

Statement

# **Mindanao (Philippines) - Typhoon Paeng Tragedy in Tëduray and Lambangian Fusaka Ingëd: A Testimony of Neglect and Overdue Processing of Ancestral Domains Delineation**

Sunday 13 November 2022, by [Task Force Barat](#) (Date first published: 12 November 2022).

**We, in the Task Force Barat [1], a formation of Tëduray, Lambangian and Mënubo Dulangan Indigenous Political Structures (IPS), Indigenous Peoples Organizations (IPOs) and Civil Society Organizations (CSOs), view the Typhoon Paeng tragedy, affecting 1,730 Tëduray, Lambangian and Mënubo Dulangan families that resulted into 46 deaths and 5 missing persons, a TESTIMONY of neglect and overdue processing of ancestral domains delineation in the Bangsamoro region (ARMM and now BARMM).**

Spanning for over twenty-six (26) years now, the so-called conflicting or overlapping of the regional and national laws for the Indigenous Peoples has yet to be resolved.

Way back in 1996, we applied for the issuance of a Certificate of Ancestral Domain Claim (CADC) based on DAO No. 02 at PENRO Maguindanao but to no avail. This was followed by a unified CADT application through the Indigenous Peoples Rights Act (IPRA) under the National Commission on Indigenous Peoples (NCIP) in 2005. Seventeen (17) years later, on September 2, 2019, the NCIP Regional Office 12 finally submitted the Tëduray and Lambangian Ancestral Domain Claim (TLADC) Survey Returns to the Ancestral Domains Office, Manila for review and approval.

However, the Bangsamoro Transition Authority (BTA) 1<sup>st</sup> Parliament issued Resolution No. 38 urging the NCIP to CEASE and DESIST the delineation process and issuance of CADT for the Tëduray and Lambangian in Maguindanao province in September 25, 2019. This to us is a denial of our right to the protection of our Fusaka Ingëd (ancestral domain) and hindered so much our full participation in decision making in terms of formulating comprehensive land use plans, programs and activities allowed by law within our claimed territory.

The sad situation did not stop us to seek what is good for us and our ancestral domains. It is our utmost desire to protect our ancestral domain in all legal possible means so we requested then Hon. MP Romeo Saliga of the BTA 1<sup>st</sup> Parliament to pass a resolution "Institutionalizing, Promoting, and Supporting Indigenous Peoples Forest Guards within the Ancestral Domain Areas" with the propose activities such as but not limited to the following: conduct forest protection; monitoring surveillance and law enforcement activities in coordination with proper law enforcement agencies and LGUs; coordinate and attend to Sanggunian Bayan and Barangay Council meetings on forest protection concerns with their area of assignment; conduct survey of forest occupants with their assigned areas; participate in meetings, activity assessment and planning sessions with DENR Officers and

Staffs and other partners xxx. However, the resolution was not supported and passed in the Bangsamoro Parliament.

On the other hand, the NCIP is implementing the eleven (11) building blocks for a resilient, responsive and relevant ancestral domains covering the issues on Indigenous Political Structure; Indigenous Peoples Organizations; CADT/CALT delineation; Ancestral Domains Management;

Ancestral Domain Sustainable Development and Protection Plan; FPIC; IPMR; MOA/MOU/MOC formulation; Cooperatives; and, the Ancestral Domain Defense System.

Much is our desire to participate fully but the inter-relation or arrangement between MIPA-NCIP in carrying out powers and functions over IPs/ICCs/NMIPs in BARMM is not clear to us until today. The NCIP for example issued a Certificate of Confirmation for our IPS in 2017 and by the OSCC in 2007 but MIPA officers and staffs are busy organizing another IP group they claimed Bangsamoro IPs called Tribal Councils in the BARMM — a program that made the NMIPs more vulnerable to exploitation, creating more divisions among leaders to weaken their decision making structures and processes. This is not to say that MIPA as an institution is bad; it should nevertheless extend its support to the already-organized IP groups in the region.

