

# **The Lumad Nation and Decentralization in a Philippine Unitary Government: A Critique of LGC of 1991 and IPRA of 1997**

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## **Abstract**

This paper investigates whether the Local Government Code of 1991 (LGC) and the Indigenous Peoples' Rights Act of 1997 (IPRA) contributed to the decentralization processes in the governance of Indigenous peoples (IPs). These policies, while done with some reservations, came about to empower, alleviate the plight of, and guarantee IPs rights. Both laws present themselves against controversial colonial policies and their appalling impacts on national minority societies, such as the Lumads in the Philippine archipelago. A political institution that sufficiently addresses cultural, political, and economic interests is desirable, but the LGC and IPRA seem inadequate in the current political structure. The creation of autonomous regions within a federal system would be a suitable context for such policies to flourish.

**Keywords:** Indigenous Peoples, Lumads, Culture Rights, Self-Determination, Colonialism, Justice

## Introduction<sup>1</sup>

In this paper, I explicate the state of affairs of a specific group of indigenous peoples,<sup>2</sup> i.e., the Lumads in a unitary and highly centralized Philippine government.<sup>3</sup> It will be shown that the plight of national minorities in the overall structure of the Philippine government offers a better understanding of their struggle for the implementation of adequate policies, empowerment training, checks and balances measures, and democratic processes in mediating conflicts between national elites and local communities. All this could serve best the interests of minorities, but an analysis of their struggles below could be the basis for restructuring the government from its current form.

I outline the paper as follows. The first discusses the unitary system of government in the Philippines and presents its advantages and disadvantages vis-à-vis cultural minority representation. The second presents the impact of unitary policies on the Lumad national minority. The third analyzes the two most significant policies that attempt to tackle the problem of underrepresentation of ethnic minorities in the Philippines: The Local Government Code of 1991<sup>4</sup>

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<sup>1</sup> The essay is adapted from and a modified version of a section in my dissertation National Minorities and A Philippine Federal Republic, 2019. I express my gratitude to Prof. Toon Vandeveldel for his guidance, my students at the Graduate School of Law, SBU and Jo Alimondo with whom I discussed salient points in the paper and the anonymous reviewers for their instructive feedback.

<sup>2</sup> There is no definite demographic account of indigenous peoples in the Philippines. However, according to United Nations Development Programme Philippines (2013), “The Philippines is a culturally diverse country with an estimated 14-17 million Indigenous Peoples belonging to 110 ethno-linguistic groups; they are mainly concentrated in Northern Luzon (Cordillera Administrative Region, 33%) and Mindanao (61%), with some groups in the Visayas area.”

<sup>3</sup> Given the dissimilarities of IPs in the Philippines, although some IPs have shared colonial histories, they cannot be treated as single people. Also, the term “Lumad”, meaning “from the soil” or original inhabitants has been erroneously used by academics to refer to a single people and eventually been part of the Philippine lexicon. The term is broadly used in this paper to refer to various groupings of the Lumads. They refer to the “non-Muslim and non-Christian IPs of Mindanao” (UNDRP) composed of 18 ethnolinguistic groups. The people themselves prefer to be called by their ethnic names – T’boli, Agta, Manobo among others. The “Lumad” is thus a misrepresentation.

<sup>4</sup> Republic of the Philippines. Republic Act No. 7160, <https://www.officialgazette.gov.ph/1991/10/10/republic-act-no-7160/>.

and the Indigenous Peoples' Rights Act of 1997.<sup>5</sup> I end the essay with a future look at governmental autonomy within a federal system which appears promising when adequately dealing with minority representation and their claims. Nonetheless, a critique of the unitary form of government is in order to appreciate the decentralization policies in the Philippines, namely LCG and IPRA.

### **The unitary system in the Philippines**

Under a unitary constitution, a democratic state is run by a central government. The government has three equal branches which enjoy constitutional structure and mandate. The Legislative creates laws. The Executive executes laws, while the Judiciary interprets them in particular cases (The 1987 Philippine Constitution Art. VI, VII, VIII). The three branches of government are supposed to be independent of each other. Such division guarantees the functioning of each branch according to the task laid down by the Constitution. It also assures citizens of checks and balances in the governance of public affairs.

Furthermore, the division of power shows how a democratic state differs from an authoritarian regime. The former organizes society through citizen participation in public governance while a military dictator or an autocrat governs the latter. Thus, in a duly constituted democratic state, the people govern. If this is the case, the state is expected to respect civil and political rights, provide basic social and economic opportunities, and tolerate adherence to religion and culture. However, it appears that even in a democratic government, public goods might be lacking, if not denied, for some groups. This is explicitly indicated by considering the advantages and disadvantages of a unitary system.

#### *The advantages of the unitary system*

In addition to the protection of civil and political rights, a unitary Constitution can be advantageous based on instituting the doctrines of (1) one State, (2) one policy, and (3) one citizenship for all.

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<sup>5</sup> Republic of the Philippines. Republic Act No. 8371, <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>.

First, a unitary Constitution strives to create a unified State amidst cultural diversity. Decision-making is facilitated at the central level, while regional and provincial governments serve as implementing agencies. Top-down management of this kind organizes society efficiently because of a single-unit system that coordinates and oversees the implementation of policy from the central to local government units. If this is correct, any move towards devolution should be discouraged because it only disrupts efficient coordination.

Second, one policy system is a natural consequence of the first. A single system is a feature of a unitary state that ascribes and implements one law across all levels. Taxation, for example, should be arranged by the national government. Regional and provincial governments should observe it. Sometimes tax rates can differ from one region to another depending on the locality's economic output. The tax contribution should be commensurate with the profit gained. Economically well-off regions, provinces, cities, and towns are, in principle, expected to contribute more taxes to the national coffers, which will be used to assist struggling localities. Of course, poor sub-units should contribute their share according to their economic situation.

Third, one citizenship. Every member is expected to have a national identity and to pay allegiance to only one State. This view challenges the notion of dual citizenship. Citizenship is the answer to this goal. However, citizenship offers a sense of patriotism to a specific State with all the privileges and obligations attached to it. However, citizenship distinguishes one group from another.

### *The disadvantages of the unitary system*

While constituents can benefit from the advantages of a unitary system, there are, however, disadvantages. First, a unitary system nurtures patronage politics and reinforces dependency on majority political parties. Second, it can hinder active participation by minority groups to influence policymaking at the national level, and the struggle for adequate minority representation in the public sphere becomes acutely difficult to achieve.<sup>6</sup> The interests of minority groups could

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<sup>6</sup> Daniele Conversi, "Majoritarian democracy and globalization versus ethnic diversity?" *Democratization* 19, no. 4 (2012): 789-811; Katherine Adeney, "A move to

easily be disregarded because they are numerically and politically insignificant while their political and economic influence is limited to push their case. Third, a unitary constitution tends to have less transparency and weak institutions of checks and balances. Access to public information is limited, making it difficult to account for public funds, the activities and programs of the government and political leaders. Also, politics often interfere with the investigations of transparency agencies. Fourth, a unitary rule tends to be manipulated easily to serve the interest of majority political parties and oligarchs at the expense of the needs and interests of the marginalized sectors of the society. Corruption in the government is one key aspect to understand this part.<sup>7</sup> There is no doubt that corruption erodes governance, subverts democracy, disenfranchises citizens' political participation, and corrodes public morality. It betrays the public trust. Corruption, however shameful, has become a way of life among fraudulent politicians. This is true for the Philippines, where politics is highly centralized and even ruled by dynastic political families.

