

philippinenbüro e.V. & Ökumenewerk der Nordkirche

# Indigenous Rights in the Philippines

Realities · Challenges · Struggle for Self-determination



## ABOUT THE PUBLISHERS

For almost four decades, the **philippinenbüro** has been advocating for social justice, human rights and solidarity in its socio-political education, public relations and advocacy work on the Philippines. Together with civil society actors from the Philippines and the Philippine diaspora in Germany, the **philippinenbüro** focuses on networking, information and political engagement that also holds German and European politicians and civil society accountable.

The **Ökumenewerk** or the Ecumenical Center of the Evangelical Lutheran Church of Northern Germany (ELCNG) shapes and promotes relations between the Nordkirche and churches and non-governmental organizations in Africa, Asia, North, Central and South America, Europe and the Pacific. Together with global partners, the center is committed to justice, peace and the integrity of creation. Since 2015, there has been cooperation with the Iglesia Filipina Independiente (IFI) in the Philippines, which is being intensified through ecumenical staff at the Seamen's Mission Hamburg, a voluntary exchange program and project funding.

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# Abbreviations

<b>BARMM</b>	Bangsamoro Autonomous Region of Muslim Mindanao	<b>MILF</b>	Moro Islamic Liberation Front
<b>CADT</b>	Certificate of Ancestral Domain Title	<b>MOA</b>	Memorandum of Agreement
<b>Dagsaw PGIPnet</b>	Dagsaw Panay Guimaras Indigenous People's Network	<b>NCIP</b>	National Commission on Indigenous Peoples
<b>DepEd</b>	Department of Education	<b>NIA</b>	National Irrigation Administration
<b>DSAC</b>	Diocesan Social Action Center	<b>NMIP</b>	Non-Moro Indigenous Peoples
<b>ELCNG</b>	Ecumenical Center of the Evangelical Lutheran Church of Northern Germany	<b>NPA</b>	New People's Army
<b>FFTMS</b>	Fr. Fausto Tentorio Memorial School Inc.	<b>NTF-ELCAC</b>	National Task Force to End Local Communist Armed Conflict
<b>forumZFD</b>	Forum ziviler Friedensdienst	<b>PITAHC</b>	Philippine Institute of Traditional and Alternative Health Care
<b>FPIC</b>	Free, Prior and Informed Consent	<b>SOS</b>	Save our Schools (SOS) Network
<b>ICC</b>	Indigenous Cultural Communities	<b>UN</b>	United Nations
<b>IFI</b>	Iglesia Filipina Independiente	<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>IP</b>	Indigenous Peoples	<b>UNDP</b>	United Nations Development Programme
<b>IPRA</b>	Indigenous Peoples' Rights Act of 1997	<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>JRPM</b>	Jalaur River for the People's Movement	<b>UNPFII</b>	United Nations Permanent Forum on Indigenous Issues
<b>LMPF</b>	Lumad Mindanao Peoples Federation		

# Foreword

The Philippines is a country very rich in terms of natural resources, biodiversity and species diversity both on land and underwater. This richness is mainly found in indigenous ancestral lands, i.e. indigenous territories that have been in the hands of indigenous people for generations, shaping their communities, culture and identity. In total, around 14 million indigenous people from 110 ethnolinguistic groups in Luzon, Visayas and Mindanao make up to 16% of the total population.<sup>1</sup> Historically and until the present, they face numerous forms of discrimination and marginalization and have an equally long history of resistance and self-empowerment. Despite their great wealth, indigenous communities are often among the hardest hit by poverty.

Like all other Philippine citizens, they have the right to education, healthcare and economic and political participation, but their access is restricted. Forms of self-empowerment, such as setting up their own schools, have been suppressed by the state with increasing violence since the mid-2010s. Although they have the enshrined right to decide freely on the development of their communities, all too often, they are deprived of this right and their land as well as resources are exploited for external interests. Many laws have been passed rather to protect nature from indigenous peoples than from corporate interest. Indigenous people are unjustly blamed for forest and marine depletion instead of the wider commerce that turned nature into commodities and creates the demand in forest and marine products. It is a twisted narrative that leaves corporations scott-free and indigenous people to struggle for survival.

Representatives of various Philippine organizations that work closely with indigenous communities or belong to the communities themselves have contributed to this brochure. Their articles shed light on the background to marginalization and the indigenous peoples' struggles for self-determination. The **philippinenbüro** has compiled and coordinated the articles on behalf of the Ecumenical Center of the Evangelical Lutheran Church of Northern Germany (ELCNG). The aim of this publication is to amplify the voices of indigenous communities in the Philippines in Europe and raise awareness to the major challenges they face. The struggles for their communities, culture, spirituality and ecological balance are not to be understood in isolation, but in the context of global warming as well as the hunt for resources for the economy, prosperity and

renewable energies, especially in the industrialized nations of Europe, the USA and East Asia.

When we discuss climate measures in Germany and Europe, we need to expose and end exploitative and repressive structures manifesting colonial continuities. The insistence on “business as usual”, on constant growth in countries of the Global North, including the context of energy transition and the required resources, has existential consequences for countries of the Global South, such as the Philippines. The Philippines is one of the countries in the world most threatened by the impacts of climate change, i.e. intensifying storms, losses in agriculture, rising sea levels, etc. Already marginalized groups, such as indigenous communities in the Philippines, bear the brunt without having measurably contributed to the causes of the climate crisis.

When Germany<sup>2</sup> and the European Union negotiate economic relations and free trade agreements<sup>3</sup> with the Philippines, in particular to “secure critical raw materials” such as nickel and copper for the expansion of renewable energies, they should not perpetuate injustice, further human rights violations and the destruction of indigenous communities. Instead, the protection of the rights of indigenous communities must have the highest priority and their participation must be ensured at all levels. Political responses need to go beyond the business-as-usual approach.

Therefore, we need people in civil society and politics, both in Europe and in the Philippines, who listen to indigenous communities and stand with them for their rights, not as an optional add-on, but as an integral part of diplomatic and, above all, economic relations. We hope that this brochure can motivate you to be part of it.

*For the **philippinenbüro**  
Mirjam Overhoff and Hannah Wolf*

# Executive Summary

## Executive Summary

Indigenous communities and civil society organizations have successfully fought for the recognition of indigenous peoples' rights for decades. The rights of indigenous communities are explicitly emphasized in many international agreements and in Philippine national law. Examples include the Paris Climate Agreement of 2015 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 at an international level and the Philippine Constitution of 1987 and the Indigenous Peoples' Rights Act (IPRA) of 1997 at a national level. However, despite their key role in the conservation of land, environment, climate, health, culture and natural resources, indigenous communities in the Philippines continue to be affected by severe marginalization and social injustice.

## The Right to Land

Land and ancestral domains are of great importance to indigenous communities providing roots for spirituality and culture. The communities have their own social and political structures, languages and economic practices. Ancestral lands are home to around 75% of the rich biodiversity and remaining forests.<sup>4</sup> Indigenous peoples' knowledge about the conservation of nature and their practices of sustainable use and management of resources have contributed significantly to the protection of biodiversity. According to the understanding of indigenous peoples, ancestral land cannot be sold or alienated. Nevertheless, in order for it to be (legally) protected, it must be recognized by the government or the National Commission on Indigenous Peoples (NCIP) in a defined procedure.

