

The Cordillera Autonomy and the Quest for Nation-Building: Prospects in the Philippines

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The failure of the Cordillera Organic Act to gain the support of the people is a result of misreading the realities, society and vision of the Cordillerans. It did not resolve the issues of supervisory powers of the national government, the bodong indigenous political system, the definition of territorial and administrative boundaries, the ancestral and communal lands and patrimony and fiscal autonomy. These concerns remain the crux of the Cordillera autonomy. Toward the resolution of the Cordillera national question thus correcting the historical error committed by the majority peoples against the Cordilleran minorities, it is proposed that: a Cordilleran Autonomous State be created within the territorial boundary of the Republic of the Philippines; a national government assistance be given in the period of Cordilleran reconstruction; and a nation-state-based federal form of government be adopted. Conceivably, this would ensure and guarantee political economy among the indigenous peoples in the country and strengthen Philippine nationhood.

Introduction

The struggle of the tribal Filipinos for regional autonomy and self-government, most prominently expressed by the Cordillerans of northern Luzon and Muslims of southern Mindanao, is no different from the incessant demand of local government units (LGUs) for political and administrative autonomy. Local officials have continually argued that if the 1987 Constitution has conveniently provided for the creation of the Cordillera and Muslim-Mindanao Autonomous Regions (Secs. 15-21, Art. X) there is no reason why LGUs should be denied the right to create their own autonomous regional government. Evidently, this argument rests on valid ground.

Since the Aquino administration has identified the region as an integral geographical body which will play a major role in shaping and undertaking development activities in the economic, political and social fields, the creation of regional governments with substantial administrative and political powers becomes imperative. The regional development approach, as stipulated by the

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Development Plan (1986-1992), is said to be "a deliberate effort to correct the existing (regional) imbalances which prevent the attainment of the goal of development for all" (NEDA 1986:49).

As early as 1978, a move had been initiated to consider the creation of the regional governments as the new local government tier between the national and the provincial levels (de Guzman & Brillantes 1978). Cognizant of the possible overlapping of functions between the regional and provincial governments, it was recommended that provincial governments be phased out and transform them into administrative districts of the regional governments. Such proposal, however, has not been acted upon.

Although local governments among the "Christianized" areas of the country experienced similar problems of limited autonomy and self-governance with LGUs in the Cordillera and Muslim-dominated areas of Mindanao, the struggle of the tribal minorities for regional autonomy is not simply an issue of political empowerment but a question of ethnic survival.

The creation of autonomous regions for the Cordilleras and Muslim Mindanao and the adoption of their respective Organic Acts by the Philippine Congress speaks well of the State's recognition of the rights and welfare of the indigenous cultural communities as mandated by the 1987 Constitution (Sec. 22, Art. II).

This paper delves on the significant political as well as administrative issues and concerns regarding the autonomous regions, focusing on the case of the Cordillera. These issues shall be analyzed in the light of power structures that have bred their centuries-old underdevelopment. Likewise, it shall contextualize the issue of regional autonomy to the inviolable right of the Cordillerans to self-determination. Finally, the prospect of an authentic autonomous government in the Cordillera under a unitary setup shall be examined.

The National Question in the Philippines

The diversity in language, culture and history among Filipinos makes the nationality question a relevant issue in the present-day life. As Constantino (1974:1) asserts, the question of nationality for the Filipinos "has become one of identity but not of a consciousness of common aspirations and goals"—national identity was reduced to little more than a geographic category. He attributed the disparity between identity and consciousness to the colonial history of the country which gave rise to the ambiguity of Filipino behavior and east-west ambivalence.

The absence of one identifiable Filipino national consciousness has been reflected even among its leaders' confusion and ambivalence in defining "national

interests," apart from the raging debate over the national language and goals of the country. What remains are the rudimentary and visibly activated identity of nationhood during international beauty contests, competitive sports events and other cultural shows. The national consciousness of the 1896 where the Filipino people stood as one nation against Spanish colonialism finally retrograded as a result of American acculturation which promoted dependency and subservience. The Filipinos slowly adapted their colonizers' ways and repudiated their forefathers' rich and glorious past as an independent and distinct nation.

The dichotomy of Philippine history between the colonized and uncolonized peoples explains the creation of present-day majority-minority Filipinos who lived, grew, and coexisted with one another notwithstanding their separate and distinct socioeconomic-political and cultural settings and parameters. And it was this distinctiveness and uniqueness in their historical creation which fashioned the emergence of separate Filipino identities and consciousness identifiable only in their respective sense of communal solidarity and sentiment and determined in accordance with the languages and sympathies of the population.

As the Filipinos today, so-called the majority peoples, were created in the "image and likeness" of their colonizers, their sense of nationhood and unity had been founded to serve the colonial interests. Contrary to the beliefs of many, the Filipinos have lived together in an archipelago of nations and states defined by their own historical development. Conceivably, the concept of a "one-nation, one-state" is a sheer creation of the colonizers bolstered with the institutionalization of a unitary state.

This system of governance has been continued by the present government and perpetuated its political dominance through the imposition of unitary and uniform policies in the attempt to superimpose unity and homogeneity in the entirety of the country despite the glaring realities of diversities and heterogeneities among the populace.

The "one-nation, one-state" concept does not seem to approximate the realities of the Republic of the Philippines. It is to be understood that the single nation concept for the entirety of the country becomes a highly debatable issue given the operational and conceptual definition of a *nation*. Fundamentally, a nation refers to a group of people who collectively feel that they belong together (Hagopian 1985:64-77). It is known to have the following essential elements: language, territory, ethnicity, religion, and common culture (Shafer 1955).

Although the experience of other nations proved that there had been no precise formula or set of necessary conditions for the emergence of nationhood, various combinations of these elements had been decisive in different cases and different stages of nation-building (Hagopian 1985:64-77). Hans Kohn (1961: 15)

on the other hand, suggests that the "objective" factors of nationhood are not really essential to the existence or "definition" of a nation or nationality. Rather, it is the subjective force, the determined will of the people to live as one people with one definite and definable goal serving the essence of a nation. Kohn says that it is the "living and active corporate will" which makes a nation. Nationality is formed by the desire of a group of people to think they are a nation. It assumes a common conception of the identity, the purposes and future prospects of the people.

A nation comes into being not for its own sake but for the separate and collective interest of its members. The existence of the nation promises for all, each according to its bent, the fulfillment of aspirations, but not fulfillment at the expense of another. It presupposes a spontaneous and universal decision of a people, converging on a common act of propositions, to come together, so as to accomplish together, what they could not otherwise separately accomplish. This in effect implies the imperative of national unity.

However, unity merely serves as a means and not an end to achieve greater and lofty goals for the national community. National unity further suggests that people must transcend the divisive and parochial demands of ethnicity, creed, social as well as class status in order to appreciate and work for the national concerns and interests of all the people. Apparently, this is the essence of nation-building.

National unity and nation-building are something of an abstraction and oftentimes oppressive when they lead to and are used to destroy or cause the destruction of ethnic communities. Nation-building is the infusion of a sense of common overriding community to a motley array of sociological groupings (Hagopian 1985:69). Accordingly, it is not at all the same thing as state-building. The latter involves the development of a central bureaucracy, an efficient system of collecting taxes, and a standing army under a central command.