Because of these disadvantages, the political participation by cultural groups and economically impoverished sectors of society is stifled in this kind of government setup. Local concerns are easily turned down with blind eyes and deaf ears as a result. If these observations are correct, a unitary constitution can merely frustrate the needs of members of society at large.

### *The national minorities under a unitary colonial policy*

Due to the enormous material on indigenous peoples' experiences of discrimination, which needs a thorough and careful analysis in another study, I focus on the experiences of the Lumads. However, this does not cast aside the voices and experiences of other ethno-linguistic groups such as the Igorot and Moros.<sup>8</sup> They too are

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majoritarian Nationalism? Challenges of Representation in South Asia," *Representation* 51, no. 1 (2015): 7-21.

<sup>7</sup> See Walden Bello, *The Anti-Development State: The Political Economy of Permanent Crisis in the Philippines* (Pasig City, Philippines: Anvil Publishing Inc, 2009).

<sup>8</sup> The designation "indigenous peoples" is not something that the Moros ascribe to themselves. Seemingly, they prefer to be called collectively as Moros and not indigenous peoples to distinguish their society from IPs such as the Lumads. However, from a Philippine legal perspective, they are considered a national minority group. Republic Act No. 11054, Art. II. Sec. 1 refers to the 'Bangsamoro Identity' as

also adversely affected by the ineptitude of the government that implements anti-indigenous people policies to discriminate and disrespect their unique identity, their land, traditional ways of life, and representation in the public sphere.

One would be tempted to think that discussing these experiences is meant to sensationalize the experiences of indigenous peoples in the hands of both external and internal colonizers.<sup>9</sup> Worse, while others are silent about these issues, some simultaneously dismiss them entirely from view. However, such attitudes do not only underestimate the rich resources that can be provided by the narratives of minorities for mobilizing society towards a more just environment. It also tends to neglect the fact that injustices have been inflicted upon indigenous communities. It seems innocent to ask why a government should build the nation by destroying nations, and why should it develop a strong economy at the cost of ethnocultural minorities. But I think questions such as these can guide further reflection when making sense of the atrocities done to IPs. Listening to their experiences of struggles for self-determination can probably cause the government to commit itself to a more just society for all. However, I start by briefly pointing out two anti-national minority legislations and their impacts on IPs<sup>10</sup> namely, (a) Public Land Law Act No. 2874<sup>11</sup>, and (b) the Philippine Mining Act of 1995.<sup>12</sup>

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“Those who, at the advent of the Spanish colonization, were considered natives or original inhabitants of mixed or full blood, shall have the right to identify themselves, their spouses and descendants, as Bangsamoro.” An understanding of the disaggregation of IPs is essential to comprehend better that the struggle for political autonomy among the ethnocultural groups in the Philippines is a challenge in itself. Not all are politically inclined to unite with other co-IPs to form a joint government.

<sup>9</sup> By external colonialism, I refer to colonial instances ushered by foreign colonial regimes as the Spanish colonial regime. Internal colonialism means the subjugation of one cultural group by another within the same territorial space as in intra-group conflicts.

<sup>10</sup> This list is not exhaustive, but it hints at the primary reason for indigenous peoples’ contestations against the government that is supposed to protect them. Consider the Encomienda System and the Regalian Doctrine that stripped off the rights of ethnic groups to their homeland. Armed with these land laws, the colonial master acquired, sold, and enslaved the inhabitants, and exploited and possessed the lands they colonized.

<sup>11</sup> Republic of the Philippines, Republic Act No. 2874, [https://lawphil.net/statutes/acts/act\\_2874\\_1919.html](https://lawphil.net/statutes/acts/act_2874_1919.html).

<sup>12</sup> Republic of the Philippines, Republic Act No. 7942, [https://lawphil.net/statutes/repacts/ra1995/ra\\_7942\\_1995.html](https://lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html).

These policies on land management and use reflect a unitarian political orientation that could be disadvantageous to ethnocultural societies if human rights and a sufficient system of checks and balances are not observed. They primarily benefit the government with its concern for economic development but at the expense of the environment, cultural heritage, and indigenous social and political structures. Because a unitary government caters to extractive corporations and powerful capitalist entities, the IPs, who have already been adversely affected, continue to suffer displacement and dispossession of their land. In other words, the rule of law and the constitution are manipulated to exploit ethnocultural societies. The *Public Land Law Act No. 2874* during the American colonial regime, for instance, decreed that the state owns all unregistered lands and private lands that have reverted to the government. At the same time, however, the same lands are available for purchase by Filipinos and US Citizens respectively for use in private and corporate business enterprises.<sup>13</sup> Public lands were opened to foreign investors, especially by the US mining firms for timber production and mineral exploration, e.g., gold, silver, copper, and other minerals.<sup>14</sup>

The *Philippine Mining Act of 1995* has amplified the liberalization of the mining industry with the promise of economic development. This policy has opened employment opportunities but resulted in the deforestation, loss of vegetation and destruction of biodiversity, an increase of health-related problems, and toxic wastes management issues.<sup>15</sup> Contrary to its promise, the Act facilitated and continues to do so the destruction instead of the development of

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<sup>13</sup> Section 4 of the Public Land Law Act No. 2874, for example, emphasized that “the Director of Lands shall have direct executive control of the survey, classification, lease, sale, or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Natural Resources.”

<sup>14</sup> See Arnold Azurin, “The city versus ethnicity,” *Culture and Nationalism in Contemporary Philippine Society. Conference Proceedings* (Baguio City, Philippines: Cordillera Studies Center, University of the Philippines, 1995), 169-187.

<sup>15</sup> Roberto Raymundo, “The Philippine Mining Act of 1995. Is the law sufficient in achieving the goals of output growth, attracting foreign investment, environmental protection and preserving sovereignty?” *Discussion Paper, DLSU Research Congress De La Salle University, Manila, Philippines, 2014.* [http://www.dlsu.edu.ph/conferences/dlsu\\_research\\_congress/2014/pdf/proceedings/SEE-III-026-FT.pdf](http://www.dlsu.edu.ph/conferences/dlsu_research_congress/2014/pdf/proceedings/SEE-III-026-FT.pdf).

communities, endorsing a utilitarian attitude towards the environment rather than its conservation and protection. Unfortunately, these policies worsen rather than support the protection of the rights, systems of beliefs, and traditional practices of cultural communities and the environment they live in.

