE representative Lazaro assured the crowd that his team will report everything that was discussed during the study trip and that they will evaluate the matter. He also pointed out that in their previous meetings with the team, they had never discussed the issue as to how the Subanons intend to use their land, and it appeared that they were only after the awarding of the CADT with no clear plans as to how they will utilize the land. He then proposed two things: a) strengthen the structure of the Subanon indigenous community, and b) formulate the ADSDPP and then register the CADT.

Ayta representative Ignacio said that the formulation of the ADSDPP entailed a lengthy process and that it would delay the awarding of the CADT. He proposed that the CADT should be registered along with the drafting of the ADSDPP to maximize time.

The study group had a short tour of the tribal hall where maps of the ancestral domain were displayed. The dialogue ended with a word of thanks from Sta. Teresa, reiterating that there are a lot of things yet to be done even as their learnings had made the path clearer for them.

Day Two, Afternoon: Visit to Subic Bay Metropolitan Authority

SBMA chair Garcia welcomed the Zamboanga team at the boardroom of Subic Bay Freeport Zone. He involved his core staff—Army Llamas, Ronnie Yambao, Edralin Besmonte, and Cecile Aguilar—in the dialogue. Some guests who were with the team in the morning also joined the dialogue, including Liborio, Estalilia, and Hermoso.

Garcia gave an overview of the Ayta-SBMA JMA. It concerned some three hundred Ayta Ambala families, or some 1,200 persons in total. He said that in 2009, the Aytas were one of the first indigenous communities to have secured a CADT. “We are very proud that we were able to negotiate a settlement with them.” The JMA’s IRR was signed in October 2013 and since then, the Aytas have been receiving benefits from SBMA. Because this was one of the first JMAs, SBMA wanted it to be a model for the rest of the country. He stressed that economic zones should honor the rights of indigenous peoples and they should assist them in whatever way they can to help improve their lives. Yambao gave a brief presentation on the nature and mandate of the SBMA, followed by another presentation on the JMA by Llamas.

During the dialogue, Lazaro provided Garcia with the context of the ZAMBOECOZONE in relation to the Subanons. He also briefed him on the current developments of the free port in terms of its locators and projects. Garcia responded by saying that the ancestral domain ownership is the basis for partnership. “Land ownership has to be established before you can enter” into a JMA. Without land ownership, there will be no CADT that “gives the vested rights to the claimants.” This was seconded by Llamas, saying that SBMA did not make any opposition. Instead, they, along with World Bank, helped the Aytas. Garcia emphasized that the Aytas own the land. They have the right over it, and they should be able to reap the benefits of their land. SBMA’s role “is to manage their land for them.”

Sunggod explained that NCIP has approved the CADT of the Subanons. Their land, however, has some overlap with that of ZAMBOECOZONE. That is why the NCIP “would want the ecozone and the ancestral domain to co-exist” rather than oppose each other. Subanon representative Sanggadan exclaimed that all they wanted was for their land not to be taken away from them. He reiterated that the Subanons own the land. Garcia explained that no one would take their land away from them, as established by their CADT. They would be merely lending the land for development. The role of the ZAMBOECOZONE is only to develop the land so both parties can benefit from it.

Garcia also said that the tribal leadership must be firm and should represent the voice of the whole tribe; what the chieftain says is a “commitment” of the tribe. He also strongly recommended that the tribe must directly engage with the ZAMBOECOZONE and must not allow third parties, such as private individuals and fraudulent NGOs, to meddle with the negotiations so that the mediation between the parties will be smooth-sailing. He reminded both parties to be reasonable.

Should the JMA be signed, Garcia said that the ZAMBOECOZONE and the tribal community must build a strong core team, such as what SBMA had formed. They formed a council composed of three members from SBMA (a member of the board, Llamas, and a lawyer), three from NCIP, and three from the Aya community (the leaders of the tribal council, the council of the elders, and Pastolan Development Association). The council served as the governing body that dealt with the problems that arose and oversaw the use of funds.

A question surfaced on the involvement of the local government units in the whole JMA-IRR process. Garcia insisted that there was none and it was better that way. He appreciated the fact that the current Zamboanga group had a very good start since all parties were present, and so the group would not start from scratch. They could use the SBMA as a model and start from there.

Before twilight on the second day, the group sat in a circle at the lobby of our sleeping quarter. We reviewed the day and drew from our experiences what we could learn, unlearn, and relearn. We reflected on the importance of organizing the tribe. The exposure to the Aya community served a strong lesson to the Subanons; they have to strengthen their leadership and community organization. They have to be united, and they must have strong determination. The lack of unity among members of the tribe is attributed to the supposed lack of understanding and information on the efforts being made for their ancestral domain.

