

Land dispute resolution and management: The NAMAMAYUK experience in Bukidnon, Philippines

*By Asian NGO Coalition (ANGOC) and
Xavier Science Foundation, Inc. (XSF)*

Context

Land disputes in Bukidnon Province, Philippines cover not the usual administrative and management discords but include conflicts that trace their origins to unresolved social injustices from the country's colonial past. The indigenous peoples (IPs) in Bukidnon, who have frequently been at the center of these disputes – including contention over inheritance rights, property transactions, ownership challenges, expropriation, clashes over boundaries and right of access, among others – have been disenfranchised and forced to settle in upland areas.

Unclear delineations and arbitrary land claims give rise to disputes among family and community members. During time immemorial, ancestors would verbally give out lands without clear boundary indicators and measurements. Since the ancestral domain eventually consisted of mixed ethnicities, e.g. *lumads* and *Bisayas*, not everyone is knowledgeable of such boundaries. This led to minor disputes among neighbors and family members due to overlapping land claims, arbitrary land boundary indicators, and absence of any supporting land document to certify occupancy.

Resolving land disputes through judicial courts generally takes a long time, and entails substantial costs. Complainants are thus encouraged to settle disputes amicably and out of court. There are a number of Alternative Dispute Resolution (ADR) mechanisms being implemented by the local government units (LGUs) and by government agencies handling land matters. At the same time, customary methods of conflict resolution, especially among IPs and cultural communities (*lumads*), are still widely practiced and are also legally recognized.

NAMAMAYUK's land disputes

The Nagkahiusang Manobong Manununod sa Yutang Kabilin (NAMAMAYUK) is an indigenous peoples organization (IPO) that operates in Barangays Nabaliwa and Bacusanon, in the municipality of Pangantucan, in the province of Bukidnon, southern Philippines. Their members consist of 220 households that together have an ancestral domain of 3,506 hectares.

NAMAMAYUK is one of the three IPOs covered by the *Secure Access to Land and Resources* (SALaR) project of the Global Land Tool Network (GLTN), which has been implemented in the Philippines by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) in partnership with the Xavier Science Foundation (XSF).

The land tenure insecurity of members of NAMAMAYUK is typical of the situation of many IPOs, who have been displaced due to commercial logging and competing land claims from migrant settlers. Recently, many of the IPOs have faced threats of displacement by agricultural corporations, challenges to their land ownership, and expropriation.

The enactment of the Indigenous Peoples Rights Act (IPRA) in 1997, a landmark legislation that seeks to protect the rights of IPs, including their land rights, offered hope to IPs. Unfortunately, the implementation of the law has been found wanting.

NAMAMAYUK's application for a Certificate of Ancestral Domain Title (CADT), which was submitted to the National Commission for Indigenous People (NCIP) in 2001, has not been fully acted upon.

Tools, interventions, and processes to prevent land disputes

To assist NAMAMAYUK and the other IPOs in Bukidnon, the SALaR Project utilized the Social Tenure Domain Model (STDM) developed by the GLTN. The model was applied in the context of IPs and migrant settlers in Bukidnon.

STDM: A participatory land tool

STDM is a pro-poor, participatory, and gender-responsive land information system that captures person-to-land relationships in the land rights continuum. This tool aims to close the gap between the formal land system and tenure arrangements that are not recognized by the statutory and legal system. More information may be accessed in the STDM website (www.stdm.gltn.net).

STDM enhances awareness and strengthens capacities among stakeholders, particularly vulnerable groups, on improving land and resource tenure security. As experienced by NAMAMAYUK, STDM also builds the knowledge and skills of local enumerators and facilitators, especially the youth, in data gathering processes.

Interventions

Several interventions were conducted in implementing Project SALaR, including mobilizing communities, dialogues with government agencies, training on land tools, and engaging other stakeholders.

- Mobilization of local communities

IPOs who would be involved in the project were identified, informed, and expressed their consent. Several meetings were held with their leaders and councils to give them an overview of the initiative, the intended outputs and the tools that would be used. Community counterparts and how community members, especially the youth, would be involved, were outlined.