### **The Lumads: Colonization and Development**

The struggle for land and freedom from the hands of colonial lords has been a centuries-old battle cry of the Lumads. The Lumad peoples are non-Muslim ethnolinguistic groups in Mindanao who occupy the Northeastern regions of Mindanao such as Davao, Bukidnon, Surigao, and Zamboanga del Sur. However, some Lumads share the same territories as the majority of Moros. With their stratified socio-political organization, they have struggled to sustain their culture since time immemorial.<sup>16</sup>

#### *Colonialism in the Lumad land*

The Lumad communities suffered enormously from the onslaught of external and internal colonialism, having seen and experienced the Spanish, American, and Japanese infiltration, and a series of migrations of peoples from Central Visayas, Luzon, and elsewhere into their homeland. The process of migration was motivated by political and economic interests.<sup>17</sup>

The political aspect can be understood in two senses. First, migration had, even to this day, cast aside the voices of the Lumads. Because immigrants outnumbered them, the Lumads' socio-political, cultural, and economic affairs were quickly sidelined, if not, treated secondarily. The impact has seriously jeopardized Lumads' representation in the public sphere. Second, migration from the original homeland to another was meant to placate land tenants of Spanish colonial landlords in Luzon and Visayas who sought better opportunities elsewhere. Also, it was probably meant to appease

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<sup>16</sup> Karl Gaspar, *Panagkutay: Anthropology & Theology Interfacing in Mindanao Uplands (The Lumad Homeland)* (Quezon City: Institute of Spirituality in Asia, 2017), 66.

<sup>17</sup> Jose Mikhail Perez, "Greed and Grievances," *Journal of Ethnic and Cultural Studies* 6, no. 3 (December 2019): 45-46. DOI: <https://doi.org/10.29333/ejecs/254>.



alienated and angered peasants who longed for land reforms and to suppress the increasing uprising of revolutionary movements.<sup>18</sup>

Migration in Mindanao had economic consequences, too, that were unfavorable to the Lumads. From the perspective of colonization, the Lumad land was considered public land that was up for grabs by migrants and capitalist corporations. Colonization, in the process, has weakened IPs' control over their land. But the issue of migration was merely a fraction of the story of their struggle. The encroachment of colonial regimes, subsequent invasion of extractive multinational companies, and the militarization of their ancestral lands have displaced many of them.

The Lumad ancestral domain has been an obsession of colonial powers because of its abundant forest, fertile soil, rich minerals, and hospitable weather conditions. The Spanish colonial masters placed the Lumad nation under their tutelage, claiming for themselves ownership of the vast island of Mindanao. While many of the Lumad inhabitants retaliated and resisted the Spanish colonial rule, several of them were forced to work for, submit allegiance, and pay tribute to the coffers of the Spanish crown. On several occasions, it was recalled that they would run away and disappear into the forest as a sign of protest against Spanish slavery.<sup>19</sup>

The early years of colonialism, however, in the Lumad land were probably not centered on economic interest. Colonialization was more inclined to religious proselytization. The Lumads were labeled as animists, and the Spanish presence led to the conversion of some Lumads to Christianity. The post-evangelization period, however, saw a more treacherous environment and an uncertain future for the Lumad peoples.

The Japanese and Americans were similarly instrumental, unfortunately, in the gradual deterioration of the Lumad nations.<sup>20</sup> The ancestral land of Lumads is a highly attractive and suitable environment for growing various crops. Also, the abundant and precious minerals are highly valued targets. Together, the Japanese and Americans introduced wide-scale farming of palm oil, banana, pineapple, coffee, cacao, abaca, and built timber factories, and

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<sup>18</sup> See David R. Sturtevant, *Popular Uprisings in the Philippines, 1840-1940* (Ithaca: Cornell University Press, 1976).

<sup>19</sup> Gaspar, *Panagkutay*, 65-71.

<sup>20</sup> Gaspar, *Panagkutay*, 71-97.

operated mining firms. These invasive activities have caused irreversible destruction of the local subsistence economy and disrupted the social values and political conduct of Lumad communities. The Lumads are dependent on the forest and rivers for their subsistence, but the advent of abusive business-minded mining, logging, and crop industries made it difficult for them to live a dignified life.<sup>21</sup>

Furthermore, the opening of highways intensified massive Christian resettlement. The illegitimate intrusion of colonial rulers and Christian immigrants owing to the promise of better economic ventures, however, has proven disastrous to the identity of the Lumad peoples. In most cases, it has left them powerless and stranger in their homeland.

Education and economic development were among the top priorities of the American regime. Consider the Thomasites who were sent for this purpose. They established public education that aims to 'liberate' the indigenous peoples from their so-called 'superfluous' and 'backward' ways of life. Indigenous traditions were looked down upon because they could not meet the requirements of empirical science. However, indigenous epistemologies are themselves sciences, albeit homegrown, in that they offer clues about social mores and values, knowledge regarding traditional medicine, environment management, and conflict-mitigation processes. Indigenous wisdom sustained them as a people.

In contrast to the exclusive Spanish educational system that catered mostly to students from affluent families, the American colonial masters introduced public education. The latter introduced many students from diverse backgrounds and economic and social positions concerning their rights and liberties. However, the real agenda, which U.S. President William McKinley himself acknowledged in the proclamation of "benevolent assimilation" of the Philippines into the American regime, was to colonize and control the people. Because IPs were regarded as savages, they needed to be civilized by

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<sup>21</sup> Among these multinational companies are Dole Philippines, Del Monte and Nestle, Benguet Corporation, Taganito Mining Corporation. See Oona Thommes Paredes, "Higaûnon Resistance and Ethnic Politics in Northern Mindanao," *The Australian Journal of Anthropology* 8, no. 3 (1997): 248; Also, Gaspar, *Panagkutay*.

uprooting them from their cultural environment.<sup>22</sup> They had to be educated in a language and culture that were alien to them.

The colonial masters have two complementary shared common objectives, that is, (1) the institutionalization of a system that can control the native population and (2) the displacement of their “societal culture”.<sup>23</sup> The activation of these objectives came with the introduction of a new culture that prioritized capital gains over indigenous collectivities and cultures. However, such programs had little concern for the rights of indigenous societies. Indeed, these are “faces of injustice”<sup>24</sup> because the colonial rulers (a) encroached and imposed their will into the Lumad nation and (b) usurped the rights of the original inhabitants to live in freedom. The Lumads were forced to leave the life they knew and betray their identity because of these objectives. But losing their ancestral homeland and traditional belief systems to tyrant colonial industries continues to this day, even after the colonial masters had left.