As a result, the group decided that after the trip, the Subanon leaders will call for an assembly and will inform the members of the tribe about what transpired during the trip. The Subanon leaders confessed that they had grown accustomed to waiting for external help, something that was alien to the indigenous sense of dignity. The Aya Ambala tribe of Pastolan began the battle for land rights acquisition by themselves. They got their act together and worked for one cause. They were very confident and they set clear goals. Their initiative gained the sympathy and admiration of other stakeholders; hence, they garnered supporters who assisted them to the very end.

We also reflected on the importance of having a clear and strong indigenous political structure and ancestral domain plan. This observation came from the ZAMBOECOZONE staff. The Aytas in Subic knew exactly who their leaders are, their functions, and their roles. SBMA therefore had no problem dealing with the right tribal members. Drawing from the Aya experience, the Subanon leadership structure must be such that it is recognized by the NCIP. It must be strong and functional so it would be clear to ZAMBOECOZONE as to whom they should direct their communication. The next concern was that the Subanons must work on their ADSDPP as to how they intended to utilize their land, and in the same way, the ZAMBOECOZONE should also revisit and develop its master development plan so the Subanon could proceed with the registration of the CADT if all of this is in place.

We have to unlearn our infused and unchecked suspicions. During the sharing, the Subanons revealed their fear that when locators come in to invest, destructive activities such as mining, illegal logging, and illegal fishing would not be far away. This misconception had been bothering them for years and had somehow affected their communication and relationship with the ZAMBOECOZONE. ZAMBOECOZONE made it clear that they also prohibit such activities and that they carefully evaluate the track records of the prospective locators ensuring that the nature of the investment would not be harmful to the environment. In fact, ZAMBOECOZONE initially cited possible areas where they could work together to ensure the security of the land, as in reporting illegal loggers and serving as forest guides to ZAMBOECOZONE's employees during the conduct of surveys. This concern for the environment was a value shared both by the Subanons and the ZAMBOECOZONE.

The most important wisdom that the group picked up from the Aytas is how much they value their land. They regard it as their life and no amount of money can buy it.

Part of the learning was our need to be free from debilitating biases and stereotypes. I personally confessed of having been "surprised" that the Aytas could be brilliant and eloquent when I heard their leaders speak. The one-day event had shed light on these prejudices and stereotypes. The trip made it possible for us to talk with each other without the walls between us. One member admitted that when he arrived at the Zamboanga airport, he only knew his office colleagues and me, but as he spent more time with the group, he began to feel at home with the other delegates. They had not only gone to Subic to learn but also to understand each other.

It helped to have new and open-minded leaders. Each member of the group was said to be a gift to the group, and each had something to offer to the dialogue. The ZAMBOECOZONE acknowledged the leadership of the current regional director of the NCIP for his genuine passion to pursue this cause. This struggle had been going on for years but without sufficient attention. In the same way, the group was truly grateful for the openness of the ZAMBOECOZONE, also under the new leadership, to dialogue and to learn from the experiences of the SBMA and the Aytas.

Day Three, Morning: Visit to People's Recovery, Empowerment, and Development Assistance

The third day began with a trip to PREDA. PREDA aims to safeguard the welfare of children and women, with special attention on prostitution, sex trafficking, and abuse. As part of their services, they provide scholarships and livelihood assistance and they take part in making policies that affect women and children.

PREDA also had to deal with the Aytas in their engagement with the free port and with an NGO that unfairly dealt with them. PREDA had to intervene. Apparently, a certain NGO has taken advantage of the Aytas during the facilitation of the release of their royalties from the free port in exchange for a 30 percent commission for their service. PREDA uncovered this malicious agency and brought it to the attention of Malacañang (i.e., the seat of the presidency). It turned out that the said NGO had already committed similar fraud in Mindanao. PREDA representative Hermoso observed that some of the tribal leaders were lured by cash to sign documents without assistance from lawyers.

PREDA president Fr. Shay Cullen drove home the point that in the formulation of the ZAMBOECOZONE plan, environmental concerns should be given a high priority. Cullen and PREDA were consultants to the six-point conversion plan as an alternative to the US bases. In the formulation of this plan, the environmental aspect received serious consideration. In fact, a part of that plan was the conversion of the naval base into a world university of the environment in the rain forest.

As part of the dialogue, certain proposals and recommendations surfaced.

1. Hermoso proposed that perhaps the ZAMBOECOZONE board members could visit Subic and talk to their SBMA counterparts, or the ZAMBOECOZONE board members can invite Garcia as guest since he offered the same assistance during the SBMA meeting with the group.
2. The ZAMBOECOZONE and the Subanons can sit together to formulate the master development plans (ADSDPP for the Subanons), or the ZAMBOECOZONE can actually make the Subanons consultants in their planning since the indigenous people are more familiar with the terrain.

