

Nature of the Timuay Justice and Governance in Central Mindanao, Philippines

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A paper presented to progressive NGOs and all concerned citizen.

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TIMUAY JUSTICE and GOVERNANCE

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Dear Partners:

Greetings of Peace and Solidarity!

The institutionalization of the Timuay Justice and Governance (TJG) will undergo a long process of consolidation to empower the Téduray and Lambangian tribes in Central Mindanao and the Autonomous Region in Muslim Mindanao (ARMM). These activities need capital outlay that we can hardly put up at this point in time other than our human labor force and other locally available resources and materials as local counterparts.

Although we are to take the primary role in raising the amount needed to establish the different TJG structures and installation of the different levels of tribal leadership and functionaries, this program plan shall also be addressed to the Government of the Republic of the Philippines, the Autonomous Region in Muslim Mindanao and advocates of IP's struggle for the right to self-determination in the local, national and international communities.

Since this is an institutional packaging of the Timuay Justice and Governance, we believe that it is relatively difficult for support partners to relate and deal with. So to make it practical, we, in the TJG leadership are open to an "adapt a program" scheme depending on the feasibility of our program to any funding partners or support group.

Fiyo bagi! (Thank you)!

From the Baglalan (leaders) of the 2002 Timfada Limud (Tribal Congress)

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TIMUAY JUSTICE and GOVERNANCE

BRIEF HISTORY

The Timuay is a tribal title and system of governance practice by the Téduray and Lambangian since time immemorial up to the present. This is characterize by a collective form of leadership and free participation of the maginged (citizens) through attendance to assemblies and forums called for by the Baglalan or tribal title holders in the different line of works in tribal governance.

In its historical development, the recorded highest level of organizational formation reach by the Timuay system was in the tribal level. This means that every tribal group embracing the Timuay system of governance has its own territory, center of governance, laws, defense and programs to follow.

In Mindanao, the Subanun, Teduray, Lambangian, and the Arumanun Manuvu practice the Timuay system of governance at tribe level. These tribal based self-governance were about to develop into inter-tribal formation but interrupted and finally failed due to external intervention. First is the coming of the Sultanate system and the Islamic faith estimated by many scholars between 1450-1475 AD brought by the famous Muslim missionary Sharif Mohammad Kabungsuwan in Mindanao.

According to oral history, the intrusion of the Sultanate system in Mindanao was generally peaceful. However, it was also tainted with conflict because they entered into the tribal territories controlled by the Baglalan in the Timuay system. But the conflict was resolved through conventional means and resulted to the division of the traditional tribal communities into two groups.

First: the group of Mamalu who choose to remain as implementer of the Timuay system; and second, the Tabunaway group who led and pursued the Sultanate system and the Islamic faith. This situation formed the historic treaty between the two leaders and their followers.

Subject of the treaty were as follows: recognition and respect of the territory, system of governance and religious beliefs of each group; the continuing and non-limit circulation of resources and livelihood and the “sawit” system or gifts among communities; unity against common enemy; and

forever treatment as brothers and sisters. This treaty was publicly sworn to by both parties thru a ritual and mutually agreed that the treaty must be observed by the leaders including the coming generations to come.

As years passed by, the Sultanate system of governance became superior over the Timuay system because our Muslim brothers and sisters controlled the strategic places such as the plains and the coastal villages. They have connection too to the global trade and the expansion of Islam was done rapidly as ideological bases and means for tactical consolidation among their leaders and followers while the Timuay system is isolated in intact villages as a way to ensure none disturbance in the implementation of their traditions and customs.

Sadly however, pushed by dis-similar concept of living the solemnized treaty was gradually forgotten and at this point, it came out that the Sultanate system is superior over the Timuay system. The Sultanate system considered the leaders of the Timuay governance as their subjects. They don't mind them as their equal partner in leadership.

On the other hand, from the north of the archipelago, another form of civilization is spreading southward. This time introduced by the Spanish colonizers and the United States of America. This civilization pushed the emergence of the Philippine Republic as a nation state.

Under the new Republic, the tribal communities experienced far worst than that of the Sultanate system because of the State's slogan calling for "one nation, one people and one government". This means that there is no other government having the authority to govern over the people of the Philippine Republic except the Philippine government. This finally meant that the Sultanate, the Timuay systems and other forms of governance were not given authority to govern over their own people.