Although successful state-building often provides the framework for emergent nationhood, this is not the end-goal. A State which is a *form* of political organization whose structures emerge out of certain political relationships among its constituents, is supposed to strengthen the sense of nationhood and nationalism. However, if the efforts toward state-building is ruthlessly pushed in a situation of competing ethnic nationalisms, the result will not be nation-building, but "nation-destroying" (Connor 1972: 336).

More often than not, minority groups in the Philippines have been treated as ethnographic artifacts—anachronistic survivals of a bygone race, although they can very well fit into the aforementioned description of a nation. Few people have any appreciation of the central problem facing tribal peoples and the urgency with

which that problem must be addressed if these people are to have any future at all. Sean McDonagh (1983:73-82) sees that the tribal Filipinos continue to face the central problem of extinction as the country moves toward the year 2000 unless the juggernaut of the so-called economic development and progress which has been crashing down on them is put into halt.

The struggle of the major ethnic groups such as the Cordillerans and Moros for self-government and autonomy, has been normally perceived by the national government to be no less than a reflection of interlocking socio-political-economic-ecological problems similarly faced by the "absolutely poor" people—the hungry and malnourished, rural landless, urban squatters and slum dwellers.

The Philippine government continues to ignore the "national" character of the Cordilleran and Moro population of the country. The government's reconstruction and development programs and projects—the Agno River Basin Development Project, Chico River Basin Project, Cellophil Project, Kalinga Special Development Program, among others, in the Cordilleras; the Reconstruction and Development Program of Mindanao and several projects undertaken by the Mindanao Development Authority and Southern Philippines Development Authority for the Muslim-dominated areas, rest on the assumption that the Cordillerans, Moros, and Christian Filipinos are essentially *one* people and that for historical reasons, the minorities have lagged in development and marginalized in the process of modernization.

In reality, however, the Cordillerans, Moros, and Christian Filipinos (apart from the other minority groups) are three different nationalities, living in well-defined territories. Each possesses a culture which each can claim as its own, and emerged over the centuries from distinct ethnic origins. Obviously, the problems of creating a unified country out of plural nationalities is definitely different from creating a united country out of homogenous population.

The Cordillerans for instance, (except the dominant Christian population of Baguio City and political elites among the tribesmen who have severed their roots from their homeland) speak of a common Cordillera national identity and consciousness which have been consolidated into the Cordillera nationalism, as a result of their continuing struggle against threats to their ancestral lands perpetrated by the Christian majority.

Likewise, there has been an explicit recognition and acceptance among the Cordillerans that they indeed lived in a separate Nation having a common culture and a distinct social system. They also have a governmental system which operates as a federation of tribes for the maintenance of peaceful interrelations and forge a concerted defense against common enemies. Finally, the general feeling of living in a separate nation from the majority people has been expressed

by their aversion to a one-sided "national integration" that would seek to remold the Cordillerans in the ways-of-life of the Christian Filipinos (CBAd 1986). In other words, there is a prevalent sentiment of hostility to other groups, especially if this would threaten their separate national existence.

Dr. William Henry Scott, known scholar on Cordilleran affairs came out with an unequivocal position on the realities of a Cordilleran identity, consciousness and emerging nationhood among the highlanders which are rooted in their history and now prominently expressed by the Cordilleran youths with the most recent events on regional autonomy. In an interview with the *Diliman Review* (1987: 4-6), he has this to say:

The Cordillera peoples have many things in common which they got from their geography ... these people have been joined in common interests—politically, religiously, economically, whatever the case may be ... I would like to say that the peoples of the Cordilleras during this century, in just two or three generations, have been able to take their place as voting citizens of the Republic of the Philippines *without losing their customs, dignity or self-esteem .. It is where the term Igorot gave way to Cordillera* (as their identity).

There is a growing sense of unity on the Cordillera. It arises from the political consciousness of modern Cordillera youth ... (Although) any communal tradition in the Cordillera is highly localized, they were not able to do the same in the Chico River dam issue. *Resistance to the dam was not localized but was broadened to include everybody. Of course this does not ignore the role played by the communal tradition.*

It is therefore precisely because *these highland Filipinos are nationalists* that they hope that within an autonomous region, they will no longer be second class citizen (italics supplied).

The Muslims on the other hand, have called themselves the people of "Bangsa Moro" or Moro Nation. Dr. Cezar Adib Majul, likewise questions the time-honored concept of "one-nation" for the Philippines (Mastura 1988:1). Speaking on the occasion of the Silver Jubilee of the Philippine National Historical Society on 7 August 1966, he contends that:

Any modern Filipino historian, still following the principle voiced by some Spaniards of the last century that the Catholic religion is an essential element in the 'national integrity' of the Philippines or that the Philippines is a Christian nation, will naturally look at the Muslims of the South as those 'other Filipinos' who have not played an important role in the building of our growing national community. Such an attitude is clearly based on the premise that the Catholic religion is one of, if not the basic element for identification in the Filipino national community, *a concept presently unacceptable on legal and historical grounds* (italics supplied).

Apart from the highly questionable one-nation concept for the Philippines, the Muslims cannot be expected to abandon their loyalty to their homeland and

shift it to the Philippine Republic. They have regarded Islam not only as the most powerful component of their life but the *raison d'etre* of their existence as a people (Glang 1969:4). Moreover, they have considered the Philippine government as a foreign government "whose authority they are compelled to accept." This adverse feeling in effect, created a functional derangement of relationship between the Muslims and their supra-kinship units of political community on one hand, and the civil government on the other hand (Mastura 1988:122). As Dr. Antonio Isidro, first president of the Mindanao State University wrote, the existing political structure remains a threat to their tenacious lifestyle:

... the gradual transfer of power from the resistant sultanate to the central government was not only made difficult by the original concept of independent states but also complicated by the existence and observance of laws, customs, traditions and beliefs long existing in the region (Mastura 1988:122).

This reality has been concurred by the Moro National Liberation Front (MNLF) in *Manifesto* (1975:8) addressed to the Sixth Islamic Conference of Foreign Ministers meeting in Jeddah, Saudi Arabia on July 1975:

... our people have never ceased protesting against such an illegal and immoral imposition. And we have continuously taken up arms against the Philippine government to demonstrate our desire to be left alone to determine their future as well as of our homeland and Islam ... Insofar as the Bangsa Moro people are concerned, *the Filipino government has the birthmarks of its Spanish and American predecessors. Its most distinct mark is its colonial character* (italics supplied).

From the viewpoint of the Muslim rebels — the MNLF, the objective of the Filipino government is to destroy the national consciousness and Islamic identity of the Bangsa Moro people through the promotion of cultural homegeneity. The *Manifesto* explicitly says that "(w)ithout the eradication of the Islamic culture and religion, integration in a meaningful way is seen as absolutely impossible." The deep-seated fear felt by the rebels that the Christian government is out to destroy the religion and culture of the Bangsa Moro is shared and articulated by Dr. Majul (1972:15) in the following words:

It is very difficult to erase from the minds of Muslims that the government is a party to having more and more Christian settlers enter their ancestral home to eventually disperse them. Their belief has been nurtured by historical events and strengthened by contemporary happenings ... This belief gains further credence when they discover that in some provinces where they were in the majority a generation or two ago, they have now become reduced to a minority in spite of their natural increase.