The full participation of the IPs/ICCs/NMIPs in collectively managing and protecting the ancestral domains through the Indigenous Political Structure and Indigenous Peoples Organizations in the BARMM could have been strengthened if the above mechanisms were put in place, while the IP Code has yet to be passed.

Now, the typhoon Paeng devastated the Fusaka Ingëd of the Tëduray and Lambangian and neighboring areas. Yes, we cannot blame anybody for this tragedy because it is a natural calamity. However, we cannot avoid to re-visit the intent of the law for IPs/ICCs crafted 25 years ago which says in part, “to recognize, protect and promote the IPs/ICCs xxx”. With the added mechanisms but not limited to the above stated references, how come IPs/ICCs in BARMM commonly known today as Non-Moro Indigenous Peoples (NMIPs) are still longing for the implementation of the law in spirit and letter?

Specifically in the BARMM, the IP killings, IP displacement due to wars and armed conflicts, land conflicts and now the deadly typhoon Paeng; the Tëduray and Lambangian are simply counting their victims and cannot respond nor collectively prepare themselves using the structures and systems recognized, protected and promoted by law. This is due to the limited response from MIPA Minister to effectively consult us and promote our general welfare as its constituents.

Concretely, if the Tëduray and Lambangian ancestral domain was awarded in due time, we could have installed the necessary mechanisms as envisioned in the IPRA and in the BOL dubbed as IPRA+++ by the MILF leadership and IP advocates.

Thus, the following could have been put into consideration in engaging the Indigenous Peoples:

v The Typhoon Paeng victims at Ground Zero is a relocation site for displaced NMIPs at sitio Tinabon, barangay Kusiong, DOS, Maguindanao. If the processing of the relocation plan went through due process, with the participation of the IPS-IPOs and the ancestral domain claim officers, the tragedy today might not happen or with lesser impact.

v There could have been a consideration of the Tëduray and Lambangian taboo or forbidden acts and to strictly follow customary protocols on the conduct of the MIPA show titled “Tribo Ko, Suot Ko” had MIPA leadership and organizers of the show properly consulted the customary practitioners and “Këmamal Këadatan” (spiritual leaders) the do’s and don’t in their plays, pageant, awards/tokens

and other performances on October 27, 2022, in the eve of the Nuro flooding in Upi, Maguindanao del Norte.

v On the protection of the forest and environment, it is worth noting that in 2016, the Timuay Justice and Governance (TJG), an IPS of the Tèduray and Lambangian conducted a “Lakbay Tribo Para sa Gubat” (Tribal march for the forest) traversing the forest areas of Upi and South Upi in a period of three (3) days, campaigning to stop the logging operation. It took us years of dialogues and negotiations to stop the logging but too late for the forest are gone. This initiative could have been successfully attained if the government agencies for IPs and the environment offices were in full support.

Given this circumstances, we call on:

1. The Government and non-state actors for a systematic interventions to the victims of typhoon Paeng in portions of the five (5) municipalities within the ancestral domain claim areas especially at the ground zero;
2. The NCIP to fast tract the TLADC delineation process now that NCIP and MIPA-BARMM signed a Memorandum of Cooperation as of November 5, 2021;
3. The Senate through Hon. Robinhood Padilla to proceed with the planned inquiry and investigation:
  - 3.1. In aid of legislation — to resolve the so-called conflicting laws between the Bangsamoro autonomy law/s and national laws and policies for Indigenous Peoples;
  - 3.2. End decades of confusion and denial of IP rights in the Bangsamoro;
  - 3.3. Give justice to unjust practices committed against the IPs/NMIPs.

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**Task Force Barat**

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## Footnotes

[1] "Barat" is a weather condition where there is a continuous rain for a week or so - day and night with seldom sunshine for people to gather food. Before, nothing is bad in it because it is a normal and regular season within a year. The response is to simply stay at home and enjoy the family bonding. However, today is a different story for "barat" is identical to calamity and brings forth disaster: sufferings and miseries to the people. Come one, come all to restore barat to its REAL sense; hence, the task force barat.