

# **LACK OF AWARENESS OF IPRA AMONG THE SUBANEN: IMPLICATIONS FOR BIODIVERSITY CONSERVATION IN MT. MALINDANG NATURAL PARK AND ENVIRONS**

Aurelia Luzviminda V. Gomez<sup>1</sup> and Alita T. Roxas<sup>2</sup>

<sup>1</sup> Assistant Professor, School of Management,  
University of the Philippines in Mindanao, Davao City, Philippines;

<sup>2</sup> Associate Professor, College of Business Administration,  
Mindanao State University-  
Iligan Institute of Technology, Iligan City, Philippines

## **ABSTRACT**

**This paper analyzes the lack of awareness about the Indigenous Peoples Rights Act among the Subanen living in the core protected area and buffer zone of the Mt. Malindang Natural Park (MMNP) and its implications on biodiversity conservation in the area. The lack of awareness of the IPRA is traceable to the lack of information dissemination on this legislation in the study sites by the National Commission for Indigenous Peoples, the provincial lead agency for indigenous peoples, and to the absence of a Subanen organization in the area. Results indicate that while IPRA is largely unknown among the Subanen in the communities studied, they are nevertheless aware of certain rights and responsibilities of indigenous peoples that are stipulated in the IPRA. These rights are those that generally relate to livelihood and survival, such as the right to land ownership and development of land and natural resources, the right to stay in territories and not to be displaced therefrom, and the right to protect indigenous knowledge systems. The responsibilities that are known among the Subanen are those that pertain generally to protection of the environment. The knowledge of these rights and responsibilities has been transferred from one generation to another. The paper also provides a glimpse of the Subanen practices and traditions, as well as the current livelihood activities in the core and buffer zones of the MMNP and examines how these affect biodiversity.**

*Keywords:* IPRA, Mt. Malindang Natural Park, Subanen, Don Victoriano Chiongbian, biodiversity conservation, land ownership

## INTRODUCTION

This paper presents data and insights from a policy study which was part of the Philippines-Netherlands Biodiversity Research Programme (BRP) for Development in Mindanao: Focus on Mt. Malindang and its Environs. The BRP was a five-year research initiative covering the 2000–2005 period. It was managed by the Philippine-based Southeast Asian Regional Center for Graduate Study and Research in Agriculture (SEARCA), and funded by the Netherlands Ministry of Development Cooperation (DGIS). The study sites included 12 barangays in six municipalities and one city in Misamis Occidental, representing the terrestrial, riverine, and coastal communities of the province. This paper, however, is limited to data obtained from three upland barangays in the municipality of Don Victoriano, which are located in the core and buffer zones of the Mt. Malindang Natural Park (MMNP).

### *The Indigenous Peoples' Rights Act (IPRA)*

Republic Act 8371, also known as the Indigenous Peoples' Rights Act (IPRA), was enacted in 1997. It is the embodiment of the government's formal recognition of the rights of the country's various indigenous peoples (IPs) and indigenous cultural communities (ICCs), foremost of which is to hold titles to their territories or ancestral domains, or the Certificate of Ancestral Domain Titles, after proper identification and delineation according to law (Appendix A). The importance of IPRA extends to environmental and natural resource management and protection since the main occupants of protected areas are IPs/ICCs, and many parts of protected areas are also the ancestral domains of IPs/ICCs. IPRA, therefore, places upon the shoulders of ICCs the responsibility of sustainable development and environmental protection within their ancestral domains.

To ensure that the provisions of the IPRA are implemented, the National Commission on Indigenous Peoples (NCIP) was

created in 1997 by merging the Office of Northern Cultural Communities and the Office of Southern Cultural Communities, and was placed directly under the Office of the President of the Republic of the Philippines. Sec. 59 of the IPRA stipulates that the NCIP “shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the indigenous people and the recognition of their ancestral domains as well as their rights thereto.” The formerly independent NCIP has now been placed under the Department of Land Reform, the former Department of Agrarian Reform.