3. A fair trade partnership can be explored between PREDA and the ZAMBOECOZONE or the indigenous peoples. PREDA is exporting several mango products overseas, and they are in dire need of raw materials. Zamboanga City is seen as a possible source of mangos, which they can pick up and ship to the nearest production centers (either Davao or Cebu City). Under the fair trade partnership, PREDA buys the produce of the communities at a much higher price than the market price.

In summary, Cullen zoomed in on indigenous people's rights. "For us, the rights of the indigenous people come first. That's number one. They are the original occupants of these islands. The rest came later. So, big benefits may come, but the benefits of the Ayta are top priority, so we try to get the best we can for all of them, so that our indigenous people will be well protected. So we really appreciate that you're having this get-together, your study tour, so that government and citizens can work together to make this really work for the future."

Day Three, Afternoon: Visit to Clark Development Corporation

Moving to the Clark Freeport Zone in Angeles City, Pampanga, Arthur Tugade, chair and administrator of Clark Development Corporation (CDC), presented some hard lessons in the relationship between their free port and the Ayta association in Pampanga. Planning officer Franco Madlangbayan and CDC accountant Pearl Sagnit also attended the meeting. It was unfortunate that we were not able to arrange a visit to the local Ayta community, but this was compensated by our engagement with both Hermoso and Cullen of PREDA.

Tugade gave the group an overview of the different efforts that the CDC was making for the Aytas. He cited two major engagements. First was employment generation; locators who invested in the free port allotted certain percentage for trainings and capacity building of the indigenous people. The locators were also encouraged to employ qualified indigenous people in their company. Second was the livelihood project; Aytas were trained in making hollow blocks. The CDC funded the trainings so that the Aytas could start up a small livelihood project. Whatever income they generated, a small percentage went to the general fund for the tribe. In addition, they also launched their "Aytapreneur" project and the "Kariton Pangkabuhayan" (Livelihood Cart) to help the Aytas generate income for themselves.

I asked Tugade what his advice would be for the ZAMBOECOZONE. He responded, "Provide job fair and employment" for the indigenous people. They are knowledgeable, and they work well, he continued. He believes that the progress and development of Clark comes along with the progress of the indigenous people.

According to Madlangbayan, CDC started in 1993 with the aim of generating productive economic activity, including employment, export, and investments, on part of the former Clark Air Base. However, about 10,000 hectares of land within the free port was said to belong to Ayta communities—Aytas from Sitio Mabalacat and Sitio Bamban, in particular. In 1997, the NCIP approved the CADT of the Aytas, which was processed and awarded during the term of former president Gloria Macapagal-Arroyo. It was then established that the overlapping area was about 10,323 hectares. The CDC tried to file an opposition, but later realized that it would be futile since the awarding of the CADT was "authorized" by the president of the Philippines herself. To settle the conflict, the CDC and the Aytas forged a JMA, which was signed in 2007.

Unfortunately, the CDC and the Aytas did not go as far as signing the IRR, which would have ensured that everything stipulated in the JMA would be implemented. The conversation revealed the following factors that had hindered the signing of the IRR: disputes and divisions among the Aytas and leadership issues among them; fast turnover of people in authority, like in the NCIP; and lastly, the extended congressional inquiry. The disarray among the Ayta leaders was due to the notion that whoever becomes the leader shall have full control over the negotiations with the CDC, especially on financial matters. Due to the vague political structure, the JMA has remained unenforced since its signing.

Three important points surfaced during the dialogue with the CDC. The first regards land ownership. The Aytas were eventually recognized by the CDC as legitimate owners of 10,323 hectares of land within the free port. Since their right over their ancestral land was long recognized and acknowledged by the government, opposing it would be pointless. The role of the free port was not to own the land, but to facilitate the development of the area in such a way that it will benefit the free port without neglecting the Aytas' welfare in their own ancestral domain.

The second point concerns unity and leadership. Despite the signing of a JMA, the Aytas in Clark do not fully enjoy the benefits in the JMA due to the absence of an IRR. Disputes within the tribe and lack of unity were the major reasons why they are stagnant. Similarly, the hunger for wealth may cause divisions among the Aytas and may become hurdles in the overall negotiation for the JMA, as shared by PREDA. Moreover, it was important for indigenous people to ensure that all their signing of documents was done in the presence of a legal aide to protect them from people who have vested interests on their land. The quality of leadership of the Aytas and the sincerity and competence of the government agencies and civil society groups supporting them determine the success of the battle toward materializing the goals of the indigenous people.