However, the ancestral lands are highly coveted due to their rich soil and water resources. They are often the target of supposed development projects, such as the construction of dams for energy generation or mining projects. The projects are promoted by the government, business representatives and foreign investors and primarily serve private, national or foreign interests. For the indigenous communities, these projects usually do not mean any great gain, but in many cases leave destruction behind. Communities are torn apart, relocated or pushed into cities, the

environment is damaged, sources of income are destroyed, cultural and spiritual places are disregarded. In some cases resistance to such projects is brutally stifled.

Under President Ferdinand Marcos Jr., the pressure on indigenous communities has intensified since 2022. Instead of listening to indigenous communities and recognizing their interests, President Marcos Jr. has turned to the economy, focusing on mining, renewable energy and infrastructure projects, many of which are located in indigenous territories. Meanwhile, profits remain low, even at national level. In 2021, for example, mining activities only accounted for a meagre 0.8% of the Philippines' gross domestic product. The number of mining projects, however, has steadily increased in recent years. With its rich deposits of nickel, cobalt and copper, the country is also of growing interest to European players, particularly in the context of the energy transition.

## The Right to Education and Health Care

The right to education and health care is often denied to indigenous people due to the lack of infrastructure. In order to achieve access to education, numerous indigenous communities have founded their own schools and had them recognized by the Department of Education. The schools were examples of self-empowerment and provided access to both systematic dissemination of indigenous knowledge and the national curriculum. Under former President Rodrigo Duterte (2016–2022), almost all 215 schools were forcibly closed under the accusation that the schools were training camps of the communist New People's Army (NPA)<sup>5</sup>.

For many indigenous people, the urban and western-style healthcare system is hardly accessible due to long distances and high costs. Instead, indigenous practices and healers often play a central role in providing health care and in fostering a balance between human life and nature. Ideally, traditional and Western medicine complement each other in their approaches and healing methods. Until now, however, indigenous healers and herbalists have rarely been recognized by the state and society in their role and their enormous wealth of knowledge. This is slowly changing.



## The Right to Participation and Protection from Violence

In order for indigenous communities to be able to participate in society and stand up for their rights, there needs to be space for civil society to act freely and protection from human rights violations is necessary. However, indigenous communities are among those especially affected by them. In President Marcos Jr.'s first year in office (2022–2023), Philippine environmental and human rights organizations counted around 45,070 people affected by human rights violations among indigenous communities alone, including intimidation, threats, fabricated charges, bombings, killings and enforced disappearances. This amounts to an increase of 62% compared to the previous year<sup>6</sup>.

Human rights violations against indigenous people are not only committed in the enforcement of large-scale projects, but also in the context of national counterinsurgency. The Philippine government and the NPA have been fighting each other in an armed conflict for 55 years. Forms of self-empowerment, peaceful resistance and critical engagement by civilians and civil society actors are vilified as anti-state in the context of national counterinsurgency against the NPA. The much-criticized National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) plays a central role in this. Launched in 2018 under President Duterte, the NTF-ELCAC systematically targeted civil society actors and indigenous communities, accusing them of being members or supporters of the NPA. Yet, President Marcos Jr. has neither held the task force accountable nor disbanded it.

In 2016 church representatives of the Iglesia Filipina Independiente (IFI) therefore launched the Pink Vested Advocates program together with indigenous communities. Members of the church accompanied indigenous people in order to raise awareness as external witnesses, to demonstrate solidarity, and to document and prevent human rights violations.

However, indigenous participation in society also means access to political decision-making bodies and local legislative councils. Figures on the extent to which these legal requirements have been met are unknown. The struggle for recognition of the non-Moro indigenous com-

munities in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) represents a special situation. Due to their distinct location within the BARMM, they are excluded from the protection of rights guaranteed to other indigenous communities in the Philippines and run the risk of being further marginalized due to their position as a “second-order minority” in the autonomous region.

## 1. Right to Land

# Land, Life and Development Aggression – The Struggle of the Tumandok

Land is life to the indigenous people, like the Tumandok on the island of Panay. Government driven projects like dams suggest development but benefit only selected people and areas, disregarding the ancestral domain, rights, and integrity of indigenous peoples.

### A Native, One Who Belongs to a Place

The Tumandok people or the Panay Bukidnon<sup>i</sup> (translated: of the mountain) in Panay Island are among the 110 ethno-linguistic groups<sup>7</sup> in the Philippines. The term Tumandok is a self-ascription, which means, “a native, one who belongs to a place” in the local language Hiligaynon and is used by indigenous communities along the Jalaur and Pan-ay rivers. The Tumandok’s rich cultural heritage is manifested in language, cultural forms as well as indigenous political structures. They practice regenerative and rotational farming, also known as “slash-and-burn farming” or *kaingin* mainly planting heirloom rice varieties without the need of fertilizers. In recent years rice paddies and diversified cropping have become more popular.

The customary territories of the Tumandok are known and recognized as ancestral domain. The ancestral domain of the Tumandok is home to their communities, livelihood and burial grounds and is located in the mountainous area along the borders of the provinces of Aklan, Capiz and Iloilo.

<sup>i</sup> The term Panay Bukidnon was provided by the National Commission on Indigenous Peoples (NCIP) but is perceived as a derogatory term by the concerned indigenous peoples. Their self-ascribed names are Jalaudnon, Akeanon, Panayanon and Iraynon. Their self-ascribed collectivized term is Tumandok.

### Turning Ancestral Land into a Military Reservation

In 1962, President Diosdado Macapagal declared the 33,310 hectares of the Tumandok people’s ancestral land as a military reservation.<sup>8</sup> Twenty-three villages of Jamindan and Tapaz town, Capiz subsequently became the headquarters of the Philippine Army’s 3rd Infantry Division. The military began to impose land rents called *tomado* which obliged the indigenous farmers to pay two sacks of rice for every sack planted until the practice was abolished in the 1970s.<sup>9</sup> When the Tumandok organized themselves to preserve and develop their communities, to improve their production, to further education and literacy, health and sanitation as well as to resist the military’s intimidation, they were labeled as rebels and terrorists. In the past six decades government forces repeatedly attacked the Tumandok, militarized their communities, burned houses, injured and even killed some of their members. “The government that had recognized them as indigenous people with unique and distinct cultural heritage was [and still is] the same government that is attempting to drive them away from their ancestral domain”.<sup>10</sup>

### The Construction of a Dam

In 2009, the National Irrigation Administration (NIA) started planning a 109-meter dam, submerging large parts of the ancestral domain that was certified in 2004, as part of the Jalaur River Multipurpose Project Stage 2 (JRMP2) to be funded by the Korean Export-Import (Exim) Bank. A new threat to the land, rights and integrity as Tumandok had emerged, yet largely unnoticed. The dam, intended to provide drinking water, electricity, and irrigation especially for lowlanders and nearby cities. It threatened to submerge





*Indigenous ancestral domain in Tapaz at the border to Calinog where the Jalaur dam is being built. (Photo: Hannah Wolf)*

nine indigenous communities, three of them completely. According to the Indigenous Peoples' Rights Act of 1997, relocation of indigenous people and access to biological resources within the ancestral domain require the free, prior, and informed consent (FPIC) of the concerned communities. Yet, the Tumandok only gained knowledge about the proposed project, when NIA submitted its final feasibility study to the Exim Bank in 2011. "The [people's organization] *Tumanduk* [(Indigenous Farmers in Defense of Land and Life)] complained that the consent of the communities to be affected was forced and manipulated, in violation of the principle of free, prior and informed consent which requires proper consultation to get the genuine sentiment of the communities"<sup>11</sup>.