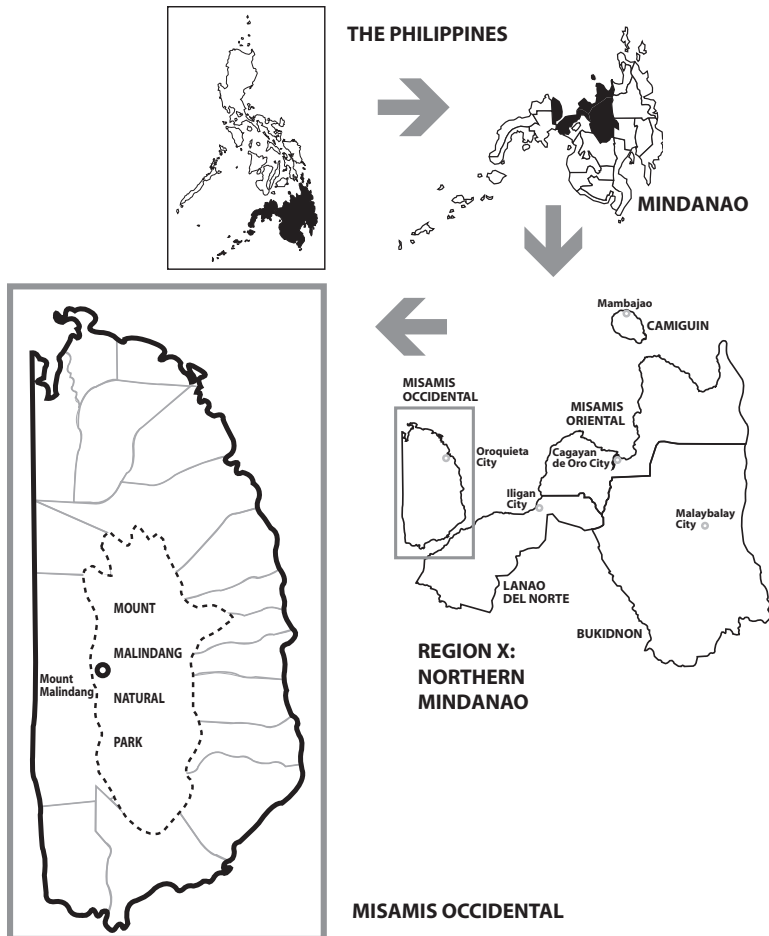
### *Mt. Malindang Natural Park*

The Mt. Malindang Range is the main feature of the eastern part of the Zamboanga Peninsula (composed of Zamboanga del Norte and Zamboanga del Sur in Region IX, and Misamis Occidental in Region X). Most of the mountain range is located within the interiors of Misamis Occidental, occupying most areas higher than 800 meters above sea level (masl); the maximum elevation is 2,404 masl. (Figure 1 shows the relative location of Mt. Malindang Natural Park.) Mt. Malindang has rugged terrain, steep slopes, dense forest cover and several craters, the biggest of which is the eight-hectare crater-lake at Duminagat. The mountain range is characterized by mild humid climate; the weather is cooler and rainfall is more frequent at higher altitudes (DENR-EU, 2000). There are three main types of forest cover in the MMNP: mossy forest, montane forest and dipterocarp forest. Though many portions are heavily degraded, Mt. Malindang hosts diverse and rare species of flora and fauna. The rare and endangered species that can be found in the area include, among others, the Philippine eagle (*Pithecophaga jefferyi*), flying lemur (*Cynophalus volans*), Philippine deer (*Cervus mariannus*), and tarsier (*Tarsius syrichta*).

The Mt. Malindang Range was declared a national park and watershed area by virtue of Republic Act 6266 (RA 6266),

which was approved on 19 June 1971. About 45,000 hectares or 84.49 percent of the total land area of 53,262 hectares were covered with forest while the remaining portions were already being cultivated. At the time of the passage of RA 6266, the government had already granted 25-year timber license agreements (TLAs) to three commercial logging companies (Findlay, Millan, and Luna & Sons), which had been operating in various parts of the mountain range since the early 1960s. When the TLAs were cancelled in the early 1980s, most of the lower portions of the area had been logged over.

Figure 1. Relative location of Mt. Malindang Natural Park



The Mt. Malindang Mountain Range became an original component of the National Integrated Protected Areas System (NIPAS) by virtue of Republic Act 7586 passed in 1992. As part of the procedures stipulated in NIPAS, the boundaries of the park were re-surveyed and revised, resulting in the designation of 34,964 hectares of its total area (53,262 hectares) into the core protection zone, while the remaining portion was re-designated as a buffer zone. The revisions were made official with the passage on 2 August 2002 of Proclamation 228, declaring the area as the Mt. Malindang Natural Park (MMNP). With the passage of Republic Act 9304 on 30 July 2004, Mt. Malindang was declared a full-fledged natural park. A salient feature of this legislation is the allocation of funds from the General Appropriations Act (GAA) for the management of the Mt. Malindang Natural Park. The management of the park is vested in the Protected Area Management Board (PAMB), composed of representatives from local government units, Subanen organizations, and various sectors from Misamis Occidental.

The park includes 65 *barangays* in 16 municipalities, while the watershed area feeds about a million people in 31 municipalities from the three provinces. An estimated 18,000 people inhabit the buffer zone and about 900 inhabitants reside in limited portions of the core area. Those living in the close vicinity to the park are mainly of the Subanen indigenous community or are of Subanen lineage. Their traditional source of livelihood is subsistence farming (DENR-EU, 2000).