The third point relates to local government units and civil society organizations. Local government units must be reminded that there are venues through which civil society organizations can intervene, especially if the stipulated agreements between the economic zone and the indigenous community are not fairly implemented. Civil society organizations, however, must not take advantage of indigenous people's weaknesses. They must be sincere in their solidarity work and as much as possible upscale their competence in order to support indigenous people professionally. There was a lot of room for collaboration and partnership among government, civil society organizations, the academe, and tribal communities, and they must learn how to synergize their efforts.

THREE-WAY ANALYSIS

To what extent can we compare the experience of ZAMBOECOZONE with those of SBMA and CDC? This section provides some basic and comparative materials that may be useful in going beyond the anecdotal learnings from the three-day journey of the Zamboanga team. It zooms in on the phenomenon of the overlap of areas covered by the economic zones and ancestral domains.

Economic Zones

The SBMA and Clark Special Economic Zone (CSEZ) were created by Republic Act (RA) 7227 (13 March 1992) otherwise known as "An Act Accelerating the Conversion of Military Reservations into Other

Productive Uses, Creating the Bases Conversion and Development Authority.” This law was amended by RA 9400 (20 May 2007).

What is known as Subic Bay Freeport Zone today used to be a US naval facility (SBMA 2016). As the US military bases were “pulled out” from the Philippines in 1992, the naval base was developed into “a self-sustaining tourism, industrial, commercial, financial, and investment center to generate employment opportunities” under SBMA’s management. On the other hand, Clark Freeport Zone, managed by CDC, used to be “an Army Air Base until May 1949, when its facilities were transferred to the U.S. Air Force” (Clark Philippines 2016).

The ZAMBOECOZONE came into being through RA 7903 also known as the “An Act Creating a Special Economic Zone and Free Port in the City of Zamboanga Creating for this Purpose the Zamboanga City Special Economic Zone Authority.” Section 7(a) of RA 7903 provides that one of its functions is “to operate, administer, and manage the ZAMBOECOZONE according to the principles and provisions set forth in this Act.”

The governing body of the economic zones, as provided in the laws that created them, is the board of directors; an administrator acts as head. (See table 1 for a summary of the three economic zones.)

The metes and bounds for the ZAMBOECOZONE are defined by Presidential Proclamation 1099 issued on 27 September 1997 by then President Fidel V. Ramos. The location of their area as defined in the proclamation includes Barangay La Paz, Upper Labuan, Upper Limpapa, and Upper Patalon, Zamboanga City. However, the proclamation itself is “subject to valid private rights, if any.” The delimitation set for the designated and defined metes and bounds of the Subic Bay Freeport Zone in Presidential Proclamation 532 states that “pending the establishment of secure perimeters around the Subic Bay Freeport, the Subic Bay Metropolitan Authority pursuant to the Bases Conversion and Development Act of 1992 (RA No. 7227) is authorized to adopt and implement the gradual and phased operation of areas within the Subic Bay Freeport to ensure strict compliance with the aforesaid Act, its implementing Rules and Regulations, and other Philippine Laws.” Further, “the maintenance and protection of the proclaimed Watershed Reservations and natural resources within the Subic Bay Freeport shall be vested in the Subic Bay Metropolitan Authority.” The last sentence of paragraph 10 of Presidential Proclamation 805 designating and defining the metes and bounds of the CSEZ provides, “further, vested rights and ancestral domain claims within the Sacobia area as verified

Table 1. The economic zones

Name	Creation	Date of approval	Governing body	Agency head
ZAMBOECOZONE	RA 7903	23 February 1995	Board of directors	Administrator
SBMA	RA 7227, RA9400 amended	13 March 1992, 20 May 2007	Board of directors	Administrator
CSEZ	RA 7227, RA9400 amended	13 March 1992, 20 May 2007	Board of directors	President, Administrator

and validated by the Department of Environment and Natural Resources and other pertinent government agencies shall be respected.”

Overlaps between Ancestral Domains and Economic Zones

There are documents that need to be reconciled, dates to be placed in sequence, and maps to be juxtaposed in order to determine not just boundaries but also overlaps. The following section presents a template for discussing how economic zones and ancestral domains can be reconciled and their destinies be shared. The bulk of the information and analysis here has been supplied by NCIP IX. Tables 2 and 3 summarize information on the three ancestral domains and the areas that overlap with the economic zones.

We first take a closer look at the ancestral domain application of the Subanons in Zamboanga. Responding to the provisions of the Department of Environment and Natural Resources Administrative Order 02, the Subanons applied for the recognition of their ancestral domain as early as 5 September 1997. They, however, failed because they could not comply with the documentary requirements. The Subanons filed another application in March 2001, this time with the assistance of the Rural-Urban Missionaries, whose only mandate was to pursue the land ownership for the LPL Subanon.