## The Tumandok's Fight for Their Land

In 2012, the people's organization *Tumanduk* and the communities embarked on a decade-long campaign against the construction of the dam. In 2013, the alliance Jalaur River for the People's Movement (JRPMP) was organized to gather advocates for the Tumandok people's struggle against the dam. Together, the Tumandok and JRPMP launched a series of mass protests, policy lobby work, and international advocacy work which delayed the construction of the dam for eight years. One of the indigenous leaders, Nestor Castor, said: "This land had been ours way before the Spanish colonizers. We will not allow outsiders to drive us away so that they will become the natives and we will become the outsiders." In disregard of the protest and in violation



### Free, Prior and Informed Consent (FPIC)

The rights of the indigenous people over their ancestral domains are being guaranteed by the Philippine constitution of 1987 as well as by the Indigenous Peoples' Rights Act (IPRA). The latter provides the Free, Prior and Informed Consent or FPIC as mechanism for indigenous communities to decide for themselves about priorities for their communities' development. The IPRA prohibits the Philippine government and its agencies to issue any land rights in form of licenses, leases, concessions or production sharing agreements that overlap with ancestral domains without the FPIC. Under the IPRA the FPIC is defined as "The consensus of all members of the ICC [Indigenous Cultural Communities]/IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the plan/program/project/activity, in a language and process understandable to the community. The FPIC is given by the concerned ICCs/IPs upon the signing of the Memorandum of Agreement (MOA) containing the conditions/requirements, benefits as well as penalties of agreeing parties as basis for the consent." The NCIP has the obligation to ensure the FPIC as process in which indigenous people undertake their own and independent collective decisions on matters that affect them. Commendable in theory, the FPIC process is often being abused in practice to ensure consent rather than to enter open-ended consultations in which indigenous people can freely decide without the fear of reprisals, including the option of non-consent.<sup>12</sup> The government plans to revise the FPIC guidelines in a way which in the eyes of indigenous peoples and civil society organizations is an attempt to water down the existing rules and to prioritize contested development over the rights of indigenous people.<sup>13</sup>



*Eliseo Gayas, one of the nine Tumandok leaders who were killed on December 30, 2020. (Photo: Hannah Wolf)*

of the vested rights of the Tumandok, the construction of the Jalaur dam nevertheless started in 2019. And in 2024 President Ferdinand Marcos Jr. eventually inaugurated the Jalaur Dam Mega Project, which is expected to become operational by mid-2025.

### The Government's Effort to Silence the Tumandok

However, nobody would have been able to imagine the catastrophe that awaited the Tumandok communities on December 30, 2020, when joint police and military forces entered six of their communities at dawn. Within a few hours, they tortured and massacred nine indigenous leaders in the presence of their families while they incarcerated 16 Tumandoks. Thanks to the efforts of relatives, lawyers, progressive organizations and the church all 16 were released within the following months. Deep scars remain as the communities struggle to survive.





*Coffee roasting in the sun, vegetable and banana cultivation. (Photo: Hannah Wolf)*

The gruesome massacre was seen as the government's effort to intimidate and silence the Tumandok people, as yet another project was about to commence, this time the more costly mega-dam at the Pan-ay River. Up to this date, the Philippine Army did not leave the affected communities. Instead, they set up detachments, regularly conduct military operations, and continue to terrorize the residents, threatening them with a repeat of the December 30 massacre should they continue to protest or connect with other progressive organizations and indigenous advocates.

The case of the Tumandok is an example for many indigenous communities in the Philippines whose rights are being violated in the name of contested "development" and "peace and order". For most right violations impunity prevails.

## The Authors

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**Hannah Wolf** is working for the **philippinenbüro** as an education officer and deputy director since 2018. She has been working in the human rights sector in the Philippines for several years and worked for Caritas Luxembourg in disaster rehabilitation in Panay from 2015-2017. There, she also worked with the Tumandok in Tapaz, Capiz. She has published on extrajudicial killings, the judicial system, rural communities, genetically modified agriculture and human rights.



# The Forgotten Frontlines of Climate Change and Resource Extraction



*A Mangyan woman in her swidden, regenerational farm.  
(Photo: Fr. Edwin Gariguez)*

**The climate crisis especially affects Philippine indigenous communities and aggravates already existing struggles for survival of their lives, cultural identity, and spirituality. Lessons can be drawn from their values and victorious struggles in defense of their land.**

## Effects of the Climate Crisis on Indigenous Communities

Indigenous peoples in the Philippines are one of the major sectors being negatively affected by the worsening climate crisis. Even if they contributed the least to the ecological

catastrophe, they find themselves disproportionately bearing the brunt of climate impacts: loss of lives, displacements, and disruptions of livelihoods due to massive flooding or prolonged droughts.

Most of the indigenous peoples have been driven to the mountain areas with forest ecosystems: In the early part of their history, the experience of poverty was non-existent, and simply unimaginable because their habitat used to provide the indigenous communities with everything needed. Nowadays, due to extreme weather events, the rain-fed swidden farms are rendered unproductive and no longer practicable due to prolonged drought. Hence, traditional farming patterns are disrupted leading to crop failures, reduced agricultural productivity, food insecurity and ever-worsening poverty, marginalization and exclusion.

## From Abundance of Nature to Existential Threats

The Mangyans are the indigenous inhabitants of the interior of the island Mindoro (Luzon). According to a Mangyan elder “ang bundok ay salalayang buhay, ang pagkasira ng kalikasan ay tiyak na maghahatid sa atin ng kamatayan” (the forest ecosystem is our life source, when nature is destroyed, it will surely mean death to us).

For indigenous communities “land is life” and this requires a healthy ecosystem. With climate-change induced ecosystem damage and biodiversity loss, it further worsens the loss of food sources and impacts the lives of indigenous peoples. An indigenous elder concludes: “Dati-rati mayaman ang lupa, binubuhay kami ng gubat, sagana ang pagkain. Ngunitngayon, nararamdamannatinanggantingkalikasan-pinagkakaitan tayo ng ani, dahil ginagalit natin siya.” (Before, land is productive, the forest sustains us with life, food is abundant. But now, what we are experiencing is the



*A Mangyan community meeting discussing the topic of disaster and climate change. (Photo: Fr. Edwin Gariguez)*

vengeance of nature – we are being deprived of harvest, because we caused her to get angry). Even though the Paris Agreement underlines the importance<sup>14</sup> of ecosystems and biodiversity conservation in addressing climate change, the lands of indigenous people are severely threatened.

## Extractive Industries Threatening Indigenous People's Rights

Ecosystem damage and biodiversity loss in indigenous lands are also fueled by commercial logging, agricultural expansion, and the extractive industry or the transnational large-scale mining. Accelerated by the growth in the global economy, the ecological and social balance is severely threatened. Mining operation normally involves large tracks of land, mostly located in the environmentally fragile forest-ecosystems. When the Philippine government directed its policy towards liberalizing the mining industry, applications of transnational corporations kept pouring in. The targeted mineral rich areas are mostly inhabited by indigenous communities – around 53% of the large-scale mining applications overlap with ancestral domain claims of indigenous people.<sup>15</sup>

Large-scale mining causes environmental damage and displacement that is simply catastrophic. Indigenous people are being uprooted from their homes, communities are being divided, livelihoods vanish, and the relationship to the spirit of the land, the forests, and the rivers is being disrupted or even destroyed.<sup>16</sup> The detrimental effects of

mining on indigenous communities and their economic, social, and cultural rights as well as the greenhouse gas emissions of this sector clearly puts into question its purported role as engine of economic growth and social development in the country. Instead, the impact of climate change to rural communities magnifies the adversities that the communities and its people are already suffering from opposing mining operations in their areas, such as harassment, dislocation, and further human rights violations from state and non-state forces.