This is a sad experience among the tribal people until such time that R.A. 8371 otherwise known as the Indigenous Peoples Rights Act (IPRA) was passed into law in 1997 with the National Commission on Indigenous People (NCIP) as the primary agency of government looking into the welfare of the IPs in the country.

It is in this context that the Teduray and Lambangian re-organized the Timuay system of governance in October 2-5, 2002 Timfada Limud (Tribal Congress) and called it the TIMUAY JUSTICE AND GOVERNANCE (TJG).

THE PRINCIPLES FOLLOWED BY THE TJG

(Any conflict in interpretation of this English version shall be resolved by reference to the original Teduray version)

1. Closeness and unity with Nature. – The environment is the basic source of food, medicines and materials for the home. It is also where the culture, tradition and customs of the tribes are rooted. The environment is the extension of life and body. Hence, it is necessary to preserve and maintain the people's closeness to and good relationship with the environment. Thus, it is strictly prohibited to do any activity destructive to the environment.

2. Collective Leadership.—The Timuay Justice and Governance comes from a tradition of collective leadership that promotes a free, peaceful and progressive community. Because of this experience, the Tribal Title Holders and the whole tribe strongly believe that a collective leadership is still effective and appropriate even in the present modern times. Hence, it is necessary to implement,

pursue, and develop it.

In a collective leadership, the authority of the Tribal Title Holders emanates from the constituency through the latter's free and voluntary participation in the Village Assembly, Cluster of Villages Leaders' Conference and the Tribal Congress.

3. Communal Ownership of the basic sources of livelihood in the Community. — For the tribes, things are not owned by anybody. Humans are just the stewards of things on earth and are free to use them in order to live and survive in this world. The Timuay Justice and Governance recognizes the long experience of the tribe in terms of communal ownership especially with regard to land and other basic sources of livelihood. On the other hand, it respects the right of individuals to own personal properties allowed by the Tegudon.

The Timuay Justice and Governance also recognizes the concept of the tribe that humans are just stewards and caretakers of things found on earth. The Timuay Justice and Governance develops individual and collective potential of the members of the tribes in agricultural production, industrialization and even technical work.

4. Equal Status of Every Human in the Society. – The concept of equal status of every human being is based on the view that land is the Mother of humanity. This being so human beings as children are equal. It is forbidden to use fellow human beings in order to elevate one's status in society.

5. Peace of Mind as Basis of Justice and Development. — Peace of mind is the absence of conflict in the community, whether physical or emotional. This is the basis for justice and development for all and not the satisfaction of one person or a few people in the community.

6. Progressive Pluralism. — Progressive pluralism is characterized by being open to other individual or group of people. Though their beliefs and mind are open, it does not mean however that their principles are lost.

STRUCTURE OF THE TIMUAY JUSTICE AND GOVERNANCE

TIMFADA LIMUD (The Tribal Congress)

The Timfada Limud is the highest level of leadership structure of the TJG. In the Timfada Limud, the following task and functions are undertaken:

1. amendments of the Téduray and Lambangian Constitution (Ukit);
2. elect the Supreme Council of Chieftains, Chief Executive, Deputy Chief Executive, Administrative Officer and confirmation of the Tribal Justices;
3. prepare the general plan and program of the Timuay Justice and Governance;
4. amend or disapprove the decisions made by the Supreme Council of Chieftains, Executive Leaders, Justices and other organs of leadership which are inconsistent with this Téduray and Lambangian Constitution, Téduray and Lambangian Customary Laws and other laws used by the Timuay Justice and Governance;
5. remove or expel from post any leader that they have elected if they have violated this Téduray and Lambangian Constitution, Téduray and Lambangian Customary Laws and other laws used by the

Timuay Justice and Governance; and

6. perform other functions appropriate to the Tribal Congress as the highest level of leadership of the Timuay Justice and Governance.

MINTED SA INGED (Council of Chieftains)

The Minted sa Inged is the standing body of the Timfada Limud and acts as the council of the TJG while the Timfada Limud is not in session. This serves as the center of leadership, responsible in the formulation of policies and guidelines of governance. It also draft bills to be approved during the Timfada Limud (Tribal Congress).