Rural-Urban Missionaries became the NGO partner of the NCIP in the delineation process. The special city task force was organized on 21 July 2006 by NCIP and the Rural-Urban Missionaries, with members coming from different NGOs and government organizations, including the ZAMBOECOZONE and the Office of the City Government.

Table 2. Ancestral domains

CADT number	Location	Area (hectares)	Tribe	Beneficiaries	NCIP approval
RO9-ZAM-0309-104	Barangay Labuan, Patalon, and Limpapa	Land: 7,850.52 Waters: 4,546.05 Total: 12,396.57	LPL Subanon	3,459 individuals or 688 families	20 March 2009
RO3-HER-0703-0008-A	Pastolan Purok 6 Barangay Tipo Hermosa, Bataan	Land: 4,342.23 Waters: 13.70 Total: 4,355.93	Ayta Ambala	759 individuals or 147 families	22 July 2003
RO3-BAM-1104-025-A	Municipality of Bamban, Tarlac and portion of Mabalacat, Pampanga, with twelve Ayta communities	Total: 10,323.31	Ayta Mag-antsi	2,973 individuals or 288 families	21 November 1997

Table 3. Overlapping areas between CADTs and economic zones

Name	CADT number	Overlap (hectares)	Remarks
ZAMBOECOZONE	RO9-ZAM-0309-104	7,850.52	No JMA between the ZAMBOECOZONE and the Subanon tribe CADT holders as the former does not recognize the latter's ownership of their ancestral domain
SBMA	RO3-HER-0703-0008-A	4,342.23	A JMA is in place between the CADT holders and SBMA in recognition of the ownership of the Ayta tribe to their ancestral domain
CSEZ	RO3-BAM-1104-025-A	10,323.31	A JMA pending finalization of its IRR was entered into by CDC and the CADT holders in recognition of the ownership of the Ayta tribe to their ancestral domain

The ZAMBOECOZONE soon learned that the piece of land granted to them by Presidential Proclamation 1099 was being contested by the ancestral domain claim of the Subanons. The ZAMBOECOZONE, the City Planning Office, and the City Social Welfare Development Office stopped attending activities and meetings.

The delineation process was pursued with the conduct of an information-education campaign, onsite validation of presented proof, and the conduct of a perimeter survey that took place from 6 March 2008 to 23 April 2008. ZAMBOECOZONE and the city government's quick reaction suspended the survey, but NCIP central office resumed it when the LPL Subanon staged a mass action during the Indigenous Peoples Month celebration in October 2007. The perimeter survey was completed on 23 April 2008 with the installation of the ancestral domain boundary monument in the 9,687 hectares that include the ancestral sea. In March 2009, an ancestral domain title was issued by NCIP commissioners sitting en banc.

The ZAMBOECOZONE filed another opposition with the Department of Environment and Natural Resources when NCIP issued a notice of jurisdiction that the LPL Subanons have ownership of 9,687 hectares, of which 7,850 hectares overlap with the 15,391 hectares covered by ZAMBOECOZONE. There was a lull between 2009 and 2013. The Rural-Urban Missionaries folded up in late 2009. The LPL Subanon were left only with NCIP, which, even with limited resources, stood by in protecting their rights as indigenous people.

The Center for Community Extension and Services of the Ateneo de Zamboanga University signified interest in helping the LPL Subanons in their ancestral domain claim while implementing development projects in the ancestral domain area since 2007. Silsilah Dialogue Movement entered into the picture sometime in March 2013. In the same year, both NCIP and ZAMBOECOZONE had new directors.

A small portion of the CADT of the LPL Subanons is situated in the town of Sibuco, Zamboanga del Norte. The land area for the rest of the CADT, however, lies within the ZAMBOECOZONE in nearby Zamboanga City. Almost half of ZAMBOECOZONE's 15,391 hectares is part of the CADT of the LPL Subanons (see figure 1). The ownership of the ancestral domain by the Subanon tribe is not recognized by the ZAMBOECOZONE despite the limitation put forth in Presidential Proclamation 1099 that their area is "subject to valid private rights, if any." In fact, Section 11 of RA 7903, the law creating the ZAMBOECOZONE, provides for the "*promotion of industrial peace*"