## Resistance and Resilience

In the face of potential ecological devastation and threats to their way of life, the indigenous people of Mindoro, supported by the church and civil society organizations, mobilized their ranks for sustained advocacy campaigns to oppose large-scale mining in their ancestral lands. Through a decade of sustained activism, culminating in the 11-day hunger strike 2009 before the government environmental office, the community successfully halted the nickel mining project.<sup>17</sup> This victory underscores the significance of community-led environmental campaign, appreciated both in national and international fora. It is an inspiring example for similar struggles nationwide. One of the Mangyan women-leaders named Badang expressed that “once the forest is destroyed, we too will perish.”

The consciousness to the sacred relationship that humanity has with the earth is deeply enshrined in the very fabric of indigenous peoples' cultural expressions and spiritual experiences. Now more than ever, it becomes imperative to acknowledge the wisdom of indigenous values and tradition and to transform our prevailing anthropocentric, materialist and overly consumerist framework and mindset as well as to promote an alternative vision towards sustainable well-being of the earth.

### The Author

**Edwin A. Gariguez** is a Catholic priest, and former executive secretary of Caritas Philippines (2010-2020). Presently, he is serving as Executive Director for Diocesan Social Action Center (DSAC) of the Apostolic Vicariate of Calapan and concurrently serves as Development Program Support Coordinator for the Mangyan Mission, while teaching Ecological Philosophy at St. Augustine College Seminary in the province of Oriental Mindoro.



# “Seven Generations Ahead”



Vicky Tauli-Corpuz. (Photo: Gebhard Körte)

**Vicky Tauli-Corpuz, herself a member of the Kankana-ey Igorot and former UN Special Rapporteur on the Rights of Indigenous Peoples, talks about participation and the practice of applying legal regulations to protect indigenous peoples in the Philippines. In the Cordillera, northern Luzon, Igorots are the population majority. The various Igorot groups are trying to assert their languages, rituals, values, knowledge and their own systems of governance against discrimination and systemic marginalization.**

Are indigenous leaders' part of existing local government structures in the Cordilleras?

Indigenous and state structures have existed side by side for a long time. In addition to local *barangay*<sup>i</sup> system and municipal government, there is also the tribal council of

<sup>i</sup> A *barangay* is the smallest territorial and administrative unit at the lowest level of local government in the Philippines. A *barangay* is comparable to a village, district or quarter.

elders. Many indigenous peoples perceive that it is the traditional leaders with their extensive knowledge who really know their culture and on this basis resolve conflicts, manage the community and conserve their natural resources. On the state side, indigenous groups are confronted with many conflicting laws and policies. One example is the Philippine Mining Act, which contradicts the IPRA. At the local political level, however, the respective positions of power and relationships are decisive for cooperation.

The IPRA was adopted in the Philippines in 1997. This law allows indigenous peoples to apply for title to ancestral lands. The law states that their consent has to be obtained before a project of any kind is implemented. Many parts of the law are used by the indigenous peoples themselves.

## National Commission on Indigenous Peoples (NCIP)

The NCIP was created through the Indigenous Peoples' Rights Act of 1997 (IPRA) and it is attached to the Office of the President. The NCIP has the mandate to “protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs and institutions.”<sup>20</sup> It is composed of seven commissioners belonging to ICCs/IPs. At least two of the seven members have to be women and two must be members of the Philippine Bar. The NCIP decides on Certificates of Ancestral Land/ Domain Titles. It must ensure that the FPIC is being observed and can issue certification as a pre-condition for e.g. corporations to utilize any part or portion of ancestral domains. Often, the NCIP is being criticized for prioritizing the interest of the state and corporations rather than protecting the interest of the indigenous communities. Indigenous communities affected by so-called development projects report not having been (properly) consulted as legally prescribed, that they were denied full access to information, did not choose their representatives themselves, or were coerced to agree to a project in their lands.<sup>21</sup>





*The home of the Igorot is in the Cordillera in Northern Luzon. (Photo: Gebhard Körte)*

They can choose a legally mandated representative of the indigenous people to be part of the council, from village level to municipal and provincial level. This kind of representation is now officially recognized.

#### **Is the FPIC process being followed?**

In most cases, the state is following its own interests and those of the economy. It is currently pushing for the construction of the GENED dams<sup>18</sup> and trying to expand mining in Benguet<sup>19</sup>. Recently, Tebtebba had visitors from a community whose FPIC approval was not obtained for the implementation of a major project.

FPIC is a very good part of the IPRA, but there are difficulties with its implementation. There are numerous distortions because the NCIP does not have a sufficient budget for its own field-based investigations to determine whether consent for construction projects (e.g. mining, dam or infrastructure projects) has been obtained from indigenous residents – unfortunately, the NCIP is also dependent on money from project developers. In some cases, the mining company bribes officials of the commission. Because of such incidents, Tebtebba tries to monitor these places to ensure that the FPIC process is followed. So, if we find a situation where people claim that they have not given their consent, we can at least officially complain about it. As with any law, implementation is the problem, because there are corrupt individuals in the departments, but also very unscrupulous actors such as the companies themselves.

#### **How do you view the NCIP in the Cordillera region?**

Many NCIP employees are Igorot. We therefore make them aware of their responsibility because they often protect the state's interests more than the indigenous peoples' rights. The NCIP as an institution only has limited budgets; these are just enough for salaries, but not for daily operations. The lack of resources is systematic, as it means that the NCIP employees' hands are sometimes tied, and they are unable to fulfill their tasks. At the same time, it is annoying because the NCIP is required to educate other agencies on the rights of indigenous peoples. For instance, whenever we go to an event organized by the Ministry of Environment, we don't meet the NCIP, even though they were invited. From my perspective, this kind of non-attendance destroys the reputation of the NCIP, which is why we regularly criticize them and hope that things will change. This kind of behavior by the NCIP is deliberate on the part of the state in order to significantly undermine both the potential in terms of protecting indigenous rights and the proper implementation of IPRA.

#### **Are you optimistic that dialogue and negotiations will lead to agreements between indigenous groups and the national and local government?**

Definitely, you can also negotiate on the basis of your own strength. It is important to strive for inclusive participation, democratic consultations with indirectly and directly impacted people and to decide what happens in indigenous communities. Nowadays, there are more and more oppor-

## Indigenous Peoples' Rights Act of 1997 (IPRA)

The IPRA was passed in 1997 intended to protect the rights of indigenous people and their ancestral domain. The law substantiating the rights of indigenous people enshrined in the Philippine constitution of 1987. It provides that indigenous cultural communities (ICC) and indigenous peoples (IP) have a decisive role in all activities pertinent to identifying and delineating ancestral domains. As the indigenous concept of ownership generally holds, ancestral domains are the ICCs/IPs private but community property, which belongs to all generations and thus, cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights. The IPRA for instance guarantees (a) the right of ownership over lands, bodies of water traditionally and actually occupied by them, sacred places, traditional hunting and fishing grounds, and improvements introduced thereon; (b) the right to develop lands and natural resources, subject to preexisting property

rights within the ancestral domains; (c) the right to stay in their territories, except when they have given their free and prior informed consent, and subject to the Philippines' power of eminent domain; (d) the right to be resettled in suitable areas should they be displaced through natural catastrophes; (e) the right to regulate entry of migrants; (f) the right to safe and clean air and water; (g) the right to claim parts of reservations; and (h) the right to resolve land conflicts in accordance with the customary laws of the area where the land is located. ICCs and IPs occupying an ancestral domain covered by a Certificate of Ancestral Domain Title (CADT) shall be responsible for: maintaining ecological balance by protecting the flora and fauna, watershed areas, and other reserves. The law is considered as very advanced in the protection of indigenous rights while its implementation remains problematic.<sup>2,2</sup>

tunities for dialogue during the implementation of projects, and various aspects – research to establish proper evidence, environmental impact assessment, human rights impact assessment, et cetera – can be demanded by the authorities. We can use these various instruments to really involve local people who are participating in the process.

