

INDIGENOUS PEOPLES IN THE PROPOSED BANGSAMORO: CHALLENGES AND OPPORTUNITIES IN SECURING THEIR RIGHTS AND WELFARE

Ponciano L. Bennagen

Deploying the terms "*kalibugan*" and "*kalinaw*", this essay explores in broad strokes the dynamics of the various elements and forces swirling around the struggle for justice, peace and development, and the right to self-determination of the Bangsamoro, on the one hand, and the Teduray and the Lambangian, on the other, within the framework of the 1987 Philippine Constitution. It ends with some recommendations that appear logically and immediately doable towards helping ensure that the rights and welfare of the indigenous peoples in the proposed Bangsamoro are recognized, respected, supported, and enjoyed.

Keywords: *Kalibugan, kalinaw, justice, peace and development, deep respect for difference and diversity in search of common values, right to self-determination, foundational documents, trust and confidence building.*

Introduction: on being “*kalibugan*”

On our roundtable, which, in keeping with the theme of the Roundtable Discussion, promises to be a Peace Table is, an extremely complex and confusing proposition: challenges and opportunities for Indigenous Peoples (IPs) in securing their rights and welfare in the proposed Bangsamoro. To help me, and hopefully others, capture the complexity and confusion, as well as the directionality of resolution, I will deploy a term common in Philippine languages, particularly Sebuano, but also used as ethnolinguistic identity by at least two groups in Mindanao and a few others elsewhere, at one time or another. The term is “*kalibugan*.” Its dictionary meanings include ‘a mixed-up of things or of the mind’, ‘complexity’, and ‘confusion’ (Cabonce

1983:207). In the ethnographic literature however, the term becomes a proper noun referring to the Kalibugan people of the Zamboanga peninsula (Finley 1913, Esteban 2002). As an ethnolinguistic group, the Kalibugan are descendants of intermarriage or miscegenation between Moro (usually male) and Subanen (usually female), or, descendants of Subanen who had converted to Islam. Another group identified as Kolibugan, a variant of Kalibugan, is found in barangay Rogongon of Iligan City (Pailig Development Foundation 2007:15, 36-42). They are descendants of Maranao Muslim-Higaonon intermarriages. In both cases, they are the result, the resolution, as it were, of a confusing and complex mix of biological, social, and cultural elements that, in spite of risks and threats, have survived to this day. As I hope this brief essay will show, in a manner of speaking, we are all beings of *kalibugan* engaged in a constant struggle for order of some kind, no matter how tentative.

I find the term a useful descriptive tool in trying to sort out and capture the confusing complexity entailed by identity politics that characterizes social movements for one type of autonomy or another. As the limited literature suggests, the term “*kalibugan*,” adopted as an ethnolinguistic identity, suggests an analytic path towards its transformation into a political identity as the people so named struggle for some kind of autonomy in a rapidly changing world. The mixed-up elements of biology, social, and cultural institutions provide the matrix that enables the Kalibugan, as a conscious historical agent, to make choices while remaining committed to a core identity amidst complexity, confusion, and change. I’d like to think that the term is both descriptive and analytic. It alerts us to the need to investigate the nuances of the dynamic interplay of biological, social, and cultural elements of the overall process for autonomy. (But maybe I claim too much at this stage!)

What is going on? Who are those caught up in the state of *kalibugan*?; how are they related biologically, socially, and culturally? More specifically, what brought about their complex and confusing relationship? Mating and blood relationship, marriage and other forms of ritual kinship — note, for example, the pervasive use of the relational prefix “*ka-*” + base word like ‘*-patid*’ to make “*kapatid*”, as well as the common use of ‘brother and sister Muslims’ by non-Muslims. Which of these relationships, economic, political, religious, etc., prevail at one time or another? What forces lead to the change, for example, from “*kapatid*” [‘sibling’] to “*kaaway*” [‘enemy’], or “*kasabwat*” [‘accomplice’]? Which of the elements bring about working

together, living together in peaceful co-existence, or fighting each other? And such other similar questions.