Dr. Peter Gowing (1988:156-171), a reputable scholar in Muslim culture, society and contemporary problems, concluded in his essay "Contrasting Agendas for Peace in the Muslim South" that the government by now must recognize the reality of the existence of a Muslim Nation in the Republic whose history had

predated the creation of the Philippine Government. The Christian Filipinos and Moros belong to two different nationalities whose cultures, beliefs and traditions in many respects are not only distinct from each other but have been the source of conflict. Notwithstanding, Gowing stressed that the Moros can make positive contributions as loyal citizens of the Republic in Philippine (not just Moros) nation-building provided the national government institutes a political mechanism addressing the problem of unity in a heterogeneous rather than a homogeneous population.

On the other hand, Scott, responding on an interview question whether Cordillera national consciousness falls under the concept of a Filipino nation, came out with an incisive answer:

I believe it is a mistake to think that self-pride is contradictory to national pride. We might go so far as to say that if you are not proud of yourself you cannot participate in any such idea as national pride (Diliman Review 1987:5).

Abrino Aydinan, Chairman of the Cordillera Regional Consultative Commission (the congressional body created under RA 6658 which drafted the 1989 Organic Act of the Cordillera Autonomous Region) shares Scott's view that "the Cordilleran nationalism would eventually strengthen Filipino nationalism." Aydinan (Diliman Review 1987:38-39) further stated:

Eventually, this Cordillera nationalism would look beyond the colonialism represented by the government of the Philippines and see the system of domination from the outside represented by other quarters, including the multinationals (MNCs)... It's just a case of looking at colonialism in its totality and historical perspective.

Contrary to the views of some people, the quest for autonomy by the Cordillerans and Moros is simply not a sentiment of insignificant primitive groups of people who have been neglected and left behind the process of development and modernization. It is in fact a continuing struggle of the uncolonized peoples to preserve and maintain the integrity of their Nations. Neither should their quest for nationhood be reduced purely as ethnocentrism, nativism nor worse, a racist movement. Apparently, these are unfounded perceptions which tend to ridicule their strivings for self-determination.

Certainly, ethnicity is an objective factor that has been identified by nationalists and social scientists as the key to nationhood. In fact, ethnic homogeneity provides the backdrop for emergent nationhood. Thus, we find distinct nations spinning off from the same ethnic base and there are plenty of cases of nations with ethnic pluralism, such as the USSR, Switzerland and Canada. The Philippines is just another case. However, it is wrong to claim that the Cordilleran and Moro struggle for autonomy is an expression of ethnocentrism, an emotional attitude that one's own ethnic group or culture is superior to all others. Preserving

one's culture and way-of-life from threats and incursions of alien tradition and customs is an expression of nationalism.

On the other hand, while it is true that certain element of nativism is present in many nationalist movements, there are critical differences between a movement for nationhood and nativistic movement. The latter is defined as "any conscious, organized attempt to revive or perpetuate selected aspects of (a) culture" (Linton 1958:467). In other words, it is a movement which intends to purge the home culture of all outside influences and restore things to their pristine state and thus, it works for the destruction or expulsion of the "corrupt and oppressive alien culture." Although culture is frequently brought up to explain nationhood and it is not a great surprise to find out that culture has sometimes produced nations, it is beyond question that the autonomy movement is aimed to disdain and disparage all other cultures outside of its own.

The autonomy movement does not in any way aspire to overthrow the duly constituted government or establish another republic. It seeks the genuine and authentic establishment of semisovereign government which they can claim as their own. The present struggle of the Cordillerans for autonomy will have to be viewed in this context.

The Movement for Regional Autonomy and Self-Government

At the roots of the autonomy struggle is the continuing nonrecognition of the national government of the inherent rights of the indigenous peoples of Cordillera over their ancestral domain. This issue cannot be treated separately from national oppression and internal colonialism operationalized through land and development policies instituted by the national government (Buendia 1987:168-173). This historical national oppression has been expressed by Fr. Ed Balicao (1987:1) in the following words:

We are national minorities because during the American colonial rule, national oppression was institutionalized through government bodies like the Bureau of Non-Christian Tribes and the Commission on National Integration ... today, the Cordillera people are still suffering from national oppression which is the *non-recognition of our right to our ancestral domain, of ourselves having a different cultural identity and the violation of our right to self-determination* (italics supplied).

In other words, for the national government to work for the imposition of unity and homogeneity in spite of the presence of cultural diversity and heterogeneity among ethnolinguistic groupings in the Philippines is the essence of national oppression and internal colonialism.

Autonomy then, strikes at the heart of Cordillera. Although the Cordillerans' quest for self-determination has been a continuing endeavor that can be traced

back from the time of Spanish colonialism, it was during Marcos' rule that the call for regional autonomy became intense, highly-pronounced and well-articulated not only by the tribal communities and Cordilleran intellectuals but non-Cordillerans as well. The uncompromising stance for genuine autonomy was started by the violent resistance of the people in the construction of the World Bank-funded hydroelectric dams along Chico and Pasil Rivers and the intrusion of a logging concession for paper and pulp manufacturing—the Cellophil Resources Corporation (CRC) owned by Marcos crony Herminio Disini in 1974.

The traditional localized resistance against Spanish aggressors was not done in the Dam and CRC issue. Instead, resistance was broadened to include other ethnolinguistic tribes apart from those which are directly affected, i.e., Kalingas, Bontoks and Tingguians. This “modern” phenomena of unification essentially stems from the communal tradition of the Cordillerans. The armed struggle launched by the natives and the influence of the New Peoples' Army of the Communist Party of the Philippines (NPA-CPP) against the threat to their ancestral domain assumed a region-wide and multiethnic character. Furthermore, the assassination of Kalinga leader Macli-ing Dulag on 24 April 1980 by the military brought about greater unity and morally compelled the Cordillerans to heighten the struggle for self-determination.

The issue of self-determination is dovetailed and cannot be isolated from the issue of self-government. As declared by the United Nations (1985:2), the right of self-determination of indigenous nations and peoples cannot be bestowed upon but inherent in self-government.

All indigenous nations and peoples have the right to self-determination, by virtue of which *they have the right to whatever degree of autonomy or self-government they choose*. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship *without external interference* (italics supplied).

However, minority self-government has oftentimes been misconstrued to be fragmentational; a move toward secession that would debilitate the sovereign power of the national government. This seems to assume that political power bequeathed to the minorities would work against the achievement of “national unity.” The fear of national disintegration and dismemberment relative to the quest of the Cordillerans for self-government rests on the belief that the latter is a movement against the Nation and against the State (Maranan 1987:13).

The movement for self-determination is not synonymous with secession. Rather, it is the right to share political power and participate in the process of policy formulation and decisionmaking on matters affecting their interests, welfare

and future. It recognizes that the minority rules over itself in specified fields of activities that are their exclusive concern.

In Philippine society whose people have been dichotomized between the majority and minority, the promotion of the former's at the expense of the latter's interest deprives the so-called democratic society of its essence. The "majoritarian democracy" becomes undemocratic when the dividing lines between majority and minority or between several minorities are fixed rather than fluid. This prevents meaningful participation of minorities in government and constricts their right to exercise political power even in their own community.

If the national government feels and sees it as its responsibility and duty to guarantee that national unity is achieved through the framework of the Constitution, the Cordillerans likewise have the same if not greater moral responsibility and duty to protect, preserve, defend and advance their interests as a people belonging to a community which is not necessarily identical with the Christianized majority.