I am from the Mountain Province, and there was a company that explored our gold deposits and announced that we have high-grade gold ore. They tried to encourage the people to allow the opening of a mine. Our elders and the municipal officers were against it. We all saw the example of the Benguet gold mine, and we saw buildings collapsing, the area was being destroyed. So why should we get involved in a new gold mine? In the end, the company wasn't able to realize the project.

It is important that the indigenous government systems and the government work together, not just for the benefit of the present generation, but also for future generations. With any decision you make, you have to think about what impact it will have on the next seven generations ahead. So that you know when you die, you haven't left a community in a much worse situation than when you were born.

**The interview has been shortened and edited for readability.**

## The Interview Partner

**Victoria Tauli-Corpuz** is an indigenous leader of the Kankana-ey Igorot in the Cordilleras and founder as well as director of the organization Tebtebba. From 2005 to 2010, she chaired the United Nations Permanent Forum on Indigenous Issues (UNPFII) and was actively involved in the negotiations and adoption of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) in 2007. From 2014 to 2020, she was UN Special Rapporteur on the Rights of Indigenous Peoples.

## The Author

**Gebhard Körte** is a freelance educational consultant and board member of **philippinenbüro** e.V. From 1986 to 1994, he was based as a foreign correspondent in the Philippines and subsequently became editor of südost-asien informationen. From 2013 to 2016, he worked as a peace consultant with indigenous peoples in Mindanao.

## 2. Right to Education and Health Care

# Indigenous Schools in Southern Mindanao

**Seeking the realization of the right to education in marginalized indigenous communities in Southern Mindanao, churches and indigenous people established three schools in Arakan and Magpet (communities in the Province of Cotabato, Mindanao). The schools promoted indigenous knowledge, skills and other aspects of cultural heritage. As such they were falsely red tagged, the communities were harassed and the schools closed.**

### Quality Education as Means of Peaceful Empowerment

“Kinahanglan sa akong tribo ang tulunghaan nga muedukar sa among mga kabataan aron sila makahibalo sa pagpanalipod sa among yutang kabilin ug sa ilang mga katungod isip tribo ug isip tawo.” (My tribe needs a school that would educate our children so that they will be able to defend our ancestral land and their rights as indigenous and as people). This was the firm belief of Datu Mambiling Ansabo, an indigenous peoples leader of Magpet and Arakan who surrendered to authorities after years of taking up arms against the land grabbing of his people’s ancestral lands of Magpet and Arakan (Cotabato Province, Mindanao).

Before facing the legal charges against him, Datu Mambiling went to see the Arakan parish priests Fr. Fausto and Fr. Peter Geremia and called for the establishment of a school to benefit the Tinananon-Kulamanon Manobo children. Datu Mambiling saw the lack of education and lack of legal knowledge as gateway to the abuse and land grabbing by powerful people. In Visayan he stressed: “Dili nako gusto nga ang among kabataan mangitag hustisya sa kabukiran kon sila daugdaugon ug ilugan sa among kayutaan. Dili nako gusto nga murebelde sila sama nako busa.” (I do not want that our children will look for justice in the mountains if they will be abused and our lands will be taken. I don’t

want them to rebel and follow my footsteps in hiding). Three schools for indigenous children were established in Arakan and Magpet. The schools became known as the Fr. Fausto Tentorio Memorial School Inc. (FFTMS).

### Legal Protection of the Right to Education

Fundamental rights of every child to education are enshrined in the United Nations Convention on the Rights of the Child (UNCRC) signed by 196 countries including the Philippines. The 1987 Philippine Constitution provides to protect and promote the right of all citizens to quality education and shall take appropriate steps to make education accessible to all. To indigenous people, education is born from the practices of their ancestors and rooted in the life and culture of their lands. Indigenous education is key to keeping children and youth grounded in their unique cultures, customs and tradition. It is responsive to their context, respects their identities, and promotes their indigenous knowledge, skills and other aspects of their cultural heritage. This is also acknowledged by the UNDRIP<sup>23</sup>.

In the mainstream education, indigenous people however often face discrimination, marginalization and exclusion. The three communities in Arakan and Magpet, neglected by the Department of Education (DepEd), called for the establishment of schools to cope with this exclusion and to offer their children means of intellectual growth, empowerment and community building. The FFTMS faithfully adhered to the DepEd’s curriculum and Indigenous Peoples Education guidelines. Their curricula generally consist of programs in literacy, mathematics, science, social science, technology and livelihood education, sustainable agriculture, indigenous arts and culture.<sup>24</sup> Additionally, the FFTMS provided the children and teachers with free uniforms, school supplies, teaching materials, free tuition,





*Fr. Fausto Memorial School Inc. in Barangay Mahongcog, Magpet. (Photo: Patrice Amor)*

and a cooked lunch. “Parents did not need to worry for the food of their children because [...] they all ate together”, Jay<sup>i</sup> said, an indigenous teacher who had taught the children from the founding of the FFTMS until its closure in 2022.

## Turning Tides: The Arrival of State Security Forces

When President Rodrigo Duterte (2016–2022) headed the country, he first entered peace talks with communist groups, but the talks broke down in late 2017. The President then presented a “whole of nation approach” to combat the communist insurgency and formed the NTF-ELCAC<sup>25</sup> in 2018. This approach led to an immediate rise of accusations and vilifications against non-government organizations, schools, and individuals vocal in political, social and com-

<sup>i</sup> All names in this chapter have been used as pseudonyms for security reasons.

### Lumad

There are about 14 to 17 million indigenous people in the Philippines, belonging to 110 ethno-linguistic groups, according to a study by the United Nations Development Programme (UNDP). 61% of the indigenous people are Lumads. The term Lumad is a Cebuano Bisayan term and means ‘native’, ‘natural born citizen’, or ‘born of the earth’. Over the years, the term has been used by 18 ethno-linguistic groups of indigenous peoples in Mindanao as a self-ascribed category to rally their cause in the struggle to attain rights to ancestral domains and self-determination. Representatives from 15 of the 18 tribes agreed to adopt a common name at the Lumad Mindanao Peoples Federation (LMPF) founding assembly in June 1986. This was the first time that these indigenous groups have agreed to a common name for themselves, distinct from the Moros and different from the Christian majority.<sup>27</sup>

## Red-Tagging

Red-Tagging is a long-existing strategy and practice in the Philippines originating from the US-War on Terror. Civil society actors, workers, farmers, human rights defenders, social workers, indigenous people, teachers, politicians, and civilians in conflict areas, are falsely labelled as members or supporters of the communist insurgency, the New People's Army, as enemies of the state or terrorists. The practice is part of the counter-insurgency campaign of the government whose institutions or representatives target individuals and organizations with public vilification or even fabricated legal charges. These public vilifications have often served to legitimize surveillance, intimidations, illegal arrests, disappearances and even killings by state security or para-military forces. Red-tagging therefore spreads a climate of fear in the attempt to silence unwanted criticism and peaceful advocacy for human rights.<sup>28</sup>



*School building in Kidapawan. (Photo: Dieter Zabel)*

community work to be supporters of the NPA. The three communities of the FFTMS schools were targeted and became militarized. Military stayed in the community. Parents, teachers, students, and barangay officials were subjected to questioning. Amalia, one of the teachers, invited the military to come and observe the teaching to prove that it was in line with the DepEd. Instead of following the invitation, the unfounded suspicions and harassments continued.