Indeed, for thinking and reasonable human beings (after all, we have decided to call our species *Homo sapiens*), acknowledgement of our *kalibugan* should lead us to search for resolution. As suggested by both the dictionary meanings and the ethnographic literature, *kalibugan* resolves itself into “*linaw*”/ “*kalinaw*” [‘clarity’/‘peace’]; just as muddied or turbid water left undisturbed becomes clear in due time, an ethnolinguistic and political identity emerges by conscious choice of a group confronting identity crisis and politics amidst the challenges of socio-cultural change. As pointed out by Prof. Rody Rodil in his book *Kalinaw Mindanao* (2000), the way to peace from war is through peace. In Tausug, Manobo, Sebuano, and Tagalog, the word for peace is “*linaw*”, which also means ‘clear’, as in clear water.

From *kalibugan* to *kalinaw*

On our roundtable are various elements, some highly visible, others invisible for now, but just as significant, in the search for “justice, peace, and development”— values that somehow float above the discordant voices and the toxic political landscape. One element which contains numerous other elements is well known now as the “BBL” (Bangsamoro Basic Law). As a proposed legal text, no less than a basic law in its intent, it is the result of a politically negotiated revolution being waged by the Moro Islamic Liberation Front (MILF). And there lies the rub. Immediately, one question comes to mind: Why should a text embodying the aspirations of a revolutionary struggle forged out of a protracted political negotiation meet the requirements of legality and constitutionality under a Constitution, which in a way, led to the necessity of armed revolution, in the first place? Shouldn’t the old legality and constitutionality (legal and constitutional framework) give way to new ones? Or, should the existing legal and constitutional framework be loosened enough to entrench the politically negotiated agreement without breaking it? If so, what precautionary measures are necessary to ensure that adequate structures and rules of the desired autonomy are in place? Of the mixed elements, how does one get the right mix so as to transform *kalibugan* to *kalinaw*? Simply put, is Constitutional change needed, or is a liberal reading of the Constitution enough?

But there is another text on the roundtable. Within the proposed Bangsamoro, are other groups: the Teduray, Lambangian Manobo, Higaonon, and B’laan. Of special concern are the Teduray and Lambangian

Manobo because they are within the core area of the proposed Bangsamoro. More importantly, they themselves have struggled for the recognition of their legal and human rights. As distinct peoples, they, too, want autonomy in their ancestral domain so as to live their way of life guided by their *Tegudon* ('Creed') as Teduray and Lambangian. Their kind of autonomy was already constitutionally recognized in the 1987 Philippine Constitution and legally entrenched in the Indigenous Peoples' Rights Act (IPRA) of 1997. Unfortunately, ten years after their filing of their application for a Certificate of Ancestral Domain Title (CADT), the Teduray-Lambangian have yet to receive their CADT. This has been a major source of frustration with, and cause for distrust of, government institutions, both at the regional and at the national levels, particularly the Office of the Southern Cultural Communities (OSCC) of the Autonomous Region of Muslim Mindanao (ARMM) and the National Commission for Indigenous Peoples (NCIP). Also, the Muslim Mindanao Act (MMA) 241, Tribal Peoples Rights Act, enacted in 2008, has not yet been implemented. Meanwhile, there are reports that mining interests have already started exploration activities in the Teduray ancestral domain.

Exacerbating all this is the fact that the Teduray and Lambangian were not properly engaged, despite their persistent efforts to be part of the peace process that was supposed to be consultative and inclusive. And this has resulted in the non-inclusion of provisions in the BBL recognizing in unequivocal language the IPRA of 1997, with adequate provisions for its implementing mechanism.