Under a unitary and centralized Republic of the Philippines, the Lumads’ ways and forms of life continue to face an enormous challenge. The militarization of their land and the ongoing depletion of natural resources are incapacitating their society. Their culture and language have not escaped the government’s assimilationist and isolationist project with its slogan “Isang Lahi, Isang Wika” (One Race, One Language). This version of nationalism is intended to humiliate and replace indigenous peoples’ languages and cultures because it imposes a worldview that they cannot identify with. Their customary practice of collective ownership is pitted against private land ownership introduced by the outsiders. The Lumad peoples have no concept of private ownership. It seems not part of their culture to covet for themselves the land and its resources. It is considered an abomination to privatize the same. They believe that the land is never to be owned privately by any single person or corporate land-grabbers. The land is sacred, and it should be protected from capitalists’ abusive ends. No wonder the Lumad nations resisted any threats to their ancestral land with some of them indicted as Leftists

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<sup>22</sup> See Samantha Heinrich, “The ‘Savage’ Filipino Natives and Their Dog-Eating Habits,” *Western Illinois Historical Review* 3, no. 8 (Spring 2017): 25–41.

<sup>23</sup> See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press, 1995), 80.

<sup>24</sup> See Judith Shklar, *The Faces of Injustice* (USA: Yale University Press, 1990).

for allegedly embracing armed aggression.<sup>25</sup> They resisted a capitalist ideology to protect their homeland for a more sustainable economy. Of course, capitalism has been instrumental in the economic progress and development of many countries, but progress and the pursuit of the good life may have different meanings in different cultures. Lamentably, the ecological balance is destroyed in the name of profit.

However, the Lumads' resistance weakened through long years of struggle with colonial powers. Consequently, some have resigned their fate to multinational companies, while others strove to oppose them even if their lives were in danger.<sup>26</sup> For those who resisted, death became a daily company. Perhaps, the risk of taking up arms to protect themselves from abusive economic actors and oligarchs could have been part of it, but various stakeholders such as church movements and NGOs offered help to protect IP rights. Nonetheless, the abuses experienced by Lumads have devastated and traumatized them. Only time can tell when the struggle for land and freedom will end. Seemingly, a promising future for the Lumads is not forthcoming because of the threat of internal colonialism. What does this mean?

Republic Act No. 6734<sup>27</sup> and Republic Act No. 9054<sup>28</sup> created an Autonomous Region in Muslim Mindanao – Moros' important milestone in the struggle for self-determination.<sup>29</sup> However, the place of the Lumads in the whole discourse of self-determination becomes more uncertain. In 2018, the Bangsamoro Organic Law (BOL) was forged.<sup>30</sup> The BOL intends to give the Moros expanded political and economic autonomy rights and control over land areas they claim as theirs. This latest development raises doubts about whether the Lumad communities within the Bangsamoro territories will be spared from the long-term negative consequences of internal colonialism.

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<sup>25</sup> Paredes, "Higaûnon Resistance".

<sup>26</sup> Gaspar, *Panagkutay*, 94-95.

<sup>27</sup> Republic of the Philippines, *REPUBLIC ACT* No. 6734, <https://www.officialgazette.gov.ph/1989/08/01/republic-act-no-6734/>.

<sup>28</sup> Republic of the Philippines, *REPUBLIC ACT* No. 9054, <https://www.officialgazette.gov.ph/2001/03/31/republic-act-no-9054/>.

<sup>29</sup> See Oona Thommes Paredes, "Indigenous vs. native: negotiating the place of Lumads in the Bangsamoro homeland," *Asian Ethnicity*, 16, no. 2 (2015): 166-185.

<sup>30</sup> Republic of the Philippines, *REPUBLIC ACT* No.11054, <https://www.officialgazette.gov.ph/downloads/2018/07jul/20180727-RA-11054-RRD.pdf>.

The Lumads, just as in the past, have supported the Moros in their quest for territorial autonomy. The Moros promised that through the BOL, the Lumads would likewise be protected internally by the Moros from the infiltration of external political and economic players such as large-scale business and corporate interests. Rallying behind the Moros's quest for a state-like autonomy is an expression of Lumads' solidarity. Consequently, the Lumads' generous gesture tends to lessen, if not remove, any suspicion on the part of the Moros towards the Lumads who might be thought of supporting the Christian settlers and other stakeholders who are disinterested in BOL.

However, the BOL seemed suspect. Nowhere does it define a provision that protects the rights of the Lumads. It only notes in Art. IV, Sec. 7, 9, and 10, in general terms, that the Bangsamoro Government will "ensure every Filipino citizen in its territorial jurisdiction the provision of the basic necessities and equal opportunities in life" and that it will "recognize and promote the rights of the non-Moro Indigenous Peoples within the framework of the Constitution and national laws." Perhaps the specifics are resolved by the provisions of the Constitution as implied, but still, that would leave the Lumads with limited options such as (1) either converting to Islam or (2) asserting their rights through non-violent or armed struggle.

The first is a form of assimilation into a majority culture because of social economic and political pressures. The second refers to the assertion of one's identity, albeit violently and aggressively when needed. However, the issue of self-determination should not lead to one of these options. If so, the Lumads' right to self-determination should be upheld through specific implementing rules. But the BOL apparently stifled the voices of the Lumads even if BOL (1) guarantees two reserved seats for non-Moro indigenous peoples in the Bangsamoro parliament (Art. IX, Sec. 3, f) and (2) requires the Bangsamoro government to non-Moro cultural societies.

From its legal construction, the Bangsamoro government seems committed to upholding national policies on non-Moro indigenous peoples, but it is not clear how such provisions are supposed to be applied concretely. Besides, the two supposedly reserved seats for non-Moro indigenous peoples might not be sufficient. Probably, Article IX on Basic Rights could be an answer to the ambivalence. Here, the BOL underlines the Bangsamoro government's commitment to promote and protect "the rights and privileges granted to indigenous

peoples” as inscribed in international and domestic covenants. These rights and privileges include “native titles,” “indigenous customs and traditions,” “justice system and indigenous political structures,” “basic services,” and “preservation of cultural heritage” among others. On this account, the BOL deserves praise, but still, it remains to be seen what enabling laws will be created to achieve these goals. Moreover, Article IV, Section 10 revealed a disturbing clause that could be construed as a “benevolent assimilation.” To quote:

*Freedom of Choice.* – The freedom of choice of all peoples within the Bangsamoro Autonomous Region shall be respected. Indigenous peoples shall have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. There shall be no discrimination on the basis of identity, religion, and ethnicity.<sup>31</sup>

Here, respect towards diverse “identity, religion, and ethnicity” in the same manner that individuals can freely opt to remain or to exit from their society. Respect is supposed to foster non-violence principle towards diversity and to tackle “any form of discrimination” that stimulates hatred and division (Art. IX, Sec. 4). So, to discriminate “on account of creed, religion, ethnic origin, parentage, or gender” is a sign of disrespect. However, the same provision in the law apparently denies diversity the respect it is supposed to enjoy. The law seems to suggest that non-Moro national minorities in the Bangsamoro Autonomous Region are assimilated into the “Bangsamoro political identity.” But assimilation transgresses recognition and respect. If this account is correct, it would mean the subversion of the Lumad peoples’ right to self-determination under the Bangsamoro government. The policy is ambiguous and misleading because it tends to coerce the Lumads into something that they are not. Was this intentionally adopted in the BOL without the Lumads’ consent? If yes, should this not be described as pure deceit and lack of respect for diversity? Why should the Lumads be subsumed into the Bangsamoro political identity when they are supposedly uniquely different in so many ways, even if they both trace their roots from a common

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<sup>31</sup> Bangsamoro Organic Law, Article IV, Section 10.

lineage? If the observation is correct, one could only foresee a mockery and an unjust treatment of the Lumads' freedom as a result.