#### *The Indigenous People of Mt. Malindang: The Subanen*

The Subanen (also called Subanun, Subano, Suban'n) are the indigenous people of Mt. Malindang; they are believed to be the first inhabitants of the Zamboanga Peninsula. Pigafetta's chronicle of his 1519-1522 journeys and the 1663 account of Combes (as cited in Christie, 1909) described the Subanen occupancy of the lowland and coastal zones of the peninsula. Scott (1994) also cites the Pigafetta chronicle describing the Subanen settlements scattered along rivers.

Guided by Frake's (1957) account, Suminguit (1989) specifically pinpointed to the Subanen settlements in Malindang in Misamis Occidental, Sindangan in northeastern Zamboanga del Norte, Sibugay in northeastern Zamboanga del Sur, and Siukun in the southeastern part of the peninsula. Fifty-one Subanen leaders gathered for interviews in Zamboanga del Sur on 16-17 August 2000 also validated the historical claim that the Subanen were the first inhabitants of the Zamboanga Peninsula (Rodil *et al.*, 2002). Moreover, oral histories narrated by Subanen key informants in the BRP study also pointed to the earlier Subanen settlements along the coasts and lowlands of the peninsula. Their progressive movement into interior communities and into the uplands of Mt. Malindang was brought about by intrusions into their territories by Moros, Spanish colonizers, and later by migrants from Luzon, Visayas, and from other parts of Mindanao.

This paper refers only to the Subanen communities found in the core protected area and in certain portions of the buffer zone of Mt. Malindang Natural Park, specifically those in the municipality of Don Victoriano Chiongbian (commonly referred to as Don Vic) in the province of Misamis Occidental. The Subanen in the study sites are either the first settlers in the area or the descendants of settlers from the more proximate interior lowland areas who moved to Don Vic in the early 1930s to the late 1950s. The major factors for in-migration were the abundance of land to till, identification with religious groups which had established themselves in the area, and loss of ancestral domain in the lowlands. In the 1980s, peace and order problems due to insurgency in previous areas of settlement became a common cause for in-migration to the study sites.

Later, some Visayan migrants to Misamis Occidental, particularly those who intermarried or had close relatives who intermarried with the Subanen, also found their way to the Mt. Malindang buffer zone in search of land to cultivate.

### *Objectives*

This paper generally attempted to analyze the implications of the lack of awareness of the IPRA among the Subanen settlers in the core and buffer zones of the MMNP on biodiversity conservation in the park. Specifically, the paper aimed to determine the following: (1) IP rights and responsibilities as perceived by the Subanen in what they consider as their ancestral domains; (2) the differences/similarities between these perceived rights and responsibilities from those stipulated in IPRA; (3) the Subanen sources of awareness of these rights/responsibilities; and (4) the underlying reasons for the lack of awareness about IPRA.

## **METHODS**

Prior informed consent of the communities included in the study was obtained through entry protocols and consultative community assemblies. Information dissemination about BRP was done in Cebuano, the most common local language. The members of the communities were encouraged to give suggestions on how to enrich the research objectives in the context of their specific conditions. Local research partners were sought, generally from among those present in the consultative assemblies, to facilitate data gathering and to build local capacity for research.

Data were obtained through a triangulation of information sources and data gathering techniques, making use of both quantitative and qualitative research methods. Primary data collection techniques utilized a combination of simple random and area sampling survey techniques, key informant interviews, and focus group discussions. The sampling method was determined by the political subdivision of each barangay and the population of households therein. The Sloven formula was used in determining the sample size in each sampling area. A total of 113 household representatives (usually the male household head) were interviewed from the three barangays: 30 respondents were from Lake Duminagat, 37 from Gandawan, and 46 from Nueva Vista.

Key informants and participants of focus group discussions were chosen from the ranks of those deemed knowledgeable about the information being sought, such as the community elders, officials of the barangay, and officers of the traditional barangay leadership when they were available, as well as officers of local people's organizations. Additional information was gathered from interviews with key personnel of the DENR and the NCIP, and from members of the PAMB.

For the quantitative gathering of data, a questionnaire written in Cebuano was used. Data gathering was done from November 2003 to May 2004.

### *The Study Sites*

This paper is limited to three study sites which are specifically significant to the MMNP. These are Barangays Lake Duminagat, Gandawan, and Nueva Vista (formerly known as Mansawan)—all located in Don Victoriano, a fourth class municipality in Misamis Occidental located in the MMNP. Barangay Lake Duminagat lies within the core protected area of Mt. Malindang, while the two other barangays, Gandawan and Nueva Vista, lie within the buffer zone. The Subanen comprised about 98 percent of Lake Duminagat residents; in Nueva Vista, 70 percent of the settlers were Subanen; in Gandawan, the Subanen were the minority, or only about 30 percent, as the other 70 percent were composed of migrants – referred to as Bisayâ by the Subanen – regardless of whether they originated from Luzon, Visayas or from the Mindanao provinces.