This situation of distrust and confusion (*kalibugan*) is extremely difficult to understand considering that the IPRA and the ARMM and now, the BBL, have been the results of struggles for self-determination/autonomy, the first without benefit of arms, the two others, with arms. It stands to reason that this shared history of struggles for self-determination should have resulted in mutual respect for each other's form of autonomy. The Teduray and Lambangian want to nourish in their own ancestral domain a way of life guided by ancient wisdom and principles embodied in their *Tegudon* (Creed) (TJG 2011). The Bangsamoro want to live by the teachings of Islam. While, indeed there are fundamental differences in their view of how to live the 'good life' within the Philippine Republic, they are both guided by the polar star of self-determination. By this shared principle, the Teduray and Lambangian and the Bangsamoro should be natural and logical allies, partners in the continuing struggle for autonomy and respectful of each other. *Kalibugan*, indeed.

Further complicating any autonomy project, whether local or regional (sub-national) is the fact that it is nested in larger systems of *kalibugan*, with their own dynamics often beyond the control of weakly-organized and fragmented sub-units. One needs only to mention global warming and climate change, environmental and especially biodiversity loss, as well as global terrorism which somehow finds local allies. Add to this, profit-seeking, highly resource-extractive, and inequality-creating corporate interests of global capitalism. On the other hand, there are forces supportive of sustainable autonomy projects, like environmental movements and indigenist movements as well as separatist movements. Occasionally, there are voices with global megaphones, like that of Pope Francis, and especially with his recent encyclical, *Laudato, Si'* (2015), many parts of which resonate with indigenous peoples. In one way or another, these global processes have impacts on the struggle for autonomy, for good or ill, and often, in unpredictable ways. Indeed, the local-regional-national-global nexus should be carefully factored in in the various phases of the peace process.

Time and space prevent me from going into details, but let me just add a few more things, by way of a conclusion. Having acknowledged and briefly described our state of *kalibugan*/ confusion and discord we need to take concrete steps towards *kalinaw*/clarity and peace. One of these steps is to carefully read through the texts that constitute, for now, the documentary elements of *kalibugan*. By the very nature of foundational documents resulting from deliberative democratic bodies operating in the larger context of power asymmetries, these texts may be said to be compromises. And compromises, if indeed truly democratic, signify (and I want to underscore this point) deep respect for difference and diversity in search of common values. If one reads carefully through the BBL, along with the various pronouncements and the *Tegudon* (Creed) of the Teduray and Lambangian (TJG 2011), one finds common grounds and shared values for building a sustainable regime of justice, peace, and development. The same may be said if these two texts are read along with the relevant texts of the 1987 Philippine Constitution, itself characterized by *kalibugan*, in spite of its lofty and lengthy preamble that even incorporates the word “love”- the only Constitution in the world to do so. These highly judicious textual readings, enlightened by the recognition of, and deep respect for, difference and diversity, if properly lived —*isinasabuhay ng tama*—, is a most potent force for turning *kalibugan* into *kalinaw*. A daunting challenge, indeed. But also an opportunity.

Meanwhile, this highly affirmative reading is never enough. And so it is necessary, even now, to set into motion processes designed to strengthen existing functional institutions, rare as they are, while building new ones that are truly trustworthy, effective, and efficient. Educational institutions need to re-think their vision, mission, and goals in order to get the right mix of idealism as moral compass for the conflicting demands of the practical life. They should do a good job in multicultural education to inculcate understanding of, and respect for, differences and diversity undergirded by shared beliefs and values supportive of human rights. Existing institutional arrangements like schools, faith-based organizations, mass media and the like could be mobilized programmatically for this undertaking in order to sustain it. The 1987 Philippine Constitution has several provisions supportive of this vision but it looks like our educational institutions have not done a good job at it.

Directly connected to the topic of this Roundtable Discussion are things that are immediately doable. The NCIP and the OSCC-ARMM should act quickly to make up for lost time, so as to build trust and confidence in government institutions. To do this, they should expedite the processing of all CADT applications, especially those that have been much-delayed by peace-seeking processes such as the peace talks by the Government of the Republic of the Philippines and the Moro Islamic Liberation Front. And for a truly inclusive process, one concrete step is for the GRP and the MILF to embrace the IPs/ICCs [indigenous peoples/indigenous cultural communities] as legitimate and equal partners in transforming the soaring and lofty rhetoric of “justice, peace and development” into sustainable workable institutions as well as real experiences of everyday life.