The military urged the teachers and students to either leave the schools or transfer. And the barangay officials who established the schools were made to support the closure in October 2022. “There was a very heavy pressure [at the barangay officials] because under [NTF]-ELCAC, they should be subservient to the military or else they will be branded as NPA supporters” Judy said, a parent. The military’s presence had affected the whole community. Xavier, a teacher, recalls: “It is [the FFTMS] where I experienced the real essence of free education. [...] When the closure was announced due to military pressure, parents, students and [...] teachers, really cried and find it hard to accept.”

The children’s rights group, Save Our Schools (SOS) Network reported that between July 2016 and December 2019, 162 schools were closed by the government, affecting over 4,792 children.<sup>26</sup> Ocín, one of the students, said: “Mga NPA man bala ila ginalagas. Ngaa nga kami man iya nga mga estudyante ila initan? Ngaa mga ginikanan kag mga maestra man namon ila sige ka init nga indi man kami mga NPA?”

(They are running after NPAs. Why are they hitting us students? Why is it that our parents and teachers are the ones to suffer the brunt when we are not NPA’s?)

## The Author

**Patrice Amor** is a pseudonym used for security reasons. The author has been campaigning for the rights of indigenous peoples in Mindanao for many years.



# The Babaylanes: Protection of Indigenous Knowledge

The babaylanes and their role of indigenous medical and healing knowledge passed on for generations is seldom recognized as important contribution to public health. Yet, indigenous practices play an important role not only in healing but in keeping life and nature in balance.

## Healing as Ritual: The Living Repositories of Traditional Knowledge

The *bayan* or *babaylan* in the Philippines are shrouded in myths and mysticism, and they play important, and changing, roles in public health. Most rural and indigenous households have a wealth of folk knowledge when treating common, everyday illnesses. But when the illness is deemed serious, or when people feel the need for more specialist knowledge, they visit the babaylan.

Also called *balyan*, *catalanon*, or *kagun*, a babaylan is usually a woman, and her role goes beyond being an anonymous and informal primary health care provider, herbalist, and midwife; she is also a consoler, therapist, counsellor, social worker, and most importantly, the medium to the spirit world. In folk belief, everything that happens is attributable to an *anito* (spirit) of some kind, benevolent or malevolent, who roam the world. *Anitos* are called upon, through the babaylan, for gratitude, for blessings and protection or to plead for mercy in cases of illness, droughts, or pestilence. Healing among indigenous communities remains spiritual, like a religious ritual. Hence, the babaylan is not only a healer, but also often a priestess and moral compass.

## Western Versus Traditional Medicine

When treating an illness, a medical doctor trained in Western medicine would ask *what* the biological or physical cause may be. A babaylan, on the other hand, would ask *why* an illness happened – a critical difference in diagnostic approach. Most common are babaylanes asking whether a



Higaonon Babaylan Mary at work. (Photo: Mirjam Overhoff)

transgression has been made, and if so, ascertaining who or which *anito* was slighted or angered.

But babaylanes are most sensitive to earthly contexts too, like when they attribute certain illnesses to a disturbance in the environment, like pollution that can be traced to mining or the overuse of chemical pesticides. As anthropologist Brian Goldsmith<sup>29</sup> asserts, it is a mistake to think traditional healers are limited to ritual or magico-religious curing since they follow rational procedures too and base their application of certain cures on empirical observation.



Babaylanes know there is common ground shared with Western medicine. Take the case observed by public health researchers among upland Aetas in Bataan (Luzon) in 2014, for example. A boy with severe stomach pains was brought by his parents to the nearest *kagun* (the Aeta term for healer). A *pangangagun* (healing) ritual was performed. During the ritual, the *kagun* said the anito had told her that the boy should be brought immediately to a hospital, because anitos could not bring instant relief to this kind of intense pain. At the hospital, the boy was diagnosed with appendicitis. As the boy underwent appendectomy, the parents were confident he would survive because they brought him to the *kagun* ritual first<sup>30</sup>.

Indigenous communities and their baybaylanes keep and maintain forest ‘pharmacies’. The Aetas of Bataan were observed to take Western medicine (paracetamol, topical ointments, and others) for the treatment of common illnesses like fever, cough, colds, and itches. But they also use *pulot* (honey), *talbos ng bayabas* (sprouting guava leaves), *tawas* (alum), or *bawang* (garlic), and ensure that they have enough supplies.

Another study of medicinal trees in the hinterlands of Agusan del Sur (Mindanao) listed the most important varieties of trees that are conserved and protected by *Manobo* and *Higaonon* communities<sup>31</sup>. They keep, for example,

- *Mangga* (mango) as a source of treatment for constipation, cough, diarrhea, and stomach troubles;
- *Abihid* (hog plum) to cure colds, cough, diabetes, and fever;
- *Guyabano* (soursop) for treating urinary tract infection and even cancer;
- *Huling huling* (areca palm) for breast cancer, arthritis, asthma, diarrhea, and hypertension.

In total, the study documented 43 trees that were specifically mentioned by *Manobo* and *Higaonon* families as their sources of medicines and cures for various types of ailments. This care to keep trees for medicinal purposes strengthens the indigenous peoples’ integral roles as guardians of their ancestral territories.

## A Disappearing National Treasure?

To date, babaylanes are generally still regarded in urban society as unscientific, esoteric oddities, wrapped in superstition and primitive beliefs, rather than appreciated as still-to-be-understood animators of life worlds that keep life and nature’s balance. The immense knowledge they have as herbalist has only begun to be systematically documented in academic journals. They remain invisible even



*Production of a healing ointment. (Photo: Hannah Wolf)*

in a progressive document like the IPRA of 1997. The role they can play in public health programs remains unappreciated.

Creating an accreditation system for acupuncturists, chiropractors, naturopaths, and homoeopaths through the Philippine Institute of Traditional and Alternative Health Care (PITAHC) reflects a growing recognition of alternative medicine. It has also funded research into traditional health practices and medicines in indigenous communities so they can be documented and better understood. This is a step in the right direction.

## The Author

**Eric D. U. Gutierrez** is currently a Research Fellow on Political Ecology and Agrarian Studies. Until March 2026 he will be doing field work in southern Palawan to document the impact of encroaching modernization on lowland and upland food security and local economic diversification.

### 3. Right to Participation and Protection from Violence

## Pink Vested Advocates: Ministry of Presence Amidst Violence

**In the face of widespread harassment and violence from state and non-state actors against indigenous Lumad communities in Mindanao, the Philippine Independent Church or the Iglesia Filipina Independiente and affected communities established a solidarity and protection program to keep the Lumads safe.**

#### The Birth of the IFI Accompaniment Program

“Instead of linking arms with the Lumads, our hands are holding phones, pens, and papers to record everything during confrontation and violence.” I learned this when I first volunteered to join the IFI – Mindanao Bishops Conference’s Lumad Accompaniment Program.

