

# Governing Ancestral Domain Amidst the Changing Climate in Bukidnon, Philippines: The Talaandigs share their story

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The link between land tenure and climate change may not be easily observable. But this connection can be better discerned from a broader perspective, such as a landscape where a change in land use and management will have a substantive impact on ecosystem services such as carbon sequestration, water regulation, replenishment of underground water supply, and prevention of soil erosion.

Forest landscapes such as those governed by indigenous peoples (IPs), pasture lands spanning from ridge to reef and long stretches of coastal resources can provide such a panoramic perspective where these relationships may be discerned.

The story of the *Talaandigs*, an IP community in Bukidnon, Philippines demonstrates these relationships, where its ancestral domain plays an important role in regulating water supply to a populated city downstream.

## **The *Talaandigs* in the Kalatungan Mountain Range**

Mt. Kalatungan is the fifth highest peak in the Philippines. It is considered a Key Biodiversity Area (KBA) and a major water source for households and industries in Cagayan de Oro City, and the provinces of Bukidnon and North Cotabato. Its headwaters feed into 35 river systems within the Cagayan de Oro River Basin (MKaRNP General Management Plan 2014 to 2018).

The *Talaandigs* is one of the seven tribes<sup>1</sup> in the province of Bukidnon and one of the 114 ethno-linguistic groups in the country. Like most IPs, the Talaandigs regard their natural environment -- land, forests, biodiversity – with respect. To them, the forest is a sacred ground. They consider the forest their church (where they perform their sacred rituals), their market (where they source their food), and their drugstore (as the source of their medicine for healing). It is thus important for the tribe to take care of the forest.

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<sup>1</sup> The six other tribes are Higaonon, Bukidnon, Matigsalug, Manobo, Umayamnon, and Tigwahanon.



***Talaandigs celebrating their culture by dancing in their ancestral domain. Photo by Xavier University DevCom Class 41, Second Semester, 2018 to 2019.***

The *Talaandigs'* ancestral domain is located in Mt. Kalatungan Range Natural Park (MKaRNP). They call themselves *Talaandig-Kalatunganon*, a self-ascription due to their proximity to Mt. Kalatungan. These IPs reside within the four *barangays* (villages) of the municipality of Talakag, Bukidnon called the "Miarayon Region." The region has an elevation of 4,500 feet above sea level and characterized as a hilly valley with rolling terrain. Its temperature ranges from 10 to 18 degrees Celsius given its elevation and the abundant forests.

The *Talaandigs'* ancestral domain embracing a territory of more than 13,000 hectares of forest landscapes in the Miarayon Region plays an important role in providing ecosystem services, particularly in regulating water flow and replenishment of underground water supply in the communities downstream.

For so many generations, the *Talaandigs*, given their respect for trees and forests, protected and conserved the vast forest landscape. This has not only provided the needed water supply of Cagayan de Oro but provided economic opportunities and tourism such as water rafting given the steep and narrow ridges of this river system.

### **Indigenous Peoples' Rights over their Ancestral Domain**

While the territorial occupation of the *Talaandigs* over their claimed ancestral domain is acknowledged by nearby communities, legal recognition had been slow in coming. Land laws and

policies had been promulgated by a sector focusing on social and economic concerns, resulting to in-migration, entry of agribusiness corporations, and exploitation of natural resources.

Given this policy environment, the *Talaandigs'* ancestral domain had been subjected to various land laws and proclamations that stripped them of their ancestral rights and reduced the area of their claims.

In 1963, nearly 2,000 hectares were declared a Military Reservation under Presidential Proclamation No. 134, series of 1963. In the early 1970s, under the Presidential Assistance for National Minorities (PANAMIN), a tribal reservation was awarded to the *Lumads* (native/*Talaandig*) of the area. The National Integrated Protected Areas System (NIPAS) Act of 2000 covered parts of their sacred area. Likewise, the Department of Agrarian Reform (DAR) and Department of Environment and Natural Resources (DENR), under their respective programs, covered segments of their claim (Cartwheel Foundation, 2003).

The *Talaandigs* sought the assistance of the government but got only unfulfilled promises with no concrete actions. With so many frustrations, the *Talaandig-Kalatunganon* were forced to take up arms and rose up against the government.

Providentially, in 1997, a landmark legislation was enacted, titled Indigenous People's Rights Act (RA 8371 or IPRA) recognizing the rights of indigenous peoples over their ancestral domains. The claims for ancestral domains cover "all areas generally belonging to Indigenous Cultural Communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, themselves or through their ancestors, communally or individually" (IPRA, 1997).

IPRA also provided for a process of titling of lands through the issuance of Certificate of Ancestral Domain Titles (CADTs) and Certificate of Ancestral Land Titles (CALTs). CADTs and CALTs are ownership tenurial instruments issued and awarded to an applicant community or clan. These tenurial instruments have no term limits. Aside from securing an ownership title, the IPRA respects the community's right to traditionally manage, control, use, protect, and develop their ancestral domain.

### **Impact of Deforestation on the Changing Climate**

While the enactment of IPRA is commendable in protecting IP rights, from the perspective of landscape management and mitigation of climate change, this came a little bit too late.