While contiguous, the three communities studied lived in settlements with varying elevations and distance from the core protection zone, the part of the natural park where biodiversity is highest. Barangay Lake Duminagat has the highest altitude among the three barangays and is also within the core protection zone. It is a crater valley with a total land area of 909 hectares, 60 hectares of which are mossy forest, 48 hectares are agricultural lands, and the rest are grasslands/brush lands and residential areas. Barangay Gandawan, a lower crater



valley, lies between Barangay Lake Duminagat and Nueva Vista. Its plains measure about 102 hectares. Barangay Nueva Vista is situated on top of a ridge higher than Barangay Gandawan. It has an area of 1,606 hectares, with a potential agricultural land area of 750 hectares (PALS, 2004).

Nueva Vista is 18 kilometers from the lowland town of Mutia, Zamboanga del Norte, which is regularly serviced by public buses. Road networks to the upland barangays studied are generally dirt roads with some portions graveled or concreted, though not generally well-maintained. From Nueva Vista, access to the two interior barangays of Gandawan and Barangay Lake Duminagat can be either on foot or on horseback while roads to Nueva Vista, the *centro*, is accessible to four-wheel motorized vehicles; only one mini-bus services the route three days a week. The common means of transportation is the *babal-babal*, or motorcycles without sidecars, carrying as many as five passengers per trip.

The settlements in the three barangays are clustered either on top of a ridge or within the valleys. There is no access to electricity. Households tend to cluster where the *centro* of the community is found.

Oral historical accounts by key informants depicted the three communities as originally Subanen communities. Barangay Lake Duminagat was said to have been settled first by the family of Apo Mali and his family in the early 1930s. Malindang was said to have been derived from his name and that of his wife Baintang (Hansel and Poblete, 2003). Apo Mali was a Subanen *surubano* (spirit medium) who hailed from a lowland community at the foot of Mt. Malindang, now known as Buena Suerte, Upper Mutia, Zamboanga del Sur (Roxas and Duhaylungsod, 2004). Residents believed that he was guided by the deities to this place where the lake is located. The lake is held sacred as it is believed to be an abode of deities and to have healing power. Four of Apo Mali's children live in the park.

Gandawan was settled in the early 1940s. The earliest Subanen in Gandawan were originally from the neighboring provinces of Zamboanga del Norte and Sur and from nearby municipalities of Misamis Occidental. Juan Ubas, known as “Gumitao,” was one of the first settlers. Timuay Digo Ubas, now in his early 70s, recounted his father’s stories of the Gandawan forests. Payad Gumanad and her three siblings, some Subanen from Ariosa, Zamboanga del Sur, settled in Nueva Vista. The time of settlement is believed to have also been in the early 1940s, but after the settlement of both Duminagat and Gandawan.

The Subanen in the study sites generally have had only elementary education. The commercial growing of spring onions and vegetables of the semi-temperate variety such as carrots, cabbage, and Chinese cabbage is the major source of livelihood. A few who serve as barangay officials or have short-term engagements with NGOs, or those who have microbusinesses are able to augment the income. Average household income was less than P3000 per month. The determination of household income did not include the inhabitants consumption of produce, which was estimated at P800/month on the average (CARE-AWESOME, 2004). Several religious groups were found in these communities, including Rock Christ, Piniling Nasud (“Chosen People”), Katolikano (coined from Catholic and *kano* meaning ritual, or the practice of folk Catholicism), and *Kristobanon*.

## RESULTS AND DISCUSSION

Key informants described their parents’ migratory farming practices, pointing to their clearing land through *kaingin* for settlements and farms. They recalled that the movement was from the outer lowland areas to the interior areas and to the forested uplands. The push factor for out-migration was the loss

of fertility of farmlands. Informants narrated that their parents would migrate to new areas (generally where there were still dense forests) and claim land (*angkon*) to start anew with their farming and settlement.

This practice is validated by early researches on the Subanens which pointed to the well-developed swidden agriculture, alternatively called shifting cultivation, of the Subanen (Christie 1909; Finley and Churchill 1913; Frake 1957) where they selected a forestland, cleared it, planted crops, and after about two harvests, would abandon it in favor of another forest land.

Sevidal-Castro *et al.* (2005) cited earlier historical accounts as well as recent studies (Alegre, 2004; Manuta 1999; and San Pedro and Villanueva, 1996) which reported that some Subanen yielded to migrant settlers the land that they used to till. As in the ancestral domains of other indigenous peoples in Mindanao, land being cultivated or left to fallow were exchanged for what the Subanen had in scarce quantities—salt, kerosene, cigars, among others. Logging concessions further exacerbated the loss of ancestral lands of the Subanen.