### *Developmental prospects in the Lumad Land*

While a vehement opposition against massive industrial and infrastructural projects, namely gold/coal mining, timber cutting, hydro-electric power plants, and other forms of economic development has been and continues to make a stronghold in the public space<sup>32</sup> to the point of "romanticizing IP struggles", as one might claim, the benefits cannot simply be sidelined.<sup>33</sup> This means that a considerable Lumad voice is not opposed to these developments, considering the positive impact and advantages they could bring to beneficiaries<sup>34</sup> notwithstanding its costs as destruction of the natural environment, dispossession and displacement of inhabitants may take place.<sup>35</sup> Economic development is felt when access to public goods, such as decent housing, healthcare, learning facilities and quality

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<sup>32</sup> Jerry Degollacion Imbong, "'Bungkalan' and the Manobo Pulangihon tribe's resistance to corporate land-grab in Bukidnon, Mindanao," *AlterNative: An International Journal of Indigenous Peoples* 7, no. 1 (2021): 23 -31. 02; Bong S. Sarmiento. "Mindanao coal project development gains ground despite opposition," *MindaNews*, 31 October 2022. [Mindanao coal project development gains ground despite opposition \(mindanews.com\)](https://www.mindanews.com/2022/10/31/mindanao-coal-project-development-gains-ground-despite-opposition/); Dionesio Alave, Jr. "Upper Right Hand: Vulnerabilities of Lumad Communities in Mindanao," *MindaNews*, 17 January 2021. [UPPER RIGHT HAND: Vulnerabilities of Lumad Communities in Mindanao \(mindanews.com\)](https://www.mindanews.com/2021/01/17/upper-right-hand-vulnerabilities-of-lumad-communities-in-mindanao/).

<sup>33</sup> I thank the anonymous reviewer for raising this observation, however, a caveat is in order: Economic development is a sensitive issue to reckon with. Finding narratives that surfaced in public and favor such activities as gold mining, hydroelectric power plants, etc., seems difficult. Perhaps such narratives are silenced by overwhelming opposing narratives or pro-economic development individuals choose to be silent to protect themselves from life's threats. Nonetheless, the observed experiences of other indigenous peoples whose lives have significantly improved due to the benefits provided by economic development could shed light on the possibility that favorable narratives do exist, even if these are undocumented.

<sup>34</sup> See Bong S. Sarmiento, "'I am pro-mining': Indigenous opposition to Philippine mine project falters" *Mongabay: News & Information from Nature's Frontline*, 28 February 2022. <https://news.mongabay.com/2022/02/i-am-pro-mining-indigenous-opposition-to-philippine-mine-project-falters/>.

<sup>35</sup> See Renée V. Hagen & Tessa Minter. "Displacement in the Name of Development. How Indigenous Rights Legislation Fails to Protect Philippine Hunter-Gatherers," *Society & Natural Resources* 33, no. 1 (2020), 65-82, DOI: 10.1080/08941920.2019.1677970.

education, food security, renewable energy, sustainable natural environment, and ecosystem are available. The government and major companies that intend to bring in development in the area assure the stakeholders to meet these demands.<sup>36</sup> However, whether these are sustainable or not is difficult to ascertain.

Road and railway construction and hydro-power plants are some of the avenues to efficient eco-business trade and effective peace security. Indigenous communities could efficiently trade their products to potential buyers using wagons/lorries instead of carrying them on their backs down to the town centers. Learning from the experience of indigenous peoples from Northern Luzon, as far as my first-hand experience provides,<sup>37</sup> access to decent roads has made it easier for indigenous farming communities to transport their agricultural products on time. As transport vehicles become part of the farming activities of indigenous communities, the people would no longer have to single-handedly carry their products from farm to market, considering the distance and terrain. Also, the accessibility of roads has made it possible for other sources of livelihood to thrive. Whereas some tended to plant *cannabis* which is illegal according to present legal norms, the roads have been paved for alternative agricultural products. Of course, environment and waste management policies had to be created and consistently implemented to correct bad agricultural practices – mono-crop, unregulated deforestation, and unbridled use and disposal of hazardous and toxic chemical fertilizers.

Also, consider the possibility of becoming a shareholder of mining operations and/or demanding just compensation. As one mining executive has pointed out “The [host] indigenous community can demand as high as 50 percent [in royalty] or become stockholder of

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<sup>36</sup> Hannah Alcoseba Fernandez. “Philippines to convert coal power stations into renewable energy plants in Mindanao,” *Eco-Business*, 11 June 2021; Louise Maureen Simeon. “Government to spend P1.2 trillion for infrastructure in Mindanao,” *The Philippine Star*, 19 May 2023. <https://www.philstar.com/business/2023/05/19/2267271/government-spend-p12-trillion-infrastructure-mindanao>.

<sup>37</sup> Here, I speak as a participant observer, though not a Lumad in Mindanao, but a member of the Indigenous Peoples of Northern Luzon, specifically, the Kankanaey Tribe of Sabangan and Banao, Mountain Province.



the firm. They can do it during the negotiation stage”.<sup>38</sup> However, the status of the company must be taken seriously, especially when it “suffers from losses”.<sup>39</sup> To avoid skepticism on the status of its operations, in my view, an agreement between the host community and the mining firm could be clearly established. A well-entrenched contract includes the right of the host community to delegate some of its members to the company’s implementing board. The number of its delegation should be more than enough not to be overpowered by the executives of the firm. Also, they must have the power to terminate the firm’s operations if it veers from its social, moral, and environmental responsibilities, including food and water security and displacement of the inhabitants. In fact, the law even provides that indigenous peoples can “reject” mining investors to operate within their ancestral domain.<sup>40</sup> Part of their task is to determine how to calculate the royalty owed by the company to the host community. Indeed, safeguards from non-delivery of agreed contracts must be stipulated. These suggestions among others could not only respond to economic survival issues but also correct transparency malpractices.