- Endorsement by government agencies

The endorsement of concerned LGUs was required as they would play an important role in certifying the results of the project and in resolving disputes that may arise. The Barangay Councils of Nabaliwa and Bacusanon, headed respectively by Chairpersons Ms. Vilma Liboon and Mr. Rodelio Lucero, approved the inclusion of NAMAMAYUK's ancestral domain claim in their local development plans. The SALaR Project also sought the endorsement of the Regional Development Council (RDC), whose members include concerned government line agencies, such as the NCIP, the Department of Agrarian Reform (DAR), and the Department of Environment and Natural Resources (DENR).

- Introduction of land tools

With the approval of LGUs and the endorsement of the RDC, forums and seminars were convened to introduce STDM and other land tools. Experts were invited to conduct the training program, including the use of gadgets and instruments. Brochures and leaflets were also provided and circulated.

- Capacity-building

Several training courses were conducted for local enumerators and facilitators focusing on participatory enumeration, accomplishing the baseline survey questionnaire and the household survey questionnaire, data processing, validation, and certification. A practicum was also conducted to test the knowledge and skills that the participants had gained in such activities.

- Multi-stakeholder engagements

Recognition of the initiative by the various stakeholders was important in strengthening their understanding of tenurial rights. Even without a legal

instrument, the approval of the different stakeholders will certainly enhance their rights.

Processes

- Consultations and commendations

Free, prior and informed consent (FPIC) was sought from the tribal leaders and Council of Elders.

A community-wide information campaign and the endorsement of local officials generated trust and confidence in the entire process. The consultations conducted ensured transparency of the initiative. Similarly, complaints and objections were responded to immediately. Memoranda of Understanding (MOUs) were drawn-up between XSF and respective municipal mayors and *barangay* captains of the partner communities.

- Capacity-building

As STDM is a data-driven land tool, accuracy is of utmost importance. To achieve this, enumerators had to be trained well in data collection, processing, and recording. Moreover, data validation had to be conducted whenever possible.

- Data collection and processing

Gadgets, cameras, and computers are essential instruments in generating and processing fast and accurate data. Enumerators also had to be able to use these equipment efficiently. Thus, the participation of the youth was vital.

- Public approval

With the support of LGUs and the endorsement of the RDC, public acceptance of the project was bolstered. This was also helped by the many consultations where this experience was shared.

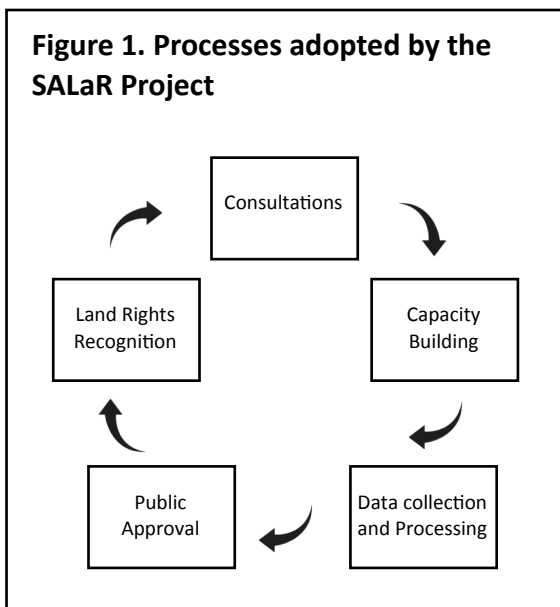
In the process of mapping the farm and residential lots, conflicting claims were unearthed. Focus group discussions (FGDs) and validation workshops were undertaken, easing tensions and creating consensus among community members in identifying their boundaries. As a result, the delineation process increased transparency and gave the IPs a sense of security that they could confidently pass on their lots to their children.

- Land rights recognition

The Certificate of Customary Land Occupancy (CCLO) issued by the IPO and signed by the neighboring occupants, the Chairperson of the LGU, and the IPO Chairman provides recognition of the rights of the occupants to the land.

Enabling factors

There were a number of enabling factors, such as the IPRA enacted in 1997, the recognition of ADR mechanisms by IP communities, the endorsement of the RDC, and the support of LGUs. These influences, however, required integrated and interconnected interventions to prevent or resolve emerging disputes and conflicts.



IPRA. Given their vulnerability to external pressures, IPs call for the right to practice their own system of governance. The IPRA responds to this demand by recognizing the rights of IPs to their ancestral domains and respecting the community’s right to traditionally manage, control, use, protect, and develop their lands.