On the other hand, the number of non-Subanen population in the Don Victoriano study sites has increased even after the passage of IPRA, an indication that the Subanen in the area were indeed not aware that they have the right to control the entry of migrants. Though IPRA provides for the right of indigenous people to regulate the entry of migrants and other entities, the Don Victoriano Subanen's lack of awareness of the legislation and the lack of cohesiveness of their tribal association, failed to make the IPRA provision work in their best interest. The researchers found the Subanen to be generous, as evidenced by their lending land for farming and for settlement to new in-migrants until the latter are able to claim their own land. This generosity may be due to the Subanen thinking that land is a common resource which provides means to gain a living.

Key informants revealed that some Park residents in the core zone resorted to timber poaching due to the housing needs of growing communities. The use of a chainsaw, though prohibited, was likewise occasionally detected. The few DENR-deputized forest guards patrolling the huge area of the Park are unable to effectively stop the illegal activities. Moreover these forest guards and the barangay *bantay-lasang* are also rendered helpless by the death threats they get for their “interference.”

Rough estimates of the number of trees felled for building a modest dwelling ranged from 15 to 26 (average of 15-20 cm diameter at breast height and 5 m long). The cutting of trees for houses is repeated about every 10 to 20 years for house repairs and maintenance. On the other hand, the average number of trees extracted per week for fuel for the three Don Victoriano barangays is 295.53 trees (Roxas *et al.*, 2006), around 38% of the average total number of trees per hectare with each hectare estimated to have around 781-794 trees (Aranico *et al.*, 2005). This implies that for the fuel needs of the three barangays the biodiversity is adversely affected with a little more than a third of a hectare of forest cleared every week or more than a hectare in a month's time.

The IPRA embodies full recognition of IPs/ICCs rights and responsibilities. Thus, the implementation of this very important legislation could have given the Subanen security in the midst of widespread perception that the NIPAS act would evict them from Mt. Malindang. However until the culmination of this study, no certificate of ancestral domain title (CADT) had been granted in Misamis Occidental. Furthermore, the CADCs that were granted prior to the passage of IPRA have yet to be converted to CADTs.

#### *Awareness on IPRA, IP rights, and responsibilities*

It was found that, in general, the Subanen respondents in three communities were not aware of IPRA. The very few respondents who indicated awareness of IPRA commented

that they only heard about this legislation but had no real understanding of what it is about. This lack of knowledge may be attributed to the admission of the Provincial NCIP officer that no information dissemination campaign on IPRA has been done in these communities. Even key informants from the Tribal Community Association of the Philippines (TRICAP), an organization of Subanen in Misamis Occidental, admitted to not having done any information, education, and communication (IEC) activities in the Don Victoriano areas. The relative inaccessibility of the place may be the reason for the lack of information drives since the Subanen peoples' organizations (POs) in the province are relatively active in promoting the rights of IPs. Another reason for the lack of awareness about IPRA could be the absence of a Subanen PO in the study sites. Key informants said that there used to be a Subanen PO in Nueva Vista in the early 1990s. However, the organization has not been active after it had alienated the municipal leadership.

While awareness of IPRA was practically nil, few respondents exhibited awareness of some IP rights and responsibilities that are in the IPRA (Table 1). With respect to rights, awareness was generally related to land ownership. Other rights that respondents were aware of include the right to stay and not be displaced from their territories, the right to control entry of outsiders, the right to decide priorities for development, the right to develop land and natural resources, the protection of community intellectual property, and the right to the promotion of indigenous knowledge systems. Apparently, these are the rights closest to the hearts and minds of the respondents since these are directly related to their economic and cultural survival. Moreover, the respondents stressed that the above-mentioned rights are for them inalienable rights.

Mt. Malindang land is categorized as public domain. The government therefore considers the land occupied by the Subanen and other lowland migrants as claimed land (*inangkon*). To the Subanen of Don Vic, however, the land is their ancestral domain. They believe that they have the right to

stay and develop the land and its natural resources, including those in the protected area.

Table 1. Awareness of IP rights and responsibilities, and of IPRA.

Awareness of IP rights and responsibilities, and IPRA	Barangay Lake	Gandawan	Nueva Vista
<b>Rights</b>			
Right to ownership of land	4 (13.3%)	2 (5.4%)	1 (2.2%)
Right to control entry of outsiders	1 (3.3%)	0	0
Right to stay in territories and not to be displaced	1 (3.3%)	1 (2.7%)	0
Protection of community intellectual property	1 (3.3%)	2 (5.4%)	0
Right to develop land and resources	0	4 (10.8%)	0
Protection and promotion of indigenous knowledge systems and practices (IKSP)	0	2 (5.4%)	0
Right to determine and decide priorities for development	0	1 (2.7%)	0
<b>Responsibilities</b>			
Protect the environment	4 (13.3%)	4 (10.8%)	2 (4.4%)
<b>IPRA</b>			
Just heard but do not know what it is	2 (6.6%)	2 (5.4%)	1 (2.2%)

The respondents were not so keen with the right to regulate migrants, saying that many among them or among their relatives also came from other areas to seek for opportunities that are not available in the lowlands. Migrants were allowed to borrow land until such time that they could claim their own land from the forests. This, however, is already prohibited under NIPAS; thus, the regulation of migrants has become an urgent concern. The respondents and the local government officials, though, consider the registering in the barangay logbook of new migrants as sufficient regulation.