Moreover, it can be surmised that socio-economic projects in far-flung villages could effectively manage insurgency activities. Indigenous peoples have always been and continue to be caught in the middle of crossfires between government forces and communist rebels. The implementation of socio-economic programs by the government in cooperation with other well-meaning agencies for peace and sustainable development could respond best to the problem of insurgency. However, the sustainability of these programs must be consistently overseen through multi-level checks and balances, and the effectiveness of the same could be guaranteed when they incorporate and integrate the needs of those directly affected by them. As in all successful projects, accountability is crucial to an activity’s effective implementation. Whenever the interests of directly affected groups are seriously taken on board, then accountability becomes manifest, sustaining the project that has been started.

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<sup>38</sup> Tito Fiel, “More mine benefits for ‘lumad’ seen,” *Inquirer.net*, 2012. <https://newsinfo.inquirer.net/209843/more-mine-benefits-for-lumad-seen>

<sup>39</sup> *Ibid.*

<sup>40</sup> Nestor Corrales, “Lumads free to reject dev’t plan on ancestral domain areas – Palace,” *Inquirer.net*, 05 February 2018. <https://newsinfo.inquirer.net/966363/lumads-free-to-reject-devt-plan-on-ancestral-domain-areas-palace#ixzz8P8himzas>.

## **Decentralization and Indigenous Peoples**

A political institution that sufficiently addresses cultural, political, and economic interests is desirable. In the years following the controversial colonial policies and their appalling impacts on national minority societies, the Philippine government has started to recognize the rights of IPs. Although with some reservations, the government created laws to empower and guarantee IPs' rights, namely the Local Government Code of 1991 (LGC) and the Indigenous Peoples' Rights Act of 1997 (IPRA). I will investigate whether these policies contributed to alleviating the plight of IPs.

### *Local Government Code, 1991*

The idea behind the LGC is to decentralize the administration of government by empowering Local Government Units (hereafter LGUs). The distribution of competencies aims to strengthen intergovernmental cooperation between the central government and LGUs. Accordingly, LGUs receive a constitutional mandate to manage jurisdictional concerns and create and implement policies within their respective jurisdiction. These policies, however, should conform to national legislation. On this account, LGUs serve as implementing agencies of national policies. Such an administrative system somehow reflects a centralized majoritarian government, which could limit spaces for self-determination. If this is correct, the LGC contradicts the very purpose it is expected to deliver – the empowerment of LGUs through an expanded competency. In the LGC, LGUs act as national policy agencies in the regions, cities, and municipalities, but this is problematic in multiethnic settings, which calls for real decentralization. Real decentralization should constitutionally allow LGU to exercise sufficient power to control and command, to be responsible and accountable when charting its destiny, notwithstanding inter-government cooperation.

Problems arise when programs and policies from the central government conflict with local interests. The natural resources within ancestral domains of cultural minorities are a case in point. IPs claim these resources as theirs because they have inherited them from their ancestors. Even before colonial settlements and the founding of the

Republic, IPs have regarded their territory as their home. Thus, they assert their rights over these resources. However, their claim conflicts with national laws that stress the State's ownership of natural resources within its sovereign territory.

While the thrust of LGC is to implement decentralization of power to local governments, the notion of diversity will likewise be at stake because the central government is still the final arbiter in the implementation of policies. For example, a system that permits the operation of a copper or gold industry within an ancestral domain cannot be rejected as an intrusion into the rights of indigenous groups because the permission was granted through standard legal procedures at the national level. The authorization to operate timber facilities is likewise justified because it is an agreement between the state and investors. However, a top-down and bureaucratic procedure could be detrimental to the interests of local people whose representation in the discussion of issues that directly affect them is lacking, if not absent.

LGUs are expected to deal with issues that affect them directly. However, the exercise of power is limited because there is no substantial departure from a top-down, centralized, and majority-based rule.<sup>41</sup> It is possible that some groups with strong political and economic influence could get better representation than the rest. In most instances, however, the voices of IPs are easily marginalized. The national government is torn apart between the prospects of economic growth and the rights of IPs. However, more often than not, it seems the government takes the side of economic globalization and, consequently, justifies a neoliberal economic practice at the expense of ethnic minorities. While other stakeholders (i.e., NGOs, Church- and student-based associations) promote IP rights recognition, the government seems less interested in expressing solidarity.

The non-recognition of IPs' rights could endanger their very future. The march dubbed as *Manilakbay* is a case in point.<sup>42</sup> Hundreds

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<sup>41</sup> Weena Gera, "The politics of ethnic representation in Philippine bureaucracy," *Ethnic and Racial Studies* 39, no. 5 (2016): 872.

<sup>42</sup> The word comes from a compound word: Manila and "Lakbay." While *Manila* is the Capital and the location of the seat of government of the Philippines, *lakbay* means journey. Just like other forms of contestations, the *Manilakbay* is meant to get across a politically imbued message. The message seems clear. That is, to make room for cultural recognition through policies that dismantle those structures (i.e.,

of IPs from Mindanao marched for several months to reach the Malacañan palace in Manila, the seat of government, to express their dismay over the government's ineptitude in protecting them from the onslaught of intruders. In their quest for the recognition of their rights to territorial protection, Datu Kaylo Bontolan of the *Monobo* tribe, in an interview (Lowe 2015), frustratingly remarked,

I feel sad, discontented, and angry because, in my own land, the Philippine army is supposed to help but instead, they support the big corporations. They take away our (land and our) livelihood.<sup>43</sup>

The disinterestedness of the state over the plight of IPs often results in collective protest and dissent. Collective contestation denounces the deficiencies in the treatment of cultural minorities by political institutions. Probably, one immediate response is to revoke the Philippine Mining Act of 1995. A radical approach is to foreclose extractive and irresponsible mining industries. Banning them altogether in exchange for non-invasive livelihood opportunities such as the indigenous weaving industry, traditional wine production, and local eco-tourism among others could be a better alternative, although inadequate. There are existing programs along this line but limited. International linkage could be an added boost to local economic sustainability. Another approach is to create avenues for adequate representation of various stakeholders in the public sphere who can mirror the sentiments of aggrieved parties. This involves representatives from affected communities to government institutions. Still, another course of action, and a substantial one, is the legislation and implementation of constitutional policies that are sensitive to the interest of IPs such as language development and legal pluralism, promotion of collective ownership and responsibility over land and resources. There might be hope for changing the course of events that favor indigenous communities if only they are taken

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political and economic) that antagonize IPs, and this can happen if the central government will make good its promise.

<sup>43</sup> Aya Lowe, "Mindanao's indigenous peoples gather in Manila for week-long protest," *Channel News Asia*, 2015. <https://iphndefenders.net/mindanao-s-indigenous-people-gather-in-manila-for-week-long-protest/>.

seriously into account. Thanks to the legislation of the Indigenous Peoples' Rights Act of 1997 (IPRA). Stakeholders are hopeful that this law could mitigate the daunting ecological issues that confront IPs, mend hostility, and guide them as they chart the direction of their future. Its strict implementation can recognize and acknowledge the concerns of distressed indigenous societies. Whether it can deliver adequately its promise, however, remains to be seen. But what does IPRA law instore of IPs?