Afterword

On 26 July 2018, President Rodrigo Roa Duterte signed into law Republic Act (R.A.) 11054, known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (referred to as Bangsamoro Organic Law or BOL, for short). Earlier drafts of R.A 1104, then referred to as the Bangsamoro Basic Law (BBL), did not include the recognition of the Indigenous Peoples' Rights Act (IPRA) or R.A. 8371. The BOL now includes provisions recognizing indigenous peoples' rights, and even mentions particularly Republic Act 8371 (IPRA) (see Article IX, section 3 of the BOL).

Acknowledgement

This is a slightly revised version of a paper presented at the 5th Roundtable Discussion, Senate of the Republic of the Philippines, organized by the Institute for Autonomy and Governance, Local Government and Development Foundation, Senate Muslim Advocates for Peace and Progress, and the Senate Policy Office, 5 Aug. 2015. It appeared earlier in: Loyukan. (2015). *Our Call for Full Inclusion: A Collection of Articles on Peace, Indigenous Peoples Rights and the Bangsamoro Basic Law*. Manila and Mindanao: Loyukan Secretariat.

References

- Cabonce, Rodolfo S. J. (1983). *An English-Cebuano Visayan Dictionary*. Metro Manila: National Book Store.
- Esteban, Rolando C. (2002). *The Kalibugans, Moros of Zamboanga Peninsula: An Inquiry into Social Fission, Hybridity, and Ethnicity*. Manila: University of Santo Tomas Press.
- Finley, John Park. (1913). Ethnographical and Geographical Sketch of Land and People. In *The Subanu: Studies of a Sub-Visayan Mountain Folk of Mindanao*. Washington D.C.: Carnegie Institute of Washington. [<https://archive.org/details/subanustudiesas00finlgoog/page/n6>].
- Muslim Mindanao Autonomy Act No. 241/“Tribal Peoples Rights Act”. (2008). *An Act to recognize, respect, protect and promote the rights, governance and justice systems, and customary laws of the indigenous peoples/tribal peoples of the Autonomous Region in Muslim Mindanao*. RLA Bill No. 82, Autonomous Region in Muslim Mindanao Regional Assembly. [https://lawphil.net/administ/mmaa/5a/pdf/mmaa_241_5a.pdf]
- Pailig Development Foundation, Inc. (2007). *‘Rido’: A Traditional Conflict in Modern Times*. Iligan City: Pailig Development Foundation, Inc.
- Panganiban, Jose Villa. (1972). *Diksyunario-Tesaurus Pilipino-Ingles*. Lungsod ng Quezon: Manlapaz Publishing Co.
- Pope Francis. (2015). *‘Laudato Si’ On Care for Our Common Home*. Encyclical letter given in Rome at Saint Peter’s on 24 May, 2015. [Published online by Libreria Editrice Vaticana:

http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html]

Proposed Bangsamoro Basic Law. (2014). Submitted by President Benigno Aquino III to Congress on Sept. 10, 2014. [Uploaded by GMA News Online: <https://www.scribd.com/doc/239243742/Draft-Bangsamoro-Basic-Law>].

Rodil, B. R. (2000). *Kalinaw Mindanao: The Story of the GRP-MNLF Peace Process, 1975-1996*. Davao City: Alternate Forum for Research in Mindanao.

The Constitution of the Republic of the Philippines. (1987). Ratified: February 2, 1987. [<https://www.officialgazette.gov.ph/constitutions/1987-constitution/>]

TJG (Timuay Justice and Governance). (2011). “Tuladan Module: An Educational Material of the Timuay Justice and Governance (TJG)”.

Ponciano L. Bennagen was a member of the Philippine Constitutional Commission of 1986.

Email: ponsbennagen@yahoo.com