The program provided support in preventing or reducing violence in the community at risk through the presence of church people. The Lumads had long been affected by armed conflicts. It intensified when a school head and two Lumad leaders were killed in a massacre in 2015 in Surigao del Sur<sup>32</sup>. The massacre sparked the evacuation of up to thousands of Lumads. Community bombings, killings, and harassment were experienced by Lumads defending their ancestral lands and advancing their rights. The IFI felt the need to address this issue, and the Mindanao Lumad Ministry took concrete action guided by solidarity and the ‘do no harm’ principle which entails to witness, not to proselytize. A consultation was held to lay down concerns and come up with a common understanding of advocacy. It was attended by church leaders, representatives from the Lumad organizations Kalumaran and Mapasu in Surigao del Sur, and Tindoga, a Manobo organization in Bukidnon.

#### Observing and Documenting in Solidarity

Accompanying the Lumads in Surigao on their path to self-determination and claim on ancestral domain was a risk to one’s life, security, and safety. Most of the time,

state forces labeled Lumads as terrorists and rebels, they had been accused of crimes they hadn’t committed and were monitored. Lumad children were deprived of the right to education due to military encampment and the burning of schools. Despite this threat, the fight for land and life continued. Advocates needed courage, faced fears, knew their limits, tried something different, and spoke the truth.

Individuals who joined the Lumad Accompaniment Program<sup>i</sup> were known as accompaniers. They were volunteers from local churches, both ordained and lay, endorsed by their respective bishops. These accompaniers underwent a program orientation to understand their roles and tasks. They learned about the community’s situation to gain a contextual understanding, to represent the church and to bear witness.

Accompaniers were in solidarity with the Lumads: They immersed themselves in community life, listened to stories, observed the culture, and shared meals and chores. The pink vest marked the identity as a church people and signaled that these people are neither community members nor combatants. It was an essential protective tool.

#### “You Are a Presence; Do Not Hide!”

The pink vest reminds me of things I learned in the Lumad struggle. I became a witness during confrontations, elections, thanksgiving harvests and rituals, and children’s education. One of the communities I engaged with experienced harassment and indiscriminate firing from the guards hired by a landlord in Bukidnon. On the first day in the community we heard the gunshot near the community, and everyone was alarmed. We then gathered in the cottage used for spiritual practice, planned what to do, and scheduled who should stay on guard for the whole night. We became braver to face the following day.

Monitoring and reporting were vital tasks. Part of the activity was the morning walk, which involved walking

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<sup>i</sup> The components of the Mindanao Lumad Ministry are: 1. Advocacy; 2. Education; 3. Policy influencing; 4. Long term accompaniment 5. Identifying, connecting and resourcing legal and paralegal support.





*Accompaniment Program of the IFI in Mindanao. (Photo: IFI)*

through the perimeters of the area and ensuring visibility. Our clergy coordinator always reminded us, “You are a presence; do not hide!” Accompaniers always carried mobile phones and cameras during the walk and logged daily observations and changes. Posting real-time reports on social media helped spreading information quickly. Building connections to a more extensive network potentially deterred harassment and violence, as their actions were recorded and published.

## Praise and Vilification

The program became known publicly and featured on different news sites and publications<sup>33</sup>. Church People were more aware of the Lumad situation and felt the need to respond. This ministry impacted the Lumad community, as Datu<sup>ii</sup> Andong, chieftain of the community, said: “We felt that harassment lessens with the presence of accompaniers, and our situation is known outside.” This achievement led to the launching of four more batches in three placement communities until it was discontinued.

Attacks followed whenever a program to empower those who are on the margins and pushed into poverty makes an impact on society. As a church, the IFI had been red-tagged and vilified for its advocacy and ministry. Once, a radio in Bukidnon broadcasted that pink armies were living with the Lumads. In Surigao, military visited the accompaniers during their stay. In Zamboanga, the IFI as a

ii Datu is a title used to identify the chief of indigenous peoples in the Philippines. The title is still used today, although not as frequently as in the past.



church and leaders were labeled with graffiti as terrorists and supporters of the New People’s Army. But that did not stop the advocacy, it persevered and continued.

Fear was visible, but the community’s support and positive reception of this intervention gave us courage. The Lumads were very strong and firm in their principles, which I really admired. The accompaniment program was halted because of the declaration of Martial Law in Mindanao in 2017 and the intensified militarization in the Lumad communities. It is for the safety of the pink vested advocates and of the communities. For us in the IFI, we will find ways to continue our work and learn from the bravery and collective life of the Lumads.

## The Author

**Christy Mae Quimno** is a website designer by profession and is currently taking up a degree in Psychology. She is a youth leader of the Iglesia Filipina Independiente and joined the first batch of the Lumad Accompaniment Program in 2016. She then turned into a staff of the next batches of Accompaniment. Living with the Lumad contributed to her faith maturity and made her become an Indigenous Peoples’ Rights Advocate.



# The Struggle for Recognition Continues: Non-Moro Indigenous Peoples in the Bangsamoro

Over two decades after the IPRA passed into law, non-Moro indigenous peoples continue to struggle for recognition of their rights. Due to their specific location within the Bangsamoro Autonomous Region, they have been excluded from the rights protection guaranteed to other indigenous peoples in the Philippines and are at risk of further marginalization.

## Introduction

BARMM is an autonomous region in the Southern Philippines that was established in 2019 and ended over four decades of armed conflict between the Moro Islamic Liberation Front (MILF) and the Philippine government. While the establishment of the BARMM is in itself a recognition of the Moro people's right to self-determination, the region is actually home to a diverse population made up of a Moro majority, Christian settlers and non-muslim indigenous peoples. Apart from having suffered from histories of marginalization similar to their indigenous counterparts outside the BARMM, non-muslim indigenous peoples, often collectively referred to as non-Moro indigenous peoples (NMIP), face a set of challenges specific to their status as a minority within the newly established autonomous region. The peace agreement implementation during the transition period presents a critical moment to ensure their rights protection and full inclusion in the Bangsamoro body politic.

## Non-Moro Indigenous Peoples as a “Second Order Minority”

*Non-Moro Indigenous Peoples* is a collective identity referring to distinct indigenous peoples – the Teduray, Lambangian, Dulangan Manobo, Erumanen ne Menuvu, Blaan and Higaonon. Indigenous peoples' rights advocates distinguished the term from the 13 ethnolinguistic groups in the region that have historically adopted Islam and are collectively referred to as the Moro people. Within the BARMM, NMIP constitute a small minority of approximately two percent of the population. They can be considered a 'second-order minority' i.e. a minority that is situated within an area dominated by a group that itself constitutes a minority in the national context.<sup>34</sup>

On account of their ethnicity, religion, or location in resource-rich areas, both Moro and NMIP have suffered from colonization, marginalization, widespread land grabbing, and historical violence. In fact, experiences of displacement, structural marginalization, and religious discrimination gave rise to the formation of the Moro collective identity as well as the Moro secessionist struggle and are at the heart of the Bangsamoro conflict. Although not targeted by the colonial governments to the same extent, NMIP have also experienced historical marginalization resulting from bureaucratic neglect and land dispossession.