*Indigenous Peoples Rights Act, 1997*

The IPRA aims at greater decentralization and representation of diverse cultural minorities because their rights are formally and institutionally recognized. Of course, policies that promote the interests of IPs have been introduced earlier but mostly on the local level. The creation of IPRA, however, advanced the recognition of the rights of IPs in the Philippines and received comprehensive attention. The IPRA (Ch. II, Sec. 3.h.) law characterizes indigenous peoples as:

...a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations that inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from

their traditional domains or who may have resettled outside their ancestral domains.

The definition, in my view, covers two fundamental aspects of identity: cultural and political. On the one hand, cultural identity has to do with symbols, practices, and beliefs. This aspect includes strong kinship and family ties, an indigenous calendar, a sense of connection with the earth, respect for every person especially the weak and senior members of society, and collective responsibility to name a few. Political identity, on the other hand, pertains to IPs' rights over their affairs, including but not limited to the rights to self-government which functions for the welfare of groups. Self-government rights are supposed to upset privileges to an individual or a specific class of people at the expense of the well-being of the general population. The rationale for this is to promote and maintain a conception of social justice that ensures the well-being of IPs who for a very long period have fought for their rights against an indifferent society. Noticeably, IPRA also emphasizes that ethnicity is not to be understood from an essentialist perspective but that it is the result of the formation of a collective identity over time. Some contributory factors include political struggles. Thus, the IPRA stresses the role of IPs in creating, defining, and facilitating the terms and conditions of their existence.

The IPRA is a landmark policy, which attempts to accentuate the political aspect of ethnicity, to recognize and protect cultural heritage. Moving beyond the mere "contract-based resource management" between the State and the community, IPRA acknowledges the rights of IP ownership of ancestral lands. However, the state does so by providing them tenurial security with the issuance of Certificate of Ancestral Domain Titles (CADT) which makes the state once again the sole regulator and guarantor of lands. Of course, this is a more progressive step, but the passage of the law is supposed to entitle IPs to a broader administrative competency in utilizing the resources within their territories, protecting, and enhancing their historical and cultural heritage, and participating in public consultation of economic programs and development. It is disheartening though that the government has been ill-equipped in implementing the IPRA because of conflicting interests, policies, and non-commitment on the part of the government. Tasked to oversee and investigate the concerns of IPs directly, the National Commission on Indigenous Peoples (NCIP) has

allegedly done too little to design effective programs and to formulate implementing rules that best serve the rights of IPs. It has less been efficient in facilitating direct communication between the IPs and the Office of the President (IPRA, Ch. 7, Sec. 38; NCIP, Administrative Order No. 1, Rule II Sec. I). Several camps further criticized the said Commission for deciding and acting on issues against its mandate by signing contracts favoring multinational companies that led to the dispossession of IPs from their land and to the gradual demise of their cultural heritage.<sup>44</sup>

Aside from the non-implementation of the IPRA, another cause of conflict between IPs and the government, aside from the Philippine Mining Act of 1995, is posed by the 1987 Philippine Constitution, which asserts the President's privilege to exercise general supervision of policy decisions (Art. X, Sec. 16, 17). The constitutional provision became the basis for the national government to enact policies on land ownership, including Land Registration Acts, Public Land Acts, and Mining Acts.<sup>45</sup> These policies favored the intrusion of multinational companies within the ancestral domain. IPs thus suffer a great injustice because of these policies. But the policy issue is just one side of the problem. The other side relates to inter-conflict concern.

The IPRA Law delegates power to indigenous peoples to manage their own ancestral domain, cultures and traditions, resources, and language, organize their own governing body, and enjoy autonomy. The exercise of these rights is done in accordance with democratic governance. However, one can claim that by delegating the power of self-determination to indigenous peoples, as has been enshrined in the IPRA, "dichotomies of power and power relations among the Lumads themselves and even the Lumads vs. the Bisayan settlers" might ensue.<sup>46</sup> I agree with this claim, but, first, a definition of terms is in order, and an explication of the claim, follows.

Power is understood here as the capacity to direct the course of events and destinies of people. I distinguish two types of power, namely power-over, and power-with, for the purpose of this paper. On

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<sup>44</sup> David De Vera, "Indigenous Peoples in the Philippines. A Country Case Study," *RNIP Regional Assembly*. Hanoi, Vietnam 20-26 August 2007. <https://pdfs.semanticscholar.org/1a69/faf7a559cd10cdeaf2bd6aebf59d3c414ea5.pdf>

<sup>45</sup> IPRA Sec. 56.

<sup>46</sup> I thank the anonymous reviewer for pointing this out.

the one hand, a power-over relation pertains to the tyranny of a group that controls economic, political, and even sociocultural systems, marginalizing those that are in a disadvantaged position. A power-over perspective utilizes the “divide and conquer” strategy, which, in turn, disintegrates a unit. The exercise of “power-over” stresses one’s superiority at the expense of another. Hence, the approach can be oppressive and coercive. A “power-with” relation, however, is the exact opposite. Of paramount interest in a power-with approach is the welfare and well-being of stakeholders. A power-with approach focuses on enabling an organization to respond best to oppressive systems through reasoned communication and patient dialogue among diverse stakeholders. Participants have equal opportunity to influence policymaking. This account expresses the redemptive element of power by rectifying unjust systemic practices.

But how does a dichotomy of power take place among indigenous groups who are supposed to help each other against one common enemy, say, a corporate land-grabber and oppressive political/militant actors? Also, in what sense does a dichotomy of power relation between Lumads and new settlers (i.e., Bisaya) and between the Lumads and Moros in an ancestral domain within the BARRM be understood?

One answer connects with the numbers game. Simply put, those with a majority membership in a diverse society could take the upper hand when it comes to policy decision-making.<sup>47</sup> Here, the majority decides on the fate of the rest of society, even if a policy could potentially inflict harm on others and silence them. Another answer relates to the scope of economic clout and political affiliation. Those who control and manage economic interests could successfully influence more followers to their advantage. Both views account for the power-relation dichotomy problem. However, they do not sit well with social justice obligations because the right to self-determination, while it could be regarded as an exclusive tool by the indigenous peoples to chart their life plans, is not meant to marginalize the “minorities within a minority”.<sup>48</sup> The notion of “minorities” includes

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<sup>47</sup> Zachary Abuza and Luke Lischin. “The Challenges Facing the Philippines’ Bangsamoro Autonomous Region at One Year,” *United States Institute of Peace*, no. 468 (June 2020): 13-14.

<sup>48</sup> See Will Kymlicka. *Multicultural Citizenship: A Liberal Theory of Minority rights* (Oxford: Oxford University Press, 1996).



but is not limited to (1) minority IPs whose territory interlocks/overlaps with that of the majority IPs, (2) non-IP settlers within an indigenous society, and (3) sexually differentiated groups among others to name a few.