The MSI is composed of Timuay Labi (Supreme Tribal Chief), Titay Bleyen (assistant to the Supreme Tribal Chief), ayuno Tulus (administrative officer) and members. The number of the MSI members depend on the consensus during the Timfada Limud based on the number of Fenuwo, Remfing Fenuwo and the tribal population.

INGED KASARIGAN (Inged Executive Body)

The Kasarigan is headed by the Timuay Kasarigan (Executive Chief) and Sungku Timuay Kasarigan (Deputy to the Executive Chief) to be elected in the Timfada Limud. They give direct supervise the different lines of work such as ADC; FM (livelihood); Fasandalan (local governance); Senrokoy Tulus (Finance); Kemamal Keadatan (spirituality and culture); Sensalinon (alliance and networks); civil society organization and Diyaga Fenuwo (defense and internal security).

FAGILIDAN (Inged Justices)

The center of leadership in territorial judicial work is the Fagilidan. It is headed by the Timuay Fagilidan (Chief Justice), the Sungku Timuay Fagilidan (Deputy to the Chief Justice) and the members. The number of members is determined by the scope and Teduray and Lambangian population under the TJG. They are selected by consensus during the Conference of the Kefedewan and fisaan erang (confirmed) during the Timfada Limud.

The Kefedewan are the administrators of Tiyawon (conflict settlement processes to give justice to TL citizens victims of ketete fedew (injustices).

REMFING FENUWO (cluster of villages)

The Remfing Fenuwo refers to a cluster of villages who voluntarily group themselves together for effective and efficient administration and delivery of social services. The powers and functions of the Remfing Fenuwo administrative bodies are similar to those of the Inged, except for the smaller territorial scope and population.

BAGLALAN FENUWO (Local Council of Chieftains)

The center of leadership in the Fenuwo level includes the Timuay as Chief Executive, Titay Bleyen, Tunggu Koyoran, Kasarigan and Tunggu Samfeton.

FRENUWO KASARIGAN (Fenuwo executive body)

The role of the Kasarigan in the Fenuwo has no difference to that of the Inged Kasarigan. Only the scope of the area where they serve makes them not in common.

SAMFETON (Fenuwo Justices)

The Samfeton are responsible in the administration of Tiyawon in the Fenuwo.

KITAB KEADATAN (tribal customary laws)

The body of laws implemented by the Baglalan in the TJG is the Kitab Keadatan. This has three major parts: 1st, the Ukit; 2nd, the Tegudon; and 3rd, the Dowoy.

Before, the Ukit, Tegudon and Dowoy are practice orally through the Baglalan down to the maginged (citizens). Today these laws are written and contained some amendments to conform to the present condition and needs of the tribe.

UKIT

The Ukit is the general guide followed by the whole community in performing societal activities. It is like the Constitution of a country/nation. This has a preamble and four chapters.

First Chapter: these are policies and principles followed by the Baglalan and constituents of the TJG and the views and concepts of a free, develop and peaceful society embodied here. The legal bases of institutionalizing TJG from the provisions of the Philippine Constitution and laws passed by Congress for Indigenous peoples are laid down as part of the changes at present.

Second Chapter: Common Provisions - here the provisions on the rights of every individual, the responsibilities of the leaders and citizens, territory and constituents under the TJG are laid down.

Third Chapter: the structure of governance - laid down here are the different formations of leadership from Inged (tribal territory) level, Remfing Fenuwo (village cluster) down to Fenuwo (village). Included are dispositions and means of performing particular role of leader either in Minted Sa Inged, Kasarigan, Kefedewan and the obligation of all in the Timfada Limud.

TEGUDON

The Tegudon is the detailed basis of day to day activities in implementing the Ukit. It has relation to land and community livelihood, leadership, culture, defense, justice and the development of the society. It is composed of five chapters.

First: signs (Tuladan) - in this Chapter all the material basis of principles and beliefs upheld by the Timuay system are discussed, such as; sacred wild dove (lemugen), stars (gitoon), venerable way (ferudi), commandment ordained by venerable chieftains (fituwa), and all indications on earth (fengintemenan).

Second: Man and Culture - discussed in this chapter are different types of Teduray and Lambangian residents, family and relations, youth and women, marriage, wedding, separation (divorce) celebration and festivities, forbidden (taboo), and death.