In other words, the majority-rule democracy patterned after the Westminster model is a clear expression of liberty and freedom when operationalized in a homogeneous polity. However, this becomes oppressive and tyrannical when exercised in a polity composed of heterogeneous nationalities as in the case of the Philippines. Democracy transforms itself into autocracy when it uses the name of the "majority" to threaten the survival of the minority and rejects recognition of nationalities. Somehow, a midpoint in a continuum of political systems should be promoted without leading to anarchy and precluding the emergence of authoritarianism thus, guaranteeing pluralism among nationalities.

In the Cordillera, the need to strengthen the unity and consolidate the tribal minority was recognized and most felt toward the end of the Marcos' regime. In 1985, Assemblymen Honorato Aquino of Baguio City and Jesus Paredes of Ifugao filed two parliamentary bills providing for the creation of a separate Cordillera Region composed of Abra, Benguet and Mountain Province from Region I; and Kalinga-Apayao and Ifugao from Region II. The move to merge the five provinces which are predominantly inhabited by the Cordilleran tribal minorities was auspicious to repair the damage inflicted by the arbitrary division of their land through the regionalization scheme of the government in 1973.

The legislative proposals eventually gained support from provincial governments via resolutions passed endorsing the aforementioned bills. Likewise, Cordilleran and non-Cordilleran organizations and individuals forged a loose coalition—the Task Force Regionalization, to work toward a similar move. The Cordillera Peoples' Alliance (CPA) for instance, campaigned for "Regionalization

and Beyond" which worked for political autonomy and not simply administrative autonomy as envisioned by the legislators (Cordillera Resource Center 1989: 2).

When President Aquino took the helm of government in 1986, the policy of "national reconciliation" was adopted and zeroed in on the peaceful settlements of armed conflicts through "peace talks." In the Cordillera, the government chose to hold peace talks with the Cordillera Peoples' Liberation Army (CPLA) led by rebel priest Fr. Conrado Balweg, a splintered group of the CPP-NPA. The CPLA distinguishes itself from the CPP by the political objectives it commits to pursue. While the latter works for an armed overthrow of the government and the establishment of a communist State, the former opts for the creation of an autonomous Cordilleran government within the confines of parliamentary struggle.

The formation of the CPLA weakened the military strength of the CPP-NPA in the Cordillera. Likewise, it divided the Kalinga-Bontoc Peace Pact Holders Association (KBPPHA)—an unarmed Cordilleran association organized by the CPP-NPA on 28 December 1983 from 23 Kalinga and Bontoc villages which actively opposed the construction of the Chico dams. In 1985, the KBPPHA was renamed the Cordillera Bodong Association (CBA). The CPLA took the initiative in organizing its own version of CBA at about the same time it bolted out of the CPP-NPA on 7 April 1986 (less than two months after the "EDSA Revolution") and called it the Cordillera Bodong Administration (CBAd). Thirteen officers of the CBA led by its chairman, Mario Yag-ao, joined Balweg's group.

While the CBA was organized to unite peace pact holders, the CBAd was conceived to be the administrative arm of the Cordillera Autonomous Government. The CBAd was envisioned to form the organs and structures of Cordillera-wide government based on the traditional practice of direct democracy and collective leadership of the indigenous village government.¹ It is perceived to be the political instrument tasked to reunite the various Cordilleran tribes that have been divided by arbitrary administrative and artificial social boundaries.

On 13 September 1986, Aquino together with some cabinet members met with the CPLA and CBAd in Mt. Data Lodge, Bontok, Mt. Province and forged their historic *sipat* (cessation of hostilities) and engaged in the *allasiw* (exchange of tokens of peace—an armalite rifle of the government in exchange of an Ifugao spear). It was also in that meeting that the government and CBAd/CPLA agreed to form their respective panels for the peaceful settlement of the Cordillera war of national liberation. Likewise, on this occasion the CPLA and CBAd presented their position paper entitled "Towards the Solution of the Cordillera Problem" which contains their proposals for a substantial autonomy in the region.

Among the most significant of these proposals are: the recognition of the Cordillera Bodong Administration "as organ of self-government of the Cordillera

Nation," respect for the "sovereign right of the Cordillera Nation to defend its people and homelands from external aggression" and maintenance of the CPLA as the "security force of the Cordillera Autonomous State which shall have just relations with the New AFP;" and "co-equal status with similar states or states of other minority national communities" (referring to the Bangsa Moro) and of the majority-peoples' state within the framework of the Phillipine Republic.

On 3 November, a Preparatory Committee for the Cordillera Peace Talks was convened by the government to facilitate the formation of the peace panels on both sides. At this juncture, the creation of the Cordillera Broad Coalition (CBC) was agreed upon. The CBC shall include other groups in the Cordillera demanding autonomy for the area. This move broke the monopoly of Balweg's group over the negotiating table and gave the opportunity for communist-influenced and politician-backed organizations to pursue their respective agenda and interests (Agbayani 1987:24).

As a consequence of the unholy alliance of groups belonging to different ideological and political persuasions, the CBC was not able to maintain its unity as one Cordilleran bloc negotiating with the government. The CBAd/CPLA accused the CPA-CBA of "linking the Cordillera people with the NDF" which would mean false autonomy. On the other hand, the CPA-CBA felt that there is an unceremonious move on the part of the CBAd/CPLA to exclude them from the talks and tarnish their credibility. It further criticized Balweg for opportunism in using the autonomy issue to get concessions from the government for his personal benefit and the CPLA.

Furthermore, the CPA-CBA accused the CBC of accommodating discredited politicians in the Cordillera panel and withdrew thereafter calling it "fake," "bogus," and misrepresenting the interests, sentiments and ideals of the Cordilleran people. The mysterious silence and seeming nonintervention of the traditional politicians over the political hostilities between the two former comrade-in-arms was perplexing. One thing definite, though, was the politicians' preparation for leadership in the region in the event of the establishment of the regional government.

The Cordillera negotiating panel, nonetheless, was formed without the CPA-CBA. The panel was headed by Abrino Aydinan, a journalist of the defunct *Business Day*, until October 1987. He later disassociated himself from the CPLA after the latter admitted responsibility in the execution of Daniel Ngaya-an (CBA Chairman and member of the CPA Executive Committee) as a retaliation to the June 21 NPA ambush in Baay-Licuan, Abra where eight CPLA and CBAd officers and members died.

In a press conference held after the Abra ambush, Aydinan asked the President to sign the Executive Order for the creation of an Interim Cordillera Regional Administration (ICRA) "so that peace may come again to the Cordillera." The President eventually acted after a bloody encounter between the CPLA and NPA guerillas. However, instead of signing the draft Executive Order (EO) recommended by the CPLA-CBA and Ambassador Emmanuel Pelaez (representing the government), she created the Cordillera Administrative Region (CAR) through EO 220 on 15 July 1987—a watered down version of the original proposal (ICRA).

EO 220 left out the CPLA from becoming the security force of the Cordillera and argued that peace and order in the region is the main "responsibility of the national government" (Sec. 6). The CBA was relegated as a Commission incorporated in the CAR (Sec. 13) rather than as an interim Cordillera government as proposed. The revision in the ICRA version was apparently done to accommodate the objections of the Cordillera congressmen and local officials (Cordillera Resource Center 1989: 4).