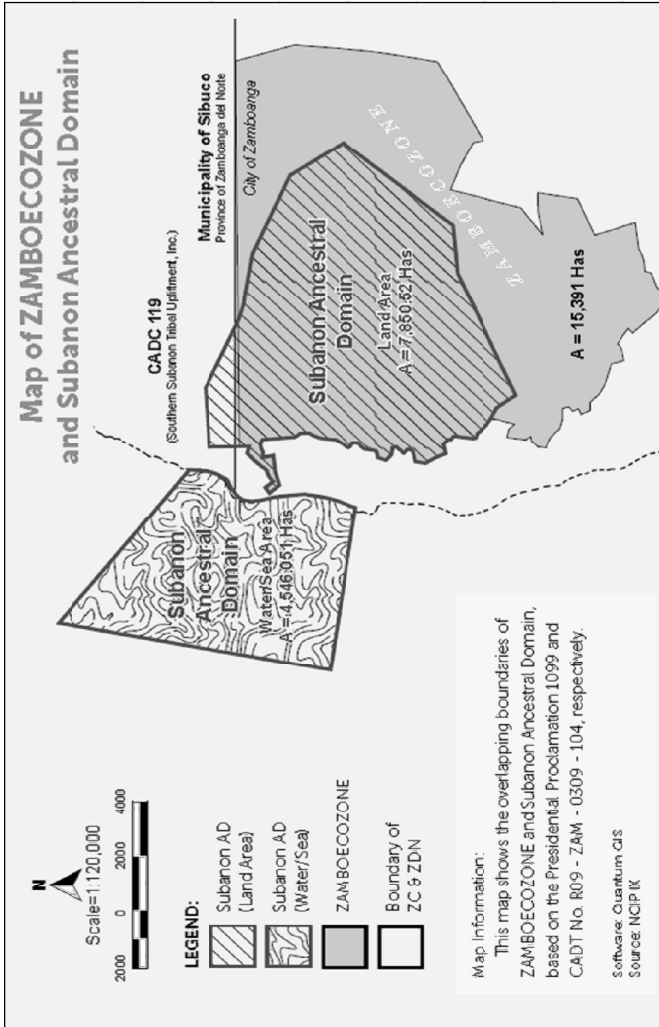


Figure 1. Overlap of ZAMBOECOZONE and Subanon Ancestral Domain. Source: NCIP IX.

with “one representative each from the Department of Labor and Employment (DOLE), labor sector, *cultural minorities*, business and industry sectors [who] shall formulate a mechanism under a social pact for the enhancement and preservation of industrial peace in the City of Zamboanga within thirty (30) days after the effectivity of this Act” (emphasis added).

In Subic, the 4,342 hectares of the CADT of the Ayta Ambala tribe of Pastolan is found well within SBMA’s territory of 67,452 hectares. The SBMA recognizes the ownership of the Ayta Ambala tribe to their ancestral domain. This resulted in the JMA entered into by both parties with its accompanying IRR thereby enabling the tribe in reaping substantial financial fruits from the agreement.

In Clark, the 10,323 hectares of the CADT held by the twelve Ayta communities is situated within the 33,765 hectares of the CSEZ. A JMA was also forged between the CADT holders and the CSEZ, pending finalization of its IRR.

On the basis of the above presentation, it can be gleaned that these three economic zones are similarly situated in terms of the basis of their creation (an act of congress signed by the president), their purposes, governing set-up, and the overlapping jurisdiction with the issued NCIP CADTs.

The laws creating these economic zones do not rule out the presence of the indigenous people and do not convey any vested rights over the ownership of the land delineated for their intended purposes. It is clearly stated in the ZAMBOECOZONE charter that its function and power are to operate, administer, and manage according to the principles and provisions set forth in RA 7903. Section 11 of the said law provides for the promotion of industrial peace that manifests the recognition of the presence of indigenous people within the economic zone.

These economic zones have ancestral domains within their delineated areas duly recognized, with NCIP-issued CADTs that were applied for, processed, and approved after the effectivity of the laws creating them.

The SBMA and CSEZ recognize their peaceful coexistence with the indigenous communities by way of respecting each other’s mandates. They entered into a JMA to guide the governance of the overlapping areas. The CADTs within SBMA and CSEZ were duly awarded by the Philippine president with the support of the economic zone administrators. The JMA has been the template for the peaceful

coexistence of the economic zones with the indigenous peoples whose precolonial presence in the areas predated the laws creating their charters and even the creation of the state.

BACK TO THE GROUND

After the joint study tour, we needed to touch ground again and face practical questions. This time, the questions were much sharper, as they hit the heart of the two-fold issue—land use and land ownership.

We had to confront these and the other questions during our dialogue held on 8 December 2014 at the conference room in the ZAMBOECOZONE administrative building. The meeting was attended by Arnuco and the newly-installed indigenous people's mandatory representative Ishmael Musa. Jocutan and I were also at the panel. Bernal represented Silsilah Dialogue Movement, while Sta. Teresa led the ADZU contingent.

The Subanons did a show of force with more than twenty community leaders. The respected elders, like Timuoy Bakil, did not say much, but their presence exuded a certain solemnity to the gathering. Polomisalâ Martin Guinalac, the newly designated spokesperson of the tribe, came up front, armed with a joint resolution of the leaders of the different Subanon village organizations, giving him the mandate to push for ancestral domain claim and negotiate for the Subanons' interest. Everyone who was familiar with the years of debate declared that this was the first time that the Subanons and the economic zone leadership met inside the halls of the economic zone.