Third: property and source of livelihood - discussed in this chapter are land and livelihood, properties made by man, labor costing, income including means and policies on how to develop a community.

Fourth: Governance - discussed in this chapter are the laws, authorities and the masses, assemblies and how to maintain a free, develop and peaceful community.

Fifth: Justice – discussed in this chapter are all causes of conflict (lidu) or ill feelings and how to settle the conflict through the Tiyanan system.

DOWOY (Téduray and Lambangian penal laws)

All types of penalties and disciplinary actions are detailed in the Dowoy including the manner of execution and who execute the penalties.

COMPONENT PROGRAM:

1. Institutional Building:

Institutionalization of the Timuay Justice and Governance will undergo processes of reorganization; codification of the tribal laws such as Ukit (Constitution), Tégudon (Civil Code) and Dowoy (Penal Code); formulation of the program of governance, subject to the approval by the Timfada Limud or Tribal Congress.

2. TJG Program of Governance

The program of governance will revolve around the three major functions of the TJG: the Mintéd sa Ingéd (MSI) or Supreme Council of Chieftains and standing body of the Timfada Limud which is the highest organ of the Timuay system of governance; the Kasarigan or branch of governance that will take charge in all the TJG executive functions; and the Kéfédéwan or tribal functionaries that will take charge in the implementation of justice and conflict resolution.

1. INSTITUTIONAL BUILDING

1. Seat of the Tribal Governance

At present, the seat of the Timuay Justice and Governance is found at Mt. Bribud in Upi, Maguindanao. Its office is temporarily housed at a small building which serves also as monitoring center of a biodiversity conservation project funded by the UNDP Global Environment Facility - Small Grant Programme. The same building also houses a 10x 20 feet 3-dimension map of Upi.

Obviously, the the existing facilities are not adequate for effective and efficient tribal governance. There is a need to put up other buildings with adequate facilities. Moreover, there is a need to have a sub-office in Cotabato City, the seat of the Autonomous Region in Muslim Mindanao (ARMM).

2. Re-organizational Process

The TJG reorganization will undertake several activities starting from the codification of tribal laws; formulation of the program of governance and a call for the Timfada Limud or Tribal Congress, as agreed upon during the first Timfada Limud on 3-5 October 2002.

Today, there is an on going formation of inter-village leadership structures throughout the tribal territory.

3. Lobbying

After the next Timfada Limud, the new Baglalan will package the tribal customary laws and the program of governance and then endorse it to the National Commission on Indigenous Peoples for recognition/accreditation and ask for possible funding.

At present, TJG is negotiating with the regional Legislative Assembly of the ARMM for the inactment

of Teduray and Lambangian Customary law for self-governance.

2. PROGRAM OF GOVERNANCE

A. MINTED SA INGED

The Mintéd sa Ingéd or Supreme Council of Chieftains is the standing body of the Timfada Limud. It is the highest decision making body of the Timuay Justice and Governance when the Timfada Limud is not in session. It formulates policies and guidelines in the implementation of the customary laws and programs. It collectively supervises the implementation of the TJG programs through a committee system.

B. KASARIGAN

The Kasarigan is the Executive Body of the TJG. This is headed by the Timuay Kasarigan (Executive Chief) and the Sungku Timuay Kasarigan (Deputy to the Executive Chief) all elected in the Timfada Limud. They will directly supervise the implementation of programs in the different lines of work in the Kasarigan such as:

2.2.1. Ancestral Domain Claim (ADC)

The Téduray and Lambangian Ancestral Domain Claim is estimated at 250,000 hectares in Maguindanao and Sultan Kudarat provinces. Out of this, there is a pending petition of 201,850 hectares in Maguindanao province only.

Aside from following up the present petition, the lined up ancestral domain claims activities are as follows: tribal mapping which include tribal census, identification of area problems on land conflicts, ADC survey and land classification, delineation of the boundaries of the ancestral domain.

2.2.2. Faguyaga Magingéd (Chief of Community Livelihood Program)

The Faguyaga Magingéd includes Food Security programs such as upland and lowland organic rice production, permanent crop production such as coconut, fruit trees and tree planting; environment friendly handicraft item production such as weaving, wood curving etc.; timanan or cooperative building in consumer and lending services and development of transportation ranging from horses to motorize transportation.