From the time of the creation of CAR on July 1987, it took more than eleven months for the members of the Cordillera Executive Board (CEB) and Cordillera Regional Assembly (CRA) to be appointed to office. In other words, it took less than a year before the CAR finally became operational. Moreover, the absence of clear and specific implementing guidelines made the CAR susceptible to manipulation and power play, victimizing those members who never had substantial experience in the practice of traditional politics. The inadequate budgetary allocation of funds (P5 million) for development programs/projects for the entire region, aggravated by the slow release of funds, which came in in trickles, made the CAR a feeble political instrument in preparing the groundwork for the establishment of an autonomous government. In fact, the allocation of 46 percent of the budget to operational and administrative expenses virtually left nothing for the region's economic and development programs and activities.

On 6 June 1988, the Philippine Congress passed Republic Act No. 6658 creating the Cordillera Regional Consultative Commission (CRCC) tasked to assist the former in drafting the Organic Act of the Cordillera Autonomous Region as mandated by Sections 15-21, Article X of the Constitution. It was later signed into law by the President after three days. On June 22, she appointed the 24 members. Five other members were appointed afterwards.

The composition of the CRCC however, was censured by the CPA-CBA in an official statement alleging that political patronage and presidential bias against cause-oriented groups accompanied the final selection of the commissioners. It stated that:

Among the 29 commissioners appointed by President Aquino are mixture of those who are not residents in the Cordillera, those discredited in their own provinces, those against autonomy earlier, those representing multinationals or big business interest and those who actively promoted anti-people programs of the Marcos dictatorship (Cordillera Resource Center 1989: 11).

After eight months following the execution of Ngaya-an (CBA-CPA leader), peace-maker Aydinan resurfaced to head the CRCC—this time a bitter enemy of CPLA Chairman Balweg.

In keeping with the 150-day limit for the Commission to come up with a draft Organic Act, the CRCC was able to meet its deadline on 23 December 1988 and came out with the draft charter of the Autonomous Region of the Cordillera. With the conclusion of the CRCC's function, President Aquino called a special session of Congress on 9 January 1989 to pass the Organic Act.

The CRCC's draft became highly controversial and engendered public debates not only on the floors of Congress but among the people themselves. Balweg, with the CPLA and CBAAd rejected it for its failure to represent the true aspirations, sentiments and interests of the Cordillerans as embodied in the *Pagta of the Cordillera Bodong* and their 26-point demand contained in their Statement of Position presented to the government as cited earlier.

As the proposed Organic Act was submitted for Congressional approval, apprehensions among the members of the CRCC for possible emasculation of the Act was evident. As anticipated, substantial and significant provisions of the proposed charter were deleted. It virtually deprived the regional government of political and administrative powers which are necessary and vital for it to be called an "autonomous government."

In an interview by newsmen with CRCC Chairman Aydinan, he lamented that: "The Cordillera Autonomous Act passed by Congress was completely different from that proposed by the CRCC" (*Philippine Daily Inquirer* 1989: 11). As the CRCC felt its responsibility to its people and the preservation and promotion of their regional interests, the members of the Congress are likewise committed to a type of national unity which calls for national supervision under the framework of a unitary political system.

Finally, on 23 October 1989, Republic Act No. 6766 otherwise known as the Organic Act for the Cordillera Autonomous Region was signed into law by the President before congressional and local leaders. The nonappearance of Fr. Conrado Balweg, a staunch advocate of Cordilleran autonomy, signifies his rejection of the law. Surprisingly, CRCC Chairman Aydinan, who effectively used the media to criticize and discredit the Congressional version of the Cordillera Organic Act,

witnessed the signing of the law. In fact, he even suggested a four month campaign period for the ratification of the Act.

On 30 January 1990, the Organic Act for the Cordillera Autonomous Region was submitted for approval to the voters of the Provinces of Benguet, Mt. Province, Ifugao, Abra and Kalinga-Apayao and the City of Baguio. The official COMELEC results of the plebiscite resulted in its approval by a majority of 5,889 votes in *only* the Province of Ifugao and its overwhelming rejection by 142,687 votes in the rest of the region. Hereunder are the plebiscite results in each of the constituent units:

<i>Province/City</i>	<i>Yes Votes</i>	<i>No Votes</i>	<i>Difference</i>
Abra	10,832	53,521	(42,689)
Benguet	8,974	73,246	(64,272)
Ifugao	20,158	14,269	5,889
Kalinga-Apayao	17,919	27,898	(9,979)
Mt. Province	15,034	16,505	(1,471)
Baguio City	7,918	38,083	(30,165)
Total	80,835	223,522	(142,687)

Source: COMELEC Resolution No. 2259

The rejection of the Congress-drafted Organic Act was sustained by the Supreme Court in 1990 and ruled that the province of Ifugao alone cannot make up the Cordillera Autonomous Region (CAR) and ordered Malacañang to reimplement EO 220.

However, Malacañang to date, has not acted on the Supreme Court's ruling and instead reverted the administration of the Cordillera region into two regional development councils (RDCs). In other words, Malacañang maintained the administrative and political division of Cordillera to the former structure prior to the implementation of EO 220. In effect, the Cordillerans were again divided into two regions—Abra, Benguet, Mt. Province and Baguio City were back to Region I; while Kalinga-Apayao, to Region II. Ifugao, on the other hand, remains to be considered as the only province under the "Autonomous Regional Government.

Perceptively, the national government has not fully understood the imperatives of consolidating the Cordillerans into one political unit nor the quest of the people for regional autonomy and self-determination.

Issues Toward the Resolution of the Cordillera Autonomy

The creation of the Cordillera Autonomous Government flows from the 1987 Constitution, specifically those provisions in Secs. 1, 15-21 of Article X. How

autonomous the regional government would be, depends on how powerful it can get.

This section looks into the significant issues and major concerns toward a better understanding of the Cordillera autonomy. It is hoped that any attempt to redraft the Organic Act must work toward the recognition and preservation of the Cordillerans' indigenous sociopolitical and economic systems under the framework of modern government. Likewise, the consolidation of Cordilleran nationhood and political integrity must be safeguarded within the national thrust of Philippine development.

The following issues presented herewith are hoped to resolve the Cordilleran national question.

*Supervisory Powers of the National Government
over the Autonomous Government*

Section 17 of Art. X of the Constitution provides that:

All powers, functions and responsibilities not granted by the Constitution or by the law to the (Cordillera Autonomous Region) shall be vested in the National Government...

The provision allows the transfer or devolution of power from the national to the regional autonomous government in all areas specified by the Constitution or by future laws, including the Organic Act. However, the power devolved to the autonomous government will have to be exercised under the general supervision of the President in order "to ensure that laws are faithfully executed" as provided in Sec. 16, Art. X of the Constitution. This rule applies to all local governments (See Sec. 4 of the same Article) and does not in any way give the autonomous governments (including the Muslim/Bangsa Moro government) distinct treatment from the rest of LGUs in the country.

The supervisory powers of the Chief Executive is primarily performed by the Department of Interior and Local Governments (DILG), apart from a dozen other departments and offices of the executive branch of government for the purpose of ensuring the faithful execution of regional and national laws. This indicates an underestimation of the administrative and political capabilities of the autonomous government and underrates its sense of responsibility in safeguarding the interests and welfare of its own people.

The intergovernmental arrangement implies that the central government is more responsible in discharging its governmental functions and is accountable to the people in the region more than the regional government. It must be under-

stood however, that the ultimate reason behind the Cordillera autonomy struggle lies not only from the callousness of the central government but its plunder of natural resources and violence on the lives of the people carried on behalf of the majority-peoples' interests and foreign multinational corporations (*Pagta of the Cordillera Bodong* 1986).