Arnuco clarified the position of ZAMBOECOZONE. He explained that they welcome partnership with the Subanons in developing a portion of the land, but that his board of trustees would rather not deal with the Subanons as landowners. He believed that the dialogue would move forward if they discussed which hillside or plain could be opened for Subanons' development, what crops they could plant, and how many jobs could be made available for the indigenous workers.

Arnuco said that ZAMBOECOZONE would like to deal directly with the top official of the Subanon community rather than negotiate with numerous village-level leaders. He welcomed the continued assistance of ADZU and Silsilah Dialogue Movement and the presence of Musa. Arnuco also understood the position of NCIP as being another government agency—like the economic zone itself—with its

own particular mandate, but he was honest enough to admit that they had opposing missions and strategies.

At various points during the conversation, Subanon leaders, including Ansilan, but especially Guinalac, politely expressed appreciation for the economic zone's offer of shared land use, but did not mince words to reiterate that more than land use, they really had longed for the recognition of their ownership to their ancestral domain. Bernal acknowledged the historic significance of that meeting and conveyed that the Silsilah Dialogue Movement was there mainly in support of the indigenous peoples' struggle for land ownership.

Jocutan was ready for a debate but chose to remind the body that NCIP would not surrender its mission of defending the Subanons' rightful claim to their ancestral domain. Although land use partnership might be tempting as a pragmatic option, it could not replace the ultimate prize of securing the land title for the Subanons' next generation. On the side, Jocutan also tried to clarify to Arnuco the scope and limits of the rights of indigenous peoples over their titled ancestral domain under the Indigenous Peoples Rights Act—that it was private property but communal in nature, and that while it can be passed on from generation to generation, it could not be validly sold to non-CADT holders.

THE NEXT STEPS

After passionately sharing his vision of a more focused land use partnership between the Subanon and the economic zone, Arnuco promised to deliver his report to the board of trustees about what some of their officials had learned during the joint study tour in Subic and Clark. He would also inform the board how the Subanons responded to the initial offer of land use development. He might have to ask the board what exactly ZAMBOECOZONE could offer to the Subanons while the case was being processed in the courts. The Subanons could then deliberate on this offer.

Lazaro emphasized to the group that Arnuco still had to relay to the board of trustees the bottomline of the Subanons. He advised the tribal leaders to provide them with additional documents that they could use to more effectively represent their position to the members of the board.

For his part, Guinalac would echo their learnings from the study tour in Subic and Clark down to the December meeting in Zamboanga.

Drawing from the experience of Subic, he might offer hope that they could also reach a JMA if the Subanon community would really get organized.

The December meeting, which was the culmination of the study tour, ended without final decisions. People had articulated a number of significant gains from the exercise. It broke the ice, as it were, from the years of cold and sometimes cruel debates, and warmed the parties to the possibility of dialogue. It opened up windows of possibilities based on learnings from earlier experiments in Subic and Clark. It generated fresh options for collaboration. Even the continuing legal battle had ceased to sound like a dogfight. For all stakeholders, the entire process was educational. Since then, the economic zone radar had begun to register signals of indigenous presence. The Subanons, too, had been challenged to get more organized and their youth mobilized. Solidarity groups, including ADZU, realized the need to go beyond traditional community extension service. The word dialogue has been stretched to creative limits.

We started with many lingering questions in this report. We now end with more. At this point, the questions are addressed more directly to particular stakeholders:

To ZAMBOECOZONE:

1. Is land ownership absolutely necessary for making the area economically productive? Has there been an empirical study on what exactly would be damaging if a portion of the economic zone were to be legally owned by indigenous communities?
2. Can the ZAMBOECOZONE follow the lead of Subic in recognizing the ancestral domain of the indigenous inhabitants, sign a JMA, and welcome land use partnership with them? Has the ZAMBOECOZONE learned one caution from Subic that foreign locators and investors generally shy away from zones with land conflict or violation of human rights?
3. Or will its board and administrators rather challenge NCIP's granting of ancestral domain to the Subanon tribal community and let the courts decide after waging a fierce legal battle? And what happens if the economic zone wins? What happens if the Subanons win?

4. A point for reflection: When the economic zone was just being conceived, did the pioneers acknowledge the existence of indigenous peoples in the area, as having been there even prior to the formation of the state? Were the Subanons dismissed as absent simply because they had no paper title yet? And are they meaningfully integrated into the current economic zone master plan?
5. For the economic zone, is land simply an economic resource? Or does it also have a cultural and spiritual value as in the indigenous worldview?
6. Does the economic zone have enough support from government, international funding agencies, and local civic and business groups in improving its facilities, providing security, and generating investments so that it can in turn offer more generous response to the cry of the indigenous peoples?