2.2.3. Fasandalan (Local Governance Chief)

Since this is the beginning of the TJG institutionalization, there is a need to reorganize the tribal governance from the village level, village cluster to the Ingéd level in order to interface it with the present set-up and political subdivisions of the State within our ancestral territorial domain. After the organizational process, the Fasandalan will directly supervise the Baglalan in the clusters of villages and village level.

2.2.4. Sénrokoy Tulus (Chief of Resource Department)

The present system in revenue generation is complicated compared to the traditional system of merely collecting farm products during bountiful harvest in the past for the operation of tribal governance. Today, the operation of any institution is highly dependent on money and capital. This is the challenge we are about to face now: how to tap into the market economy while building upon our traditions of communal ownership of strategic resources, cooperative work, sharing and caring.

One of our programs therefore is geared towards the systematization of fund sourcing such as umun or taxation, TJG controlled IGP and negotiating for grant or aid from the government and other service institutions.

2.2.5. *Kémamal Kéadatan* (Spirituality and Culture Officer)

The KK play an important role in community building especially along the lines of culture, medicine, education and livelihood.

Our primary concern now at this early stage is the formulation of curriculum and graduated courses on spirituality in culture, spirituality in education, spirituality in health and spirituality in livelihood for its systematic implementation.

2.2.6. *Sectoral Work*

The sectoral formations within the tribal communities are classified into women and gender; youth and children and the laborers and workers group. These are the formations to be organized so that they can collectively participate in tribal governance and raise their own democratic demands to the appropriate bodies.

2.2.7. *Seayunon* (Alliance Building and Solidarity Work)

The first and foremost consideration in alliance building is the consolidation of an IP inter-tribal relationship in the country; IP to the Moro people and to the Filipino people as well. We are also actively moving into solidarity work and alliance building in the international community.

2.2.8. *Diyaga Fenuwo* (Defense and Internal Security Personnel)

Traditionally, defense and security is really for protection but this is the most abused term in the history of human development because it is always used as pretext in waging war against other people.

In contrast, our defense program is an active non-violent mechanism to protect and defend the domain, the people and all programs of tribal governance. This is a village based defense program to give high priority on the local initiative in solving internal security and defense problem.

High-level security measures are to be coordinated by the Baglalan with the State's security machinery to address security threats from external groups.

C. KÉFÉDÉWAN

The Kéfédéwan program is directed towards the systematization of the Tiyanan system (tribal judiciary process) in conflict resolutions and management through the formulation of graduated courses for the village and village clusters' justices; organizing of second liner tribal justice officers and resource generation for the operation of this office.

Present Engagement with the Government agencies and NGOs

1. Ancestral Domain Claim filed August 2005 at the Ancestral Domains Office (ADO) of the National Commission on Indigenous Peoples (NCIP) through the Office of Southern Cultural Communities (OSCC) in the Autonomous Region in Muslim Mindanao (ARMM): to date, we receive no formal response as to when is the delineation of our claims.

2. Biodiversity Conservation Project, 2005-2008: UNDP-GEF-SGP funded project in partnership with SENTRO, a Manila based NGO supportive of the IP struggle for self-governance and empowerment.
3. Peace Projects, 2006 - GRP-RPMM: twelve (12) barangays in Upi are given livelihood project through the Independent Secretariat of GRP-RPMM Peace Talks.
4. Community Access to Justice through Recognition of Indigenous Justice System, 2006: funded by the Asia Foundation and USAID in partnership with Lumad Development Center, Inc. (LDCi).
5. Restoration of Tribal Governance through Inter-tribal Cooperation, 2007: funded by the Netherlands Center for Indigenous Peoples (NCIV) in partnership with the Lumad Development Center, Inc. (LDCi).

Incoming TJG Major Activities:

1. TJG Timfada Limud, October 2008: this will be the second Tribal Congress since the codification of the customaries use by the Baglalan (leaders) in the operation of the Timuay Justice and Governance.
2. Plan to construct a building for the Timfada Limud that can accommodate 500 participants: there is a need to have a tribal convention center that can be used during large tribal gatherings conducted by the Timuay Justice and Governance within the ancestral domain area.

(The pictures are not reproduced here).