In this context, it would be incomprehensible for the Cordillerans to accept the legitimacy behind the supervisory powers of the national government over the autonomous government. Although it is argued that central supervision is inherent in a unitary state and limited to: the maintenance of minimum standards in the performance of services by local authorities; the standards of administration between and among various levels of government; and the protection of the citizens against abuse of powers by local authorities, among others (de Guzman and Tapales 1973:146-147). It remains a fact that general supervision has not been really supportive to the "home-rule" concept and self-government. Sosmeña (1987: 238) considers that:

... the historical trend in Philippine jurisprudence governing central-local government relations has not been constantly and precisely steady in favor of local autonomy.

Moreover, setting the "minimum standards in the performance of local authorities" and "standards of administration" from the parameters defined and perceived by the central authorities is not necessarily an assurance that the interests of the people in the territorial jurisdiction of the autonomous government is safeguarded and protected. Given the divergence in social and political history as well as the diversity in the psychological and cultural makeup between the Christianized majority and Cordillerans, a superimposition of a "standard" of governance is not only absurd but smacks of internal colonialism. In the second place, any abuse of power by local authorities cannot be simply resolved nor prevented through the political intervention of the central government.

Since time immemorial, the Cordillerans have traditionally resolved their internal conflicts, arising from the undue exercise of powers by any member of a tribe, through the *bodong* system² where the Council of Elders and Peace Pact Holders of tribes figured prominently to resolve inter-tribal problems. In fact, any act of abuse committed by any member of the tribe or its leader, either against an individual or nature, is meted out with an appropriate punishment within the bounds of Cordilleran norm or culture. Such decision is arrived at collectively by the Council of Elders with the direct participation of the village people. The responsibility of assuring that decisions are properly implemented and executed rests not only among the Elders but even among the tribesmen.

Furthermore, it has been a traditional tendency among the Cordillerans to avoid any act that might threaten or provoke possible conflict and abuse of power against another tribe as they fully understand the consequences of tribal wars. This apprehension drives the people to be collectively concerned with the maintenance of peace and order in the whole land and deeply interested in resolving conflicts once they occur.

The resolution of tribal wars and territorial conflicts for instance are attributable to the intervention of the Council of Elders and Bodong Holders rather than the local governments, local police, nor the modern judicial system. In other words, the arbitrary superimposition of a system of government which is alien to the indigenous lifeways and culture of the people is simply to extirpate the roots of their identity and consciousness.

Apparently, the collective leadership exercised by the Council of Elders and Peace Pact Holders as well as the practice of direct democracy by the village people—two primordial and pristine principles of self-government, makes the supervisory function and power of the central government not only superfluous and unnecessary but poses a continuing threat to the fullest attainment of freedom, democracy and autonomy in the Cordillera. Evidently, the imposition of a “foreign” system of government which replaced the tribal leaders with politicians has been proven to be historically ineffective in consolidating Cordilleran unity.

The dominance of the national government over the autonomous regional government in effect gives the former an unfettered freedom and unrestrained license to intervene into practically all areas of local affairs and concerns by sheerly invoking the constitutional power of the Office of the President over the latter. Obviously, the enormous power vested upon the President by Sec. 16, Art. X of the Constitution virtually emasculated if not eroded whatever political and administrative powers the Cordillera Regional Autonomous Government (CRAG) could have enjoyed and exercised.

Structure of Regional Government

In the Cordillera, the basic organs of self-government are the Council of Elders and Village Assembly and among certain tribes or in certain conditions, the *ator* (also called *ato* or *dap-ay*) or Council of Menfolk and the War Council. These organs are never separated from each other, nor perform their functions in isolation from the other but are merged and fused together as a single political entity performing governmental functions for the village or tribe.

The Village Assembly remains the traditional and enduring expression of primordial democracy characterized by direct participation in government by the

people through the exercise of their right in formulating and making public policies for the village. By means of this direct democracy, the people themselves, instead of their representatives, make public policy. Evidently, this can be approximated by a big representative Congress at the regional level.

On the other hand, the Council of Elders which is directly involved in the execution and/or supervision in the execution of public policy, in calling and presiding over village assemblies and in the arbitration of social and personal conflicts. It is but a reflection of institutionalized collective leadership in Cordillera society.

Moreover, the traditional judicial system represented by indigenous tribal courts presided over by the village councils of elders or the supra-village councils of pact-guarantors enforcing intertribal laws and policies remain to thrive in many villages in the Cordillera. The executive, legislative and judicial functions of the Council of Elders have been responsible in maintaining and promoting the tenacity of the Cordilleran society. The concentration of powers among the elders, nonetheless, seldom leads to any abuse in the discretion or exercise of such powers. The village assemblies which exercise direct democracy in the formulation of tribal policies serve as the countervailing force in any attempt to abuse power bequeathed upon the Council of Elders. This is not to mention that powers are to be employed within the bounds of accepted norms, beliefs, mores and culture of Cordilleran society.

The political process, therefore, as operationalized through the basic organs of self-government flows from the principle of collective leadership based on direct democracy. This principle of governance in all respects, resembles more closely to parliamentary type of government in the modern times.

To thwart the attempt of the people to establish their own form of government that corresponds to a modern *bodong* type of governance (from bilateral to multi-lateral political arrangement) encompassing multilingual groupings in the whole region is a latent manifestation of national subjugation over the right of the indigenous people.

The adoption of a western-type of selecting political leaders through the process of bourgeois election will simply open the floodgates for traditional politicians who have the financial and technical resources to campaign in the entire region. Cognizant of the reality in Philippine elections that those who have the greatest access to "gold, guns and goons" normally emerge as victors in political contests and wield power vested in a public office, it gives minimal, if not nil, opportunity to individuals who have less in terms of material life although they may be morally qualified to assume political power and would better serve the interests of the Cordillerans.

Territorial and Administrative Boundaries of the Autonomous Region

In Sec. 15, Art. X of the Constitution, the boundaries of the Cordillera Autonomous Region have been defined to consist of:

....provinces, cities, municipalities and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

Sec. 18, par. 2 of the same Article further says that "provinces, cities, and geographic areas" which voted "favorably in (a) plebiscite (called for the purpose) shall be included in the autonomous region." In other words, the people inhabiting the contiguous areas of the Cordilleran Region which is composed of five provinces, viz: Abra, Benguet, Mt. Province, Kalinga-Apayao and Ifugao and Baguio City, who may claim to be Cordillerans may vote for inclusion in the Autonomous Region. However, the same Constitution limits the geographic area to be included in the Cordilleran Region by virtue of conducting the plebiscite to the aforesaid five provinces and a city only like what the government did in the 30 January 1991 plebiscite. Thus, circumscribing the opportunity of indigenous peoples inhabiting the contiguous areas bordering the five provinces their fundamental right to choose a government which relates to their cultural affinity.

For instance, the Kalanguya ethnic group has not only inhabited a part of the province of Ifugao but have lived since time immemorial in four municipalities of Nueva Vizcaya; three barangays of a municipality of Nueva Ecija; and four sitios in a barangay in the municipality of San Nicolas and another sitio of the municipality of Natividad, all in the province of Pangasinan. Likewise, the Kankanaey and Maeng tribal communities do not only have their homelands in the provinces of Benguet and Abra but in 12 municipalities of Ilocos Sur as well. Moreover, the territorial domain of the Yapayao, Pugot and Agta language groups and tribes are not limited to the political boundary of Kalinga-Apayao province but stretches and sprawls over the three municipalities of Cagayan and one municipality of Ilocos Norte.