The forest landscapes in Mt. Kalatungan, including the claimed ancestral domain of the *Talaandigs*, were exposed to massive logging in the 1960s and 1970s. The Bureau of Forest Development of

the DENR gave permission to three large logging companies to cut down trees. This left the once high-spirited forests bare, with only grasses growing (Eco-Cares Project, 2017).

This was further exacerbated by small-scale mining<sup>2</sup> activities using hydraulic techniques. Hills were leveled off to mine gold and other minerals. Soil erosion escalated. It was so bad that the river turned brown almost all year long. After some time, river islets started appearing. In addition, there were forest conversion to non-forest uses, timber poaching, charcoal making and quarrying, resulting in uncontrolled soil erosion, landslides, and flooding.

The residents were alarmed by what was happening. With degraded forests and the steep and narrow ridges of the river systems, the landscape has become hazardous to the communities downstream. Environmentalists protested and set up barricades to prevent logging trucks from passing by. They had even lain on the streets to show their resistance and indignation. Unfortunately, no decisive actions were taken.

Then on 16 December 2011, Typhoon Washi (locally called Typhoon *Sendong*) hit the province of Bukidnon and Northern Mindanao region with rains continuously pouring in the entire evening that reached up to more than 200 mm (some sources say 475 mm). Flash floods washed out houses, bridges, debris, and people.



**Aftermath of Typhoon Sendong in Cagayan de Oro, 2011**  
([http://www.unladkabayan.org/reliefops\\_dec2011.html](http://www.unladkabayan.org/reliefops_dec2011.html)).

According to a National Disaster Risk Reduction and Management Council (NDRRMC) report in February 2012, more than 1,200 died and incurred PhP 2 billion (approximately USD 46.6 M at that time) worth of property damage. It was considered the world's deadliest storm for that year.

<sup>2</sup> Small-scale mining program is covered under Presidential Decree 463 – the Mineral Resources Development Decree of 1974 to generate employment opportunities. The City Mining Regulatory Board regulates it (Gatus, 2012).

## Land Tenure and Climate Change Mitigation

After the devastating typhoon, the call of many is “*No More Sendong!*” There is now greater appreciation for the landscape, recognizing the importance of the watershed. Several projects have been proposed to reforest the watershed. Many studies were conducted and projects implemented to mitigate the impact of typhoons.

This augurs well for the aspiration of the *Talaandig-Kalatunganon* to redeem control over their ancestral domain. Partner communities and institutions now appreciate their contribution to the protection of the forests and conservation of the landscape and have supported their claim.

Taking advantage of IPRA’s enactment, the *Talaandig-Kalatunganon* organized themselves into an association with the goal of strengthening the unity of the tribe towards cultural preservation, securing their ancestral domain and protecting the environment.

Under the banner of MILALITTRA (the name representing their four barangays, namely: **M**iarayon, **L**apok, **L**irongan, and **T**inaytayan, San Miguel Tribal Association), they applied for registration with the Securities and Exchange Commission (SEC). MILALITTRA was officially registered as a legal organization in 2003. Subsequently, MILALITTRA was awarded the Certificate of Ancestral Domain Title (CADT) of 11,367 hectares of ancestral lands in the same year.

The CADT empowered MILALITTRA to govern its land and its people. With their land legally documented, it gave the tribal leaders the confidence in directing and administering the ancestral domain. MILALITTRA is now able to prevent intrusion of illegal occupants, negotiate with investors and regulate the felling of trees in the forests.



**Figure 1.** Maps showing the (a) MILALITTRA forest cover in 2005 (Source; ESSC Land cover); (b) forest cover in 2010 (Source: NAMRIA), and (c) forest cover in 2016 (Google Earth Satellite Images).

## Increased Forest Cover in the Redeemed Land

In a span of just 11 years, the forest cover of MILALITTRA's ancestral domain increased from 45.8 percent in 2005 to 47.1 percent in 2010 and to 49.8 percent in 2016. With the CADT, MILALITTRA had been empowered to decide on the use of their resources and safeguard their forest. They determine what are culturally appropriate projects that can be implemented within their area. For MILALITTRA, the major motivation as an IP community is the protection, preservation and rehabilitation of their *Igmale'ng'en* (sacred forest).

Given these initial results, it was recommended to augment their forest protection activities, enhance coordination and collaboration with local government units, government agencies and CSO partners, and advocate recognition of the pending application for CADTs of other Indigenous Peoples Organizations.

## Reforestation through the Payment for Ecosystem Services

The issuance of CADT and the recognition of its important role in ensuring environmental integrity in the Mt. Kalatungan landscape opened opportunities for MILALITTRA to collaborate with other local stakeholders.

Furthermore, the inclusion of reforestation sites in MILALITTRA's Community Development Plan provided a concrete prospect for collaborative endeavor as reforesting the area will have impact on the supply of water downstream and contribute to carbon sequestration. These factors led to the design and establishment of the Payment for Ecosystem Services (PES) in Mt. Kalatungan.