Additionally, they have suffered from violence and displacement due to the conflict. While the peace negotiations between the MILF and the Philippine government (1996 – 2012) provided for the participation of NMIP and both



Indigenous Non-Moro, Moro, and Christian women during a Bangsamoro women summit in the peace process. (Photo: Irene dela Torre)

conflict parties promised that NMIP would benefit from the peace agreement, indigenous peoples' advocates frequently perceived this as mere tokenism<sup>i</sup> and have been labelled 'spoilers' of the peace agreement when raising critical concerns. Controversial issues such as competing land claims, lacking access to decision making spaces, and the presence of MILF camps within ancestral domains thus remain unaddressed.<sup>35</sup>

## Achieving Right Protection – Challenges and Opportunities

The establishment of the BARMM constitutes a critical opportunity to address shortcomings in the governance of the previous autonomous region, create a robust rights protection framework for indigenous peoples, and thus contribute to a just and lasting peace. While IPRA provides this framework on the national level, NMIP have been de facto excluded from indigenous rights protection due to ambiguities regarding IPRA's applicability in the autonomous region. This gap is meant to be addressed by a regional indigenous peoples' rights act that the Bangsamoro Transition Authority is required to pass as part of the transition process, scheduled to end in 2025.

<sup>i</sup> Tokenism as an act that seems to support the NMIP but fails to give justice to them in a more lasting way.

### Bangsamoro's Tri-People

The term '**Moro**' was historically used by the Spanish colonizers as a derogatory word to refer to Muslim Filipinos. Since the 1970s it has been claimed by the secessionist struggle and used to mobilize support under the idea of a 'Moro' people or nation (Bangsamoro). It is a collective, political identity that encompasses 13 separate ethnolinguistic groups. While these 13 ethnolinguistic groups qualify as indigenous peoples under the IPRA, they do not commonly self-ascribe as such but rather struggled for self-determination as a "people" on a part with the Philippine people.

**Non-Moro Indigenous Peoples (NMIP)** refers to those indigenous peoples living in the Bangsamoro region that have not as a people adopted Islam. The term was coined in the context of the establishment of the Bangsamoro region to highlight the distinct challenges of these non-muslim indigenous peoples.

**Christian settlers** is the third group in the Bangsamoro in what is usually referred to as a tri-people. This term refers to Filipinos from other regions in the Philippines, such as Luzon and the Visayas, that have moved to Mindanao under large-scale resettlement programs initiated by the US colonial administration and the Philippine government.

### Camp Transformation in Indigenous Lands

One of the most significant grievances brought up by NMIP advocates during the transition period is the conflict about camp transformation within ancestral domains. During the Bangsamoro conflicts two camps of the Bangsamoro Islamic Armed Forces, Camp Omar and Camp Bader, were established within ancestral domains of NMIP, without going to the proper processes of obtaining the FPIC of the indigenous peoples. As part of the implementation of the peace agreement, these camps are meant to be transformed into productive areas for the communities living there which are often composed of former combatants. NMIP advocates, specifically the Teduray, instead assert their rights to the ancestral domain and demand return of the land, which includes the Teduray's most sacred site, Mount Firis, to the indigenous communities. While camp transformation is an important aspect of the transition out of the violent conflict, NMIP advocates lament that, instead of violent conflict, they are now being displaced by the normalization process itself.<sup>37</sup>

However, setting up this law has proven to be controversial as it touches on sensitive questions of identity and unaddressed land conflicts between NMIPs and Moro groups, including some MILF members. While some of the provisions in the draft law are in fact addressing the shortcomings and are thus living up to the promise of delivering an improved version of IPRA, others continue assimilationist tendencies observable through the peace process itself. These tendencies include the idea of NMIP as a 'younger brother' of the Moro people and of the Bangsamoro as one single ancestral domain. Such narratives risk denial of the plurality of indigenous identities and recognition of their inherent and pre-existing right to self-determination as distinct indigenous peoples with their respective ancestral domains, cultural practices, and governance structures. The further loss of control over ancestral domain land is deeply concerning as expressed in statements of NMIP advocates, such as the Legal Rights and Natural Resources Center – Kasama sa Kalikasan: "Ancestral domains are integral to the identities of the NMIPs. Without recognition of their rights to ancestral domains, it is equivalent to denying who they are as peoples."<sup>36</sup> Current deliberations on the draft code and the Bangsamoro government's continuing unwillingness to recognize previous ancestral domain delineation processes thus reinforce NMIP's fears of experiencing further marginalization.

## Rights Recognition for a Lasting Peace

Effectively addressing the situation of NMIP is also an essential element of a just and lasting peace in the Bangsamoro region. This needs to be firmly based in established legal standards as laid out in IPRA and the UNDRIP and needs to take into consideration the specific situation of NMIP in an autonomous region. NMIP activists have advocated for setting up effective mechanisms for the implementation of legal guidelines and will continue to do so – through the creation of their own regional indigenous rights protection law and beyond.

### The Author

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# Endnotes

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# About the Organizations

**Dagsaw PGIPnet** (Panay Guimaras Indigenous People's Network) is a network of indigenous peoples and advocates that is concerned about the rights and welfare of the indigenous peoples. It is a non-profit service organization and was founded in 2011.

**DSAC** (Diocesan Social Action Center) serves as the advocacy, development and humanitarian arm of the catholic church in Oriental Mindoro, dedicated to uplifting the marginalized and the most vulnerable. It takes the lead in pursuing the mission to become Church of the Poor. Through impactful programs, it addresses the multifaceted challenges faced by the people living in poverty, emphasizing agro-ecology, the formation of self-help groups, and the promotion of social enterprises. It also advocates tirelessly for the rights of indigenous peoples and the rights of nature.

**forumZFD (Forum ziviler Friedensdienst)** is an international peacebuilding organization promoting conflict transformation in eleven countries in Europe, the Middle East, and Southeast Asia. forumZFD has been working in Mindanao, the Philippines, since 2007. Out of its three project offices in Davao City, Butuan City, and Cotabato City, the organization engages with local civil society actors, indigenous peoples' organizations, journalists, academic institutions, and government actors to promote nonviolent ways of dealing with conflict.

The **IFI** (Iglesia Filipina Independiente) – was founded in 1902 and is an independent Catholic Church in communion with the member churches of the Anglican Communion and the Old Catholic Churches. Historically, the IFI has been involved in social and political issues in the Philippines, advocating for workers' rights, social justice, sustainable development or indigenous rights. Currently the IFI has 49 Dioceses in the Philippines and 2 Dioceses in USA and Canada for more than 897 Parishes and Missions. The IFI is a member church of the National Council of Churches in the Philippines (NCCP).

**Tebtebba** (Indigenous Peoples' International Centre for Policy Research and Education) was founded in 1996 and is mainly a research, advocacy and education center for indigenous peoples - Tebtebba means discussion / debate. Through its research and advocacy, Tebtebba raises the visibility of indigenous peoples' issues and amplifies their voices, both inside and outside the Philippines. Tebtebba provides trainings to raise awareness of indigenous peoples' rights and empower indigenous communities.



# About the Editors

## About the Publishers

For almost four decades, the **philippinenbüro** has been advocating for social justice, human rights and solidarity in its development education, public relations and advocacy work on the Philippines. Together with civil society actors from the Philippines and the Filipinx diaspora in Germany, the **philippinenbüro** focuses on networking, information and political engagement that also holds German and European politicians and civil society accountable.

The **Ökumenewerk** or the Ecumenical Center of the Evangelical Lutheran Church of Northern Germany (ELCNG) shapes and promotes relations between the Nordkirche and churches and non-governmental organizations in Africa, Asia, North, Central and South America, Europe and the Pacific. Together with global partners, the organization is committed to justice, peace and the integrity of creation. Since 2015, there has been cooperation with the Iglesia Filipina Independiente (IFI) in the Philippines, which is being intensified through ecumenical staff at the Seamen's Mission Hamburg, a voluntary exchange program and project funding.

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