To the Subanon leaders and communities:

1. Is the registration of the CADT an absolute requirement before they can start discussing any land use partnership with the economic zone? What if the legal battle lasts ten years or more, as what usually happens in court cases? Can the Subanon leaders control the rumored sale of tribal land rights?
2. What will the Subanons do with the land? Do they have their own well-studied ADSDPP? Can they help in the conservation of waters and forests? What crops do they want to grow? What is their view on education, health, and tourism? And what is their stand on mining?
3. Are the Subanons in the area united like the Aytas in Subic? Or are they disparate groups with varying interests like those in Clark? How strong is their indigenous political structure? If the authorized representative of the economic zone talks to their leaders, would the rest of the community be of one heart and mind? Are the youth and the women empowered?
4. Do the Subanons recognize the value of the economic zone in Zamboanga City and in the general welfare of the

whole region? Are the fruits of the land meant only for themselves? At the same time, do Subanons feel they are part of the Zamboanga multicultural community? Are they properly represented in the public sphere? Do they feel safe there?

To both ZAMBOECOZONE and Subanons:

1. Is it possible for the two of them to agree on an operational JMA with corresponding IRR while continuing to fight in court over who really owns the land, knowing for a fact that whatever the court decides they will still have to live with each other's presence?
2. Should they wait for the court to hand down its decision before they start trekking up the hills to plant cacao or abaca and enjoy the low-lying fruits of productivity—like increase in jobs and investments, security, health services, and scholarships?
3. Or could they agree to fast track the legal debate to get an early court decision? And has either of them studied the consequence?

To solidarity partners, both private and public:

1. What is the quality of our intervention? Can we offer more research-based technical assistance to clarify issues and generate options? Are we sources of conflict or resources for peace? Do we bring in new ideas or do we just harden old positions? Can we open up relaxing space for reflective dialogue? To what extent are we harbingers of hope?
2. What would be our role if what started as a verbal tug-of-war slides into a legal do-or-die?
3. Or what if the two parties suddenly shake hands and enjoin us in finding business strategies to make the land productive and the system investor-attractive? Do we have ready manuals and modules for expert training in real life struggle? Is our good intention matched with relevant know-how?

4. And let us allow ourselves to stretch this discussion a little further: Can we see the possibility that a JMA between indigenous communities and economic zones may serve as a template for reconciling the Bangsamoro Basic Law and the Indigenous Peoples Rights Act?
5. Are we not also being challenged, both as individuals and as institutions, to become more professional in our social intervention?

Can an economic zone coexist peacefully and productively with a tribal community? Our answer is yes. We do not deny the legal debates especially on the issue of land ownership and control of resources. We are not blind to the imperfect implementation of JMAs even in the celebrated case of Subic (Pimentel 2012). We are also witness to the internal weaknesses of local communities, such as what we acknowledge in the case of Clark. We believe, however, that despite the legal, cultural, and technical challenges, the contested overlap of their territories can become a zone of partnership—with some creative and self-critical contribution from university academics, government agencies, and dialogue activists. If we listen to the insights of this trip, which actually ought to have a series of follow ups, Zamboanga City could become the Subic of the south, not only in the rise of jobs and investments but also in inclusive peace and shared development.

AFTERWORD

The Zamboanga joint study tour to Subic in 2014 has indeed opened a wider space for partnership. The following year, on 24 September 2015, leaders of the formerly antagonistic parties conducted a forum dubbed “From Subic to Zamboanga: In Search for Partnership” at the Garden Orchid Hotel in Zamboanga City, hosted by Fr. Karel San Juan, SJ, president of ADZU. Roberto V. Garcia, chairman of the SBMA, and Bonifacio Florencio, president of the Samahang Katutubong Ayta ng Pastolan, flew to Zamboanga City to explain the details of their joint management agreement to the Zamboanga government, NGOs, and indigenous communities. This ushered in the process of drafting the local joint management agreement between the Subanon and the ZAMBOECOZONE (cf. ADZU 2017; Subic Bay News 2017).✿

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NOTES

1. An earlier and more extensive version of this paper has been printed by the Social Development Office of Ateneo de Zamboanga University in 2015.
2. In 2013, for example, Louie Alejandro, parish priest of Labuan Parish, told me about the ZAMBOECOZONE board's petition against the ancestral domain titling of the Subanon.
3. During the Zamboanga Siege, Arnuco and I found ourselves working together as members of the crisis management committee. We negotiated with Moro National Liberation Front commander Ustadz Habier Malik and literally braved the bullets in the delicate operation that led to the extraction of hostaged priest Michael Ufana.

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