The PES is a financing scheme anchored on pricing intangible environmental products and services adapted into a funding mechanism to generate economic return and sustain the ecosystem services.

In the case of the PES in Mt. Kalatungan, the concrete service is water regulation through reforestation of denuded lands. It was launched in May 2014 with the signing of the memorandum of agreement among various stakeholders including the sellers, potential buyers, the fund manager, private and public institutions, and the agencies constituting the monitoring body.

MILALITTRA with its offer of 1,648 hectares of its ancestral domain for reforestation acted as the seller. The buyers are those who would benefit from this scheme and include businesses, cooperatives, academic institutions, religious organizations, households, and even individuals. Xavier Science Foundation, Inc. (XSF), as the fund manager, acts as the intermediary between buyers and sellers.

Once the agreement is signed between the seller and the buyer, potential planters are identified with the concurrence of the MILALITTRA Tribal Chieftain. The seedlings are primarily sourced from



Launching of the PES and MOA signing among institutional partners in 2014.

MILALITTRA. Planting follows MILALITTRA's *rainforestation* farming technology including planting density. Every quarter, a monitoring officer checks the survival rate of planted trees and submits the monitoring report to MILALITTRA.

The inaugural year of PES in Mt. Kalatungan yielded encouraging results. However, numerous challenges are anticipated in the coming years in getting the continued trust and confidence of the buyers, ensuring delivery of results, and providing efficient project management.

### Lessons and Insights

The story of the *Talaandig-Kalatunganon* is not an isolated one. Many IPs in Mindanao and in the entire country are going through the same journey, some may even be in a worse situation, especially those who have not secured their CADTs.

With the growing economic pressures and the scarcity of available land, the ancestral domains of indigenous peoples have become the target of multinational agribusiness corporations. Some government programs even encourage such negotiated and collaborative arrangements. Ancestral lands have also been identified as special economic zones, mining, and even tourism sites.

Unfortunately, studies revealed that such arrangements have not been beneficial to IPs and have negatively impacted on the environment. There are also reports of desecration of worship sites and disrespect of cultural traditions, resulting in conflicts and violence.

The COVID-19 pandemic will add more burdens to the IP communities and smallholder agricultural producers. With travel restrictions and the disruption of the food value chains, they become susceptible to unfair lending practices and unscrupulous marketing arrangements that expose them to the risk of losing their lands.

Given these emerging developments, a few lessons and insights may be learned from the *Talaandig* narrative, particularly in securing the rights to their ancestral lands and in advocating for recognition of land rights of IPs and a more responsible land use and landscape management that will significantly mitigate climate change.

- **Recognizing IP land rights spurs forest conservation.** With the awarding of CADT to MILALITTRA, the forest cover of their ancestral domain increased by four percent or about 440 hectares in 11 years. The CADT allowed MILALITTRA to govern its domain, thus preventing intrusion of illegal occupants and investors, regulating the cutting of trees in the remaining forests. It also allowed them to collaborate with other stakeholders in managing their common landscape.

While MILALITTRA's story portends well in protecting the forest, the rights of IPs to their ancestral domain is continually challenged by the intrusion of business corporations, the use of power by politicians to control these resources and the non-observance of free, prior, and informed consent (FPIC).

- **Landscape governance sustains ecological integrity.** Landscape governance is used broadly in this paper to refer to the management and administration of a physical topography where relevant stakeholders participate in making decisions. With this wide-ranging perspective, decisions are made to consider not only the social and economic concerns but the environment as well.

This is crucial for MILALITTRA's ancestral domain being located in a landscape where its land use and management can have beneficial or destructive impact on the communities downstream. This is true in many regions in the country being an archipelago where the islands have a ridge-to-reef landscape. Thus, land use planning and management is critical, and collaboration is indispensable.

At the policy level, several bills have been filed in Congress to legislate a comprehensive national land use plan. Unfortunately, after more than two decades, no such bill has been enacted. Given the importance and urgency of the situation, the current administration drafted an Executive Order on *"Fast-tracking the implementation of Land Use-Related Policies to Ensure Sustainable Land Use and Management."*

Acknowledging that this may take some more time while the risks are increasing, collaborative actions among various stakeholders should be initiated and responsive local land use plan should be advocated. Towards this end, the PES-Kalatungan and other similar platforms can be promoted for various stakeholders to work together.



## Moving Forward

With new studies revealing an exceedingly inequitable access to land resources and the worsening impact of global warming, these lessons can provide guidance not only in strengthening the claims of the vulnerable groups but in encouraging collaboration and joint undertakings to save our planet.

It is therefore recommended that land rights advocates and defenders include and prioritize these agenda into their programs. Along this direction, it is proposed to intensify organizational strengthening of Indigenous Peoples Organizations, facilitate the collaboration with other like-minded stakeholders and advocate the recognition of the Indigenous Peoples rights over their ancestral domains.

At the international level, these initiatives can be reflected in pursuing the Sustainable Development Goals (SDGs), particularly those of SDG 1 (No Poverty), SDG 10 (Reduced Inequalities), and SDG 13 (Climate Action). ■

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