In finding a solution to the dichotomy of power problem, minority groups within a minority need protection rights<sup>49</sup>, i.e., economic, linguistic, territorial, education, sexual, security, etc. A policy along this line is meant to curtail what I call, regional and linguistic/cultural egoism. Regional egoism refers to the restriction of the distribution of public goods – education, healthcare, food security, revenue, etc. – only to a specific group or region and not another. Such a political attitude, however, is detrimental to intergovernmental cooperation, solidaristic participation, and minority representation in the public sphere. Linguistic and cultural egoism point to the claim that “my language/culture is superior while others are inferior, hence, they should have no place in the public sphere”. Absent linguistic justice through protection rights could mean the death of minority languages.<sup>50</sup> However, policies that protect the rights of all inhabitants in the region – indigenous or new settlers – are crucial when adequately responding to unjust practices that humiliate self-respect.<sup>51</sup> Self-respect is “necessary for individuals to effectively pursue their plans of life...and development of individual’s dignity”.<sup>52</sup> Hence, protection rights are crucial to mitigating the dichotomy of power relations.

The LGC and IPRA are supposed to mitigate centuries-old issues of unjust treatment of the already distraught IPs. While this is correct, the objective has not sufficiently been met due to conflicting interests

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<sup>49</sup> Will Kymlicka. “The rights of minority culture: Reply to Kukathas,” *Political Theory* 20, no. 1 (1992): 140-146; Kymlicka, *Multicultural Citizenship*, 6-7.

<sup>50</sup> Among the list of Philippine languages, “73 are developing, 45 are vigorous,” but “13 are in trouble and 11 are dying,” while “4 are extinct.” See Konrad Magboo and Niko Reyes. “Language death in the Philippines,” [Hiddenshadow - Issue](#) (May 2018); Rappler. Multilingual Philippines. “Our Languages are in trouble, so what?” *Rappler*. 03 September 2019. ([rappler.com](#)); See Will Kymlicka. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001).

<sup>51</sup> Margalit Avishai, *The Decent Society* (MA: Harvard University Press, Cambridge, 1996).

<sup>52</sup> Anna Lauren Hoffmann, “Rawls, Information Technology, and the Sociotechnical Bases of Self-Respect,” *The Oxford Handbook of Philosophy and Technology*, 231-249. doi.org/10.1093/oxfordhb/9780190851187.013.15.

and policies. Unless countervailing laws are instituted, they will continue to suffer marginalization and discrimination. However, this does not mean that the above policies are useless. Probably, the creation of autonomous regions would be a suitable context for such policies to flourish.

## **Conclusion**

The previous discussions are a modest sketch of how the political system in the Philippines operates, and identity contestations contribute significantly to listening and understanding the plight of IPs. I have shown how anti-indigenous peoples' laws have discriminated against ethnocultural minorities. The experience of the Lumads' deteriorating indigenous subsistence economy, traditions, bio-diverse environment, and ancestral lands due to irresponsible mining activities, industrial factories, mega-dams, and deforestation concretely attest to this claim.<sup>53</sup> Their cultural practices, values, traditional political institutions, and social organization are likewise on a decline because of repressive militarization and disruptive activities within ancestral domains. Accordingly, they are more likely than the non-IPs to live in poverty and disadvantageous circumstances.

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<sup>53</sup> The government has created a 25-member committee on Indigenous Cultural Communities and Indigenous Peoples in the House of Representatives (17<sup>th</sup> Congress). The committee aims at all concerns relating directly to the economy, security, and development of IPs. The 25 members represent their district and their ethnic group. But they occupy a very small number of seats in Congress which has 297 seats in total. This makes IPs politically underrepresented on the national level. IPs are also considerably underrepresented in communications media such as the broadsheet, film, television, and radio industry. Even the representative voice for all indigenous peoples worldwide, Victoria Tauli-Corpuz, a UN Special Rapporteur, of Kankanaey Tribe in the Philippines has recently been tagged as a "Terrorist" by the Philippine government. Allegedly she is accused of being a member of the Maoist communist rebel group which brought havoc and destruction of life and property in various regions of Philippine society. According to Tauli-Corpuz, the allegation is 'baseless and malicious.' One could surmise that this will not only limit her rights to free movement and freedom of expression but also the freedom to fight for the rights of indigenous peoples.

While both the LGC and IPRA can help in the transformation of society to become better, conflicting, and ambiguous policies hamper a more affirmative response to justice obligations. Unless countervailing laws are instituted, indigenous peoples will continue to be marginalized. This will aggravate their present worst condition.

The right to self-determination is not merely an exercise of the right to freedom of speech, universal suffrage, and fundamental civil liberties. Instead, self-determination is freedom from the rule of mainstream political regimes and machinations of the majority that marginalize and dislocate ethnocultural societies through “pragmatic, calculative and utilitarian ways of ordering human lives.”<sup>54</sup> What Lumads seek is their survival as a nation. This could happen if states would recognize their right to govern a broad range of concerns that affect them as a people as advocated in *The Declaration on Rights of Indigenous Peoples*. Letting IPs mobilize their culture, develop their traditions, promote their epistemologies, and manage their land could help them maximize their right to governmental autonomy. This goes beyond mere analysis of facts because it proposes a normative stance – an obligation to justice.

Justice for ethno-cultural groups means respecting them to achieve their conception of the good life and to determine their traditions and practices without closing themselves from external and internal critique. If this is correct, would it not be better for the Philippines to depart from a unitary to a decentralized government? Probably governmental autonomy within a federal political framework could work better for the rest of the citizens because the authority entrusted to component units, such as “control, the command” and the values of “responsibility and accountability stop at the regional level”.<sup>55</sup> This means that a federal republic decentralizes power and opens the public sphere for adequate representation of the various sectors in society.

Others would probably assume governmental autonomy is a naïve proposal, a “pie-in-the-sky,” but such a political system within

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<sup>54</sup> Ferdinand D. Dagmang, *The Predicaments of Intimacy and Solidarity. Capitalism and Impingements* (Quezon City, Philippines, Central Book Supply, 2010), 406.

<sup>55</sup> Ranhilio Aquino, “Primer on Federalism.” *Facebook public blog account*, (July 17, 2018).

the federal framework instead of a unitary regime might be better suited to respond to the demands of justice in diverse societies. Federalism appears to present itself as an answer to the struggles of ethnocultural communities in the Philippines. Learning from the best practices of federal countries could help sort justice concerns. What is at stake here is not only the creation of a legitimate political institution that is acceptable to all but rather, the rights of IPs to live in freedom and to chart their own destiny. Perhaps giving federalism, a chance to work in the Philippines can empower national minority groups to survive, protect, and develop their forms of life. But an in-depth explication of this would be for another study.

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