While IPRA is regarded as a landmark legislation for IPs, it is unfortunately wanting in its implementation. Thus, it is important to mobilize other activities and engage other stakeholders towards attaining the IPRA’s objectives.

Recognition of ADR mechanisms of IPs. One important IPRA pronouncement is the recognition of customary laws and practices in resolving conflicts among IPs and cultural communities. It notes the advantage of a language that IPs use and that can help them to understand the conflicts. Moreover, disputes are most likely to be resolved in ADR because IPs put a premium on preserving harmony and peace in their communities.

Endorsement of Regional Development Council. The RDC is the highest planning and policy-making body in the region (Executive Order No. 325 s. 1996). It is the primary institution that coordinates and sets the direction of all economic and social development efforts in the region. It also serves as a forum where local initiatives and development efforts can be integrated and promoted to align with regional and national development agenda and imperatives.

With land governance taking on a sectoral approach in the country, a forum for dialogue among the various line agencies mandated to administer land laws is essential. This is facilitated by the RDC at the regional level. Thus, the RDC’s endorsement of the SALaR

Project, and the use of STDM as the main project tool in Bukidnon, helped to smooth over some of the legal impediments.

Support of Local Government Units. All initiatives and projects implemented in the localities need the approval of the LGUs. The support generated by the project through consultations and information-sharing paved the way for the fast and efficient implementation of the project.

Outcomes of the interventions

A number of positive outcomes have been observed after the four-year implementation of the SALaR Project. Based on conversations with *barangay* officials of Nabaliwa, there have been fewer conflicts in their locality and disputes have become easier to manage. Even among women residents, there is greater confidence of fair and just land ownership. In general, the following outcomes have been documented:

Increased perception of tenurial security among IPs through the issuance of CCLOs. With copies of the Certificates of Customary Land Occupancies (CCLOs) signed by the Barangay (Village) Chairperson and the Leader of the IPO, the residents are more confident that they have security over their home lot, garden, farm, and other land properties. The CCLO, even though it is not a legal document, represents community recognition that the IPs are the rightful occupants of the land.

From arbitrary boundary indicators, households are now informed of their respective land boundaries that has promoted understanding between neighbors. Subsequently, measuring and delineating land alone would resolve disputes among IPs in the community as well as enhance the relationships between and among neighbors.

Enhanced capacities in using land tools, especially among women and youth. STDM and participatory enumeration have imparted knowledge and skills in managing local land data and in facilitating data-driven dispute resolution among selected women and youth. The project staff, especially the youth, are capable of expanding the project coverage and sustaining the use of STDM over time.

Facilitated multi-stakeholder collaboration. The acceptance and endorsements of various stakeholders of the STDM process and outcomes facilitated greater collaboration among them. This is important in developing the land for economic purposes. Potential investors or lending institutions will have greater confidence in investing in these areas.

Lessons and insights

There are a number of lessons and insights gained, particularly in the use of land tools and in pursuing responsible land management. Some of these learnings include:

Steps in land dispute resolution

- Upon identification of a particular land dispute, the local enumerator seeks a dialogue with the families concerned.
- The conflicting families coordinate with each other and decide on a schedule to discuss the issue.
- Given the set schedule for dialogue, the local enumerator informs the *barangay* officials and requests them to bear witness to the dialogue.
- At the appointed time, the conflicting families meet at the farm or home lot in question, together with the *barangay* officials or representatives.
- With the support of the local enumerator through mapping and delineating the exact boundaries, both the conflicting parties agree on the new boundaries.
- When both families are satisfied with the mapping and delineation, they plant a bamboo or endemic tree seedling as a symbol of the agreed boundary between the two lots.

Land tools enhance IP Rights. While IPRA has bestowed the legal rights of IPs, the management of their ancestral domain has become a major challenge given the intrusion of agribusiness corporations, illegal mining, entry of migrants, and political maneuverings. With these challenges, the use of appropriate, affordable, and participatory land tools and approaches can enhance IP land rights. The issuance of CCLOs confers general community support for the IPs' use and occupation of the land.