The continuing quest for genuine autonomy of the people of the Tinggian, Kalinga and Bago groups, of the Isnags, Malawegs, Agtas-Pugots, Kankanaeys, Ibalois, Ipugaws-Itualis, Gaddangs, Isinays, Kalanguya-Ikadazans, Karaws, Balangaos, Bontoks, Katagoans, Mandek-eyes and other language groups and tribes in the Gran Cordillera Central and contiguous areas; the Ilongot-Bugkalot people of the Caraballo, the Itawis and Dumagats of the Sierra Madre as well as similar tribal people on Northern Luzon who are the descents and constituents of the Cordillera nation is to be unconditionally recognized. These peoples' right to vote for inclusion in the Autonomous Region should have been a concrete step toward the rectification of past mistakes that have been made in setting provin-

cial and regional boundaries. The integrity of the Cordillera national community must be respected and the artificial and divide-and-rule political boundaries cutting across the tribal people of the Gran Cordillera Central and contiguous areas must be dismantled.

Given the present political ambivalence of the Cordilleran Region, the absence of a definitive political decision on the part of the national government to unequivocally constitute the territorial coverage of the autonomous government will only promote the fragmentation of the Cordillerans. Moreover, this will open the floodgates to traditional politicians and influential individuals who have ready access to media and who possess enormous financial resources to use the autonomy issue for their personal interests, misrepresent the aspirations of the people and obscure or dilute the kernel of the Cordilleran struggle for autonomy (Balweg n.d.).

Ancestral Lands and Patrimony

The Cordillerans' concept of nationhood is deeply rooted in the land. Since time immemorial, this mountainous region which the Spaniards later called the Gran Cordillera ("big little cord") Central has been their homeland. The communality of their social, economic, political and cultural system is based on the structure of land ownership which is communal. Each tribal group guards its recognized domain, yet established trade relations with neighbors in the highlands and lowlands. The continuing struggle of the Cordillerans for self-determination therefore is an assertion of their sovereignty over their domain.

However, after 10 December 1898 when Spain ceded the Philippines to the United States, the new colonialists declared most lands as public domain, forest reserves, mining and logging concessions and military reservations by invoking the Regalian Doctrine. They further transformed Kafagway into Baguio City as the summer capital of the colonial government and ownership of ancestral lands, whether communal, clan, tribal or individual were completely disregarded; private land registration was decreed; and land became a commodity—sold in an open market for those who have the financial capability (CRCC 1988:4).

The Philippine Republic did not restore the ownership of the Cordillerans over their ancestral lands but retained all land laws and policies promulgated by its colonial predecessor (CRCC 1988:4). During the Marcos regime, various presidential decrees and proclamations dispossessed thousands of families of their lands such as for example: PD 705 (Revised Forestry Code of the Philippines) decreed lands 18% in slope as forest reserves and part of public domain, thus classifying all populated areas of Cordillera as inalienable and indisposible, including their rice terraces; PD 410 (Ancestral Land Decree) declared all ances-

tral lands as reserved for public purposes; PD 1559 (Amending PD 705) excluded the minority groups from cultivating and gaining economic access to "productive forest inclusive of logged-over areas, commercial forests and established plantations of forest and trees of economic value;" and PDs 548 and 634 converted ancestral forest lands into forest reserves and national parks, displacing thousands of Cordillerans from their ancestral domain.

It was also during the Marcos regime that Cordillera was parcelled between two regions (Ilocos and Cagayan regions) and plundered by multinational corporations in the guise of "national development." Some examples are the construction of four Chico River dams, the 200,000 hectare Cellophil logging concession grant, and expanded mining operations which caused massive forest denudation and soil erosion.

The umbilical cord which ties the Cordillerans to their land and their passionate defense over the centuries of colonial rule has definite cultural underpinnings. Possession of a land base permits the preservation of their indigenous culture, language, value systems, lifestyle and laws. It further ensures the retention of powers of self-government and right to self-determination. The survival of a community to determine its destiny is exceedingly difficult without a land it can call its own. As martyred Kalinga tribal leader Macli-ing Dulag once said:

To claim a place is the *birthright of every man*... For us indigenous peoples, *ancestral land is literally life, our continued survival as viable communities and distinct cultures with our brand of indigenous ethnic identities* (depend on it) (Claver 1984:6).

Therefore, any government act or law which cuts off the people from their land is tantamount to a *coup de grace* against their social system, against their life.

However, safeguarding the survival and identity of the Cordillerans does not only demand possession and recognition of their ownership of ancestral lands. Their customary laws must likewise be honored and respected, for such laws encapsulate the rules of conduct most essential to the promotion and protection of the indigenous peoples' well-being. It reflects the peoples' relationship to land, nature and environment. These had evolved from the needs and demands of the tribal communities and represent not only the beliefs and customs but the communal interests and aspirations of the people.

Contrary to the belief that customary laws are static or relics of a bygone race, tribal laws are dynamic and have been responsive both in the defense of their homelands from aggressors and promotion of harmony and social order among tribal communities. They maintain the capability to adapt to new pressures and situations. And freedoms obtained through customary laws can only be

protected and advanced if they reign over their ancestral domain and their right of self-government is recognized (Morse 1983:11).

Apart from Sec. 22, Art. II (State Policies) of the Constitution which provides for the recognition and promotion of rights of the indigenous cultural communities, Sec. 5, Art. XII (National Economy and Patrimony) protects their rights over their ancestral lands and ensures the "applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain." Moreover, Sec. 6, Art. XIII (Agrarian and Natural Resources Reform) mandates the State to apply the principle of stewardship "whenever applicable in accordance with law" and recognizes the prior rights of the indigenous communities on their ancestral lands.

However, it must be noted that all the rights and claims of the indigenous people over their lands and practice of their customary laws which the Constitution upholds to respect, promote and protect are all subject to and dependent on the policies and laws of the national government. Considering that the Cordillera Autonomous Region is created by virtue of the provisions of the Constitution it can likewise emasculate or strengthen the political and administrative powers it devolved to the regional government whenever the "sovereignty and territorial integrity" of the State is threatened. The worst scenario would be when the autonomous regional government and its enabling Act are completely dissolved simply by a change in the political leadership outside of the constitutional framework. This would put into naught all the historical claims of the Cordillerans over their lands and laws.

The absence of any effective and permanent control over the peoples' patrimony makes the so-called "recognition of indigenous rights to their ancestral domain" purely rhetoric and nominal. Moreover, it is contrary to the United Nations' Declaration of Principles on Indigenous Peoples' Rights adopted by the UN Commission on Human Rights which provides as its fourth principle that:

Indigenous nations and peoples are entitled to the *permanent control and enjoyment of their ancestral territories*. This includes surface and subsurface rights, inland and coastal waters, renewable and non-renewable resources, and the economies based on these resources (italics supplied) (Cf. CRCC 1988:12) .

Unless the Council of Elders of each tribal community is designated by the regional government to determine the rightful owner to and extent of ownership of ancestral lands, the competency of any tribunal would be highly dubious and questionable.

Questions of land ownership and extent of ownership will certainly arise due to the limitation of the definition of ancestral lands itself. Although the Constitution recognizes ancestral lands to be those which have been possessed or occupied by

indigenous cultural communities since time immemorial, it does not recognize those lands which were usurped from the Cordillerans by forcible means to be a part of the ancestral domain. It would be worth noting that thousands of Cordillera ancestral lands were forcibly taken from the tribal communities by the national government itself in the name of development and national interest and by multinational corporations which expropriated these for their mining and logging operations.