It is unfortunate that only local leaders are aware of IPs/ICCs right to mandatory representation in policy making bodies, as well as their right to subject to their free and prior

informed consent any development and cultural activities in their communities. With regards to the latter, the respondents thought that it was sufficient for NGOs and researchers to indicate their intentions in the barangay logbook. Moreover, no commercial undertaking in the communities by outsiders were reported by respondents, except that compradors would come on market days to buy their produce. Only a few remarks were gathered about the indigenous political leadership and other rights related to cultural integrity. This underscores the need for the Don Vic Subanen to consolidate their socio-cultural and political structures which may have been weakened by their virtual isolation from other Subanen due to the relative inaccessibility of their area.

Regarding responsibilities of IPs, the protection of the environment was acknowledged by respondents in the three communities studied. A study on indigenous knowledge system and practices done in the sites point to certain efforts to conserve the environment; the same study notes, however, that the Don Vic Subanen also observe practices that have contributed to ecosystem degradation (Sevidal-Castro *et al.*, 2005; Roxas *et al.*, 2005). This study shows that threats to natural resources and biodiversity (i.e., forest denudation, habitat loss, soil degradation) in the study sites are caused by an interaction of various factors, with the increasing natural growth rate of the population and the increasing number of migrants as leading concerns. The MMNP Management Plan mentioned that the settlements' mere presence in the Park disturbs biodiversity (DENR-EU, 2000). The population is also poor and relies heavily on the land and forests for livelihood, having no other alternative means of earning income. Their agricultural practices are often inappropriate, given the lack of assistance from farm technicians. Local leaders also lack the skills and training to address development issues and environmental concerns.

While aware of the responsibility to protect the environment, there was no recognition among respondents that cooperation in the implementation of IPRA is also a responsibility of community residents. This may be traceable to the lack of knowledge of the law itself, the lack of IEC on the law by the implementing agency, and is in itself a confirmation of the non-implementation of IPRA in the study sites at the time of the conduct of the study.

### *Sources of information*

The tribal leaders and their old folks/ancestors were the most commonly cited sources of information on the rights and responsibilities of IPs. Other sources of information mentioned were the staff of non-government organizations and government agencies who visited their place. The radio also served as a source of information. Ironically, the NCIP, which is the agency mainly responsible for the implementation of the IPRA, was never cited as a source of information on the IPs' rights and responsibilities.

Old folks/ancestors and tribal leaders were the common sources of information regarding IP rights pertaining to ownership and development of land and natural resources, the right to stay in territories; and the protection of indigenous knowledge systems and practices and community intellectual property. One respondent who claimed to be affiliated with the *Banwa Na'k Subanen*, a people's organization which used to be active in the study sites, consistently mentioned IPRA as his source of knowledge about his rights. He said he had been attending meetings wherein IPRA was being discussed.

Efforts to document Subanen customary law can be found in the *Batâd nâk Suban'n sak Misamis Occidental*. The document contains articles that show the concern of customary law for biodiversity conservation (Sevidal-Castro *et al.*, 2005). The Batad also quotes the rights of the Subanen as stipulated in IPRA.



### *Acceptability of IPRA*

The acceptability of IPRA can be gauged by the acceptance of the rights and responsibilities stipulated in the policy. As the level of awareness on IPRA in the study sites was very low, it would be convenient to point out that there is no basis for determining its acceptability. Nevertheless, the respondents had some awareness of their rights and responsibilities as indigenous people, and many of these are identical and/or similar to those mentioned in IPRA. In addition, the rights and responsibilities that the respondents were aware of are mainly those which their old folks/ancestors and tribal leaders believed in and adhered to. The respondents' own belief and respect for these rights and responsibilities can therefore be taken as parallel to the acceptability of IPRA. Moreover, the respondents' quoting of IP rights and responsibilities in the *Batad*, which are similar to the provisions of the IPRA, is an indication of its general acceptability to the Subanen of Misamis Occidental.

### *Enforceability of the IPRA*

The lack of sufficient manpower was mentioned rather sparingly when IPRA implementation was asked of the NCIP provincial officer, although there were only five staff in the provincial office. However, funding was cited as a major bottleneck in the delineation of ancestral domains. In other areas similarly inhabited by IPs, the lack of sufficient funds was cited as a major constraint in the capacity of the NCIP to implement the provisions of IPRA. Surveying cost alone was estimated at Php1,600 per hectare in 2004. The processing of claims for Certificate of Ancestral Domain Title (CADT) likewise requires enormous financial resources.