Community harmony. The land survey and other collected data encoded in the CCLOs provide evidence of occupancy that is recognized by community members, IP leaders, and local government officials. This has contributed to the reduction of land conflicts, resulting in a more harmonious community.

Responsible resource management. The improvement in tenure security provides incentives towards greater investments and responsible management of land and other natural resources. The assurance of their right to the land gives occupants the incentive to sustain their production. This will also encourage them to protect and conserve the environment.

Recommendations

Given the positive outcomes, the project participants have strongly recommended that STDM and participatory enumeration tools be implemented and replicated in other IP communities. Similarly, other CSOs working with the IPs have invited the implementors to share this project. Thus, in moving forward, the following have been recommended:

Promotion of land tools. STDM and other related tools have been found to be effective in strengthening land tenure security and in preventing land disputes within the community. It is strongly recommended by the community members to share this with other IPOs in the province. Along this direction, training courses on STDM with Philippine CSOs and LGUs can be organized.

Dialogue with government agencies. The RDC has been receiving a lot of complaints about land disputes and conflicts, especially among IPs and local communities. Mechanisms have been instituted and land tools have been explored, such as developing a One Map. The One Map is a geospatial database that consolidates all titles and tenurial instruments issued by the concerned government agencies. These data are then processed for the establishment of a geospatial database towards identifying overlapping issuances of titles and the resolutions thereof. Similarly, STDM and other participatory tools can be proposed and adopted.

Advocacy for a National Land Use Act. Towards a more sustainable and responsible land governance, a national land use plan and management is imperative. Bills have been filed in Congress but these are being challenged by those who are benefiting from current practices. Several studies have been conducted that support the urgency of enacting a national land use law. The current administration has prioritized this in its policies and programs. ■

References

- Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Xavier Science Foundation, Inc. (XSF). (2021). *Enhanced Tenure Security through Participatory Data Management and Building Harmony in Rural Communities in the Province of Bukidnon, Philippines*. <https://angoc.org/wp-content/uploads/2022/06/Philippines.pdf>
- ANGOC and XSF. (2021). *Social Tenure Domain Model (STDM) Training Guidebook for Local Enumerators and Facilitators: As applied in the context of Indigenous Peoples and Migrant Settlers in the Philippines*. ANGOC and XSF.
- ANGOC and XSF. (2021). *Emerging outcomes from localizing land tools to enhance tenurial security of smallholder farmers: Insights of Indigenous Peoples and Migrant Settlers*. ANGOC, XSF, and Global Land Tool Network of (GLTN) as facilitated by the UN Habitat. [Paper prepared for the project on Recognizing land rights and enhancing capacities of Smallholder Farmers in Pangantucan, Bukidnon, Philippines].
- ANGOC. Global Land Tool Network (GLTN), United Nations Human Settlements Programme (UN-Habitat), Makerere University-School of the Built Environment (MAK-SBE), Uganda Community Based Association for Women and Children's Welfare (UCOBAC), Village Focus International (VFI), and XSF. (2021). *Securing Land Rights of Smallholder Farmers: The Secure Access to Land and Resources (SALaR) Project Experience in Laos, the Philippines, and Uganda*. ANGOC, UN-Habitat and GLTN.
- ANGOC (Ed.). (2021). *The Rights of Indigenous Peoples (IPs) in Bukidnon and the Indigenous Peoples' Rights Act (IPRA)*. ANGOC, Xavier Science Foundation, Inc. (XSF), and Global Land Tool Network of (GLTN) of the UN-Habitat. [Article prepared for the project on Enhancing Tenurial Security of Smallholder Farmers in Northern Mindanao, Philippines].
- NAMAMAYUK, XSF, and ANGOC. (2021). *Customary Dispute Resolution: The Case of the Indigenous Cultural Communities of NAMAMAYUK in the Philippines*. The Nagkahiusang Manobong Manununod sa Yutang Kabilin, Inc. (NAMAMAYUK), Xavier Science Foundation, Inc. (XSF), Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), and Global Land Tool Network (GLTN).
- NAMAMAYUK, XSF, and ANGOC. (2021). *NAMAMAYUK: Nagkahiusang Manobong Manununod sa Yutang Kabilin, Inc.* [Organizational Profile]. <https://gltn.net/wp-content/uploads/2020/05/Partner-profile-NAMAMAYUK.pdf>

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