Some cases of glaring land confiscation are as follows: the Ambuklao-Binga Watershed Reserve took 123,000 hectares of ancestral lands; Mt. Data National Park (Mt. Province) took 5,513 hectares; Balbalasang National Park (Kalinga-Apayao) an estimated 20,000 hectares; Camp John Hay (Baguio), 695,000 hectares; Philippine Military Academy (Baguio), 363 hectares; and occasional and sporadic eviction of Cordilleran "squatters" in various parts of the mountain region affecting undetermined hectareage of ancestral lands (Montanews 1979; Cf. Buendia 1987: 169).

The Cordillerans were not only dispossessed of their lands but confiscated ancestral lands which are now under the possession and control of the national government and non-Cordillerans enjoy the protection of law and power of the State by virtue of the Torrens titling system. As the Constitution states in Sec. 2, Art. XII (National Economy and Patrimony) that:

All lands of public domain (classified into agricultural, forest or timber, mineral lands, and national parks), waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are *owned by the State*... The exploration, development and utilization of natural resources shall be under the full control and supervision of the State.

This all-embracing and catch-all provision of the Constitution virtually gave nothing to the Cordillerans to own and control. Similarly, it extinguishes whatever flickering hope the people hold to reclaim ownership over their lands by respecting titled lands secured under the Torrens system, regardless of mode in its acquisition.

Rather than rectifying the errors of the past and redeeming Cordilleran sovereignty over their domain, the Constitution sustains and condones the transgression of non-Cordillerans over their territories by legalizing and respecting property and land rights acquired by migrants outside the accepted norms and practices of the indigenous people. It is to be observed that a considerable and large area of ancestral lands in the provinces of Benguet (specifically Baguio City), Mt. Province, and Abra were occupied by and titled to non-Cordillerans either by forcible means of circumvention of titling laws.³

The privatization of ancestral lands through the Torrens titling system is a flagrant manifestation of nonrecognition of Cordilleran indigenous concept of land ownership and a sign of disrespect to their time-honored value of communal life. By law and legislation, the State conspires to break the tenacity of life and communalism in the Cordilleran society.

Furthermore, the control and supervision over the exploration, utilization and development of natural resources by the State is an affront to the proprietary rights of the Cordillerans over their domain. By historical fact, the Cordillerans have been in control and exercised supervision over the exploration, utilization and development of their natural resources domain even before the colonial government ruled the country during the 16th century. The tribal communities have been politically sovereign still during and after the collapse of direct colonialism and remain to be under the present Republican government. They have controlled their natural resources on a local, communal basis and managed them for long-term sustained yield (CRCC 1988:11). It seems inconsequential therefore for the national government to control and exercise supervision over Cordilleran resources when such powers have been inherent among the tribal communities.

Fiscal Autonomy

Promoting fiscal autonomy means increasing the authority and responsibility of the regional government over the generation, utilization and control of funds. This necessitates the creation of a judicious system of creating and collecting revenues in the region as well as retention of national taxes. Moreover, it is concerned with the power of local governmental units (including regional government) to identify sources of revenue, generate taxes and determine the extent of revenue sharing with the national government (UP-CPA 1989:15).

In the proposed 1991 Local Government code (LGC), no provision has been made on the taxing powers and shares from revenues of national taxes of regional governments. It is assumed, however, that these will be defined once the new Cordillera Organic Act has been redrafted and subsequently enacted into law.

While local taxing powers have been enhanced by the proposed Code (Book 2, Local Taxation and Fiscal Matters), it is beyond doubt that the national government will relinquish its prerogative to avail of the most productive tax sources—the income tax and taxes on BOI-certified pioneer business enterprises (1991 Local Government Code, Draft Conference Committee Report). The powerlessness of the autonomous government to impose and dispose taxes from incomes earned by its constituents deprives it of its rightful claim over the earnings generated in the region.

The fundamental basis of the right of tax is the capacity of the government to provide benefits and protection to the object of the tax. If the primordial role of regional governments is to accelerate economic growth and development and promote political stability in the country, then the power and authority of the autonomous government to augment its financial resources must be fully supported and promoted in order to perform its public as well as proprietary functions.

Moreover, the national government has preempted other profitable sources of local revenues in public enterprises and utilities, such as water, electricity, telephone, etc. as LGUs are constrained to tax national and local instrumentalities of government under the proposed Code. The control of the State over public enterprises and utilities in the region mitigates not only against local tax efforts but restrains the regional government from formulating an expenditure system in the production, allocation and distribution of social goods and services apropos the development of objectives and strategies of the region.

The Gross Regional Domestic Product (GRDP) of Cordillera is the lowest in the entire country, making up only 1.61 percent of the total national domestic product (1987) and whose people (66 percent) are living below poverty line (Mondoñedo, Cabading & Caoili 1990). In spite of abundance of natural resources, economic performance is 338 percent lower than the average of the country's 13 regions (P6.58 billion). Over the years, the stark picture of Cordilleran underdevelopment remains. The gross economic impoverishment of the people makes the issue of regional fiscal autonomy a paramount concern.

Referring to DOF Undersecretary Katigbak's (1989:7) proposal for the autonomous regions to achieve fiscal self-reliance over time, he states that:

... the Region (should) retain all tax revenues therein, but would remit 20% to the national government as its contribution for services which continue to be provided nationally." (italics supplied)

With regards to infrastructure assistance and capital-based projects, Katigbak (1989:8) proposes P10 billion a year for ten years as "seed money" for the autonomous region.

The following facts, moreover, would give us an idea behind the rationale of infusing a substantial financial assistance in the region: 39 percent of the towns remain without electricity; 28 percent have no water systems; 30 percent are inaccessible by road; and 31 percent have no telegraph services. Infrastructure facilities are found mainly in the provincial and municipal centers, apart from those areas where mining and logging concessionaires operate.

It must not be construed, however, that the issue of fiscal autonomy is limited to the national government's provision of the necessary financial resources

to the autonomous government for its development. On the contrary, fiscal autonomy must address the issue of political empowerment of the autonomous government to generate, allocate and utilize its local financial, human, technical, and managerial resources toward the interest of regional growth and development without losing sight of the national goals and objectives.

The empowerment of the autonomous regional government must not be perceived to be a diminution of the national government's power to oversee or supervise over the conduct of the former's public affairs nor construed a threat to national unity. Rather, the empowerment of the autonomous region strengthens the political stability of the entire nation.

The national government must recognize that Cordillerans live and prefer to live in a different political and social system apart from the rest of the Filipinos. Their being different, however, is not an impediment to national unity. In fact, national unity can be achieved in diversity in a polity which respects the rights of a people to be different.

Summary, Conclusion and Recommendation

The Cordillerans have built their own nation outside of the present government whose nationhood was a product of colonialism. Although the Cordilleran nation may seem to be "primitive" by Western standards, the fact remains that they have their own identity and consciousness, unlike the colonized Filipinos whose identity and consciousness have yet to be defined. While the rest of the Filipinos continue to live in cultural confusion, the Cordillerans have retained their forebears' ideals of freedom through resolute defense of the motherland as well as the legacy of independence and democracy. Unfortunately, the colonized Filipinos who now rule in the national government threaten