Probably the more important requirement for the implementation of the IPRA provisions on delineation of ancestral domain is the paradigm shift required of the NCIP in order to effectively address the "intangible" issues of empowerment, self-determination, and self-development (Tongson and McShane, 2004). For example, the NCIP has

to be convinced that there are merits in how IPs envision to protect their ancestral domain. Such a shift will involve truly active involvement of the IPs in the preparation of development plans for their areas. This will be a significant departure from the belief that IPs are not really capable of thinking of ways to protect their environment.

It is worthy to note that there was a general sentiment among the respondents that the NCIP was not sympathetic to the Subanens since none among the staff of the NCIP provincial office was a Subanen. This was a very important concern for the respondents who believed that only Subanen could truly understand fellow Subanens. The NCIP staff of the province was thus seen as lacking the political will to enforce IPRA, especially in far-flung Don Vic, because of the differences in ethnic affiliation.

In a visit to the NCIP Office in August 2004, the researchers were shown a copy of an application for CADT by 365 Subanen of four barangays in Don Vic, including all the study sites. The application involved a total land area of approximately 9,000 hectares and was filed sometime in June 2004. This was a concrete effort toward the implementation of IPRA. However, knowledge of the application was known only among the *timuays* or tribal leaders. In the study sites, key informants were not aware of the application or of processes leading to the CADT application, such as the submission of proofs of ancestral domain. A *timuay* from the study sites confirmed the existence of the application, and also admitted lack of knowledge on the processes involved in the application. This indicates that the empowering processes involved in the CADT application appeared to have been overlooked even in the initial stages, which may lead to serious consequences later.

### *Potential of the IPRA for biodiversity management*

If fully implemented, the IPRA can actively promote the rights of IPs in general, and the Subanen of Don Vic, in particular. Results, however, indicate that the potential of IPRA

as an instrument in biodiversity management has yet to be determined in the Don Vic study sites.

The delineation of ancestral domains as a strategy for achieving sustainability through the maintenance of a symbiotic relationship between humanity and biodiversity was identified in the National Biodiversity Strategy and Action of the Philippines (which was approved in June 1997). The importance of delineating ancestral domains as a means for biodiversity conservation is also highlighted by the IPRA provisions on the responsibilities of IPs/ICCs to their ancestral domains, which includes maintaining ecological balance and restoring denuded areas (IPRA: Ch. III, Sec. 9, par. a & b). However, several years after the passage of IPRA, and despite the presence of the NCIP in Misamis Occidental, the law remains largely unknown among the Subanen. Also, actual implementation of the IPRA provisions on ancestral domain delineation remains to be done.

Prior to the passage of IPRA, a number of Certificate of Ancestral Domain Claims (CADCs) were granted in Misamis Occidental through the DENR. These include CADC No.160 in Lopez Jaena and CADC No. 163 in Oroquieta City. These CADCs were issued on 04 June 1998 and cover a total land area of 10,944.19 hectares that affect a total of 1150 Subanen families. As of 30 June 2003, the provincial office of the NCIP had affirmed the status of these CADCs, and had declared them for conversion (NCIP, 2003). However, both CADCs are yet to be converted to CADT in accordance to IPRA. Furthermore the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) for both CADCs have yet to be prepared. The ADSDPP serves as

a tool for the empowerment of the ICCs/IPs towards the fulfillment of the general well-being of the current ICC/IP generation without compromising the needs of future generations. The ADSDPP shall, among others, (a) ensure the compliance of ICCs/IPs to their responsibilities to maintain ecological balance, restore denuded areas,

as well as to observe the requirements of the IPRA; (b) facilitate the conduct of the free and prior informed consent (FPIC) process; and (c) provide a checklist of prioritized development programs/projects as ready reference for collaborative efforts with development partners and/or grant of assistance to ICCs/IPS in an ancestral domain. (NCIP DAO 2004-1: Sec. 3)

The case of the *Sibuyan Mangyan Tagabukid* (SMT) of Sibuyan, Romblon Province (Tongson and McShane, 2004) shows that granting CADT to indigenous peoples is an effective mechanism in combating illegal logging and monitoring biodiversity resources. Furthermore, the case also shows that the CADT can be instrumental in facilitating greater involvement of women in enforcement actions. SMT women were proven effective in dissuading mostly male poachers from entering their territories. The empowerment of SMT women also enhanced the community's social capital. Moreover, the SMT case illustrates that indigenous peoples can effectively work with protected area staff in co-managing a natural park (Tongson and McShane, 2004).

## CONCLUSIONS AND RECOMMENDATIONS

This paper indicates that awareness about particular government legislation is largely dependent on the measures taken by the responsible government agencies to inform the communities affected by the legislation. Furthermore, the acceptability of a legislation is influenced by the level of awareness about it, as well as perceptions about the agency directly responsible for the implementation of the legislation. Moreover, enforcement requires manpower and logistics, as well as a paradigm shift towards community empowerment. Belief in the political will of the agency responsible for the enforcement of IPRA was also found weak with the beneficiaries' perception that only people from the same cultural group have genuine sympathy for each other.

In view of the above, this paper recommends the conduct of an effective information dissemination campaign in areas populated by IPs, particularly in Mt. Malindang Natural Park and its environs. Such information dissemination campaign may include, but is not limited to, the distribution of IPRA flyers written in the local language of ICCs, the use of visual materials in recognition of the low education level of the older members of the community, and the use of different approaches and media for different sectors of the community. Similar efforts have been done by NGOs in other ICCs (i.e., in Bukidnon and in the lowlands of Misamis Occidental). The NCIP can be expected to take the lead, but advocates of IP rights may be invited to take an active role in the activities. While it may be said that the respondents had general knowledge of their rights, they still need in-depth information about these rights and responsibilities.

The government has to address the concern raised by the respondents regarding the NCIP office not having a Subanen among its staff, especially in an area where the IPs served are the Subanen. While this paper focused on only one group of indigenous peoples, the results indicate the importance of having somebody of the same ethno-linguistic group working in offices that directly relate with IPs. This is one way of developing trust between the government office and the IPs, since such a relationship is critical in the acceptance of legislation that is specifically intended to benefit the IPs.

The enforceability of legislation, in general, is largely dependent on the availability of qualified manpower and logistics. Sustained enforcement will only be possible when various agencies take an integrated approach. Government agencies alone do not have all the required resources for effective policy enforcement. In this regard, NGOs may fill the gap and be effective partners in implementing legislative provisions, especially where IPRA is concerned, since NGOs have been proven effective in assisting IPs in their claims to ancestral domains in other areas (Tongson and McShane, 2004; McDermott, 2000; Hirtz, 2003).

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**APPENDIX A**  
**Steps in the identification and**  
**delineation of ancestral domains.**

STEP	ACTIVITY
1	Filing for petition for delineation
2	Delineation proper
3	Submission of proofs
4	Inspection by NCIP representative
5	Evaluation and appreciation of proofs
6	Survey and preparation of survey plans
7	Identification of boundary conflicts
8	Submission of NCIP investigation reports
9	Map validation
10	Public notification
11	Endorsement of claim to the NCIP Ancestral Domain Office
12	Review and endorsement by the Ancestral Domain Office to the NCIP Board
13	Approval of the NCIP Board of the Certificate of Ancestral Domain Title (CADT) claim

## APPENDIX B

### Profile of respondents

VARIABLE	Lake Duminagat (n= 32)		Gandawan (n=37)		Nueva Vista (n=44)	
	Freq	%	Freq	%	Freq	%
<b>Age (Years)</b>						
Below 25	1	3.13	1	2.70	3	6.82
26 - 35	12	37.50	11	29.73	17	38.64
36 - 45	7	21.88	16	43.24	12	27.27
46 - 55	7	21.88	4	10.81	9	20.45
56 – 65	3	9.38	4	10.81	2	4.55
Above 65	2	6.25	1	2.70	1	2.27
Total	32	100.00	37	100.00	44	100.00
<b>Educational attainment</b>						
Some elementary	6	18.75	12	32.43	4	9.09
Elementary graduate	22	68.75	19	51.35	27	61.36
Some high school	4	12.5	3	8.11	4	9.09
High school graduate	0	0	2	5.41	3	6.82
Some college	0	0	1	2.7	2	4.55
College graduate	0	0	0	0	1	2.27
No formal education	0	0	0	0	2	4.55
Vocational	0	0	0	0	1	2.27
Total	32	100.00	37	100.00	44	100.00
<b>Source of livelihood*</b>						
Farming	32	100.00	37	100.00	42	95.45
Hired laborer	0	0	0	0	0	0
Livestock/poultry raising	8	25.00	16	43.24	5	11.36
Raising of domesticated plants	3	9.38	0	0	0	0
Sari-sari store	0	0	0	0	0	0
Carpentry	0	0	0	0	0	0
<b>Approximate monthly household income</b>						
Less than P1000	8	25.00	7	18.92	11	25.00
P1000-P1999	8	25.00	6	16.22	9	20.45
P2000-P2999	7	21.88	8	21.62	10	22.73
P3000-P3999	3	9.38	6	16.22	6	13.64
P4000-above	5	15.63	10	27.03	8	18.18
Total	32	100.00	37	100.00	44	100.00
<b>Ethnic affiliation</b>						
Subanen	28	87.50	12	32.43	33	75.00
Mixed	2	6.25	6	16.22	7	15.91
Non – Subanen	2	6.25	19	51.35	4	9.09
Total	32	100.00	37	100.00	44	100.00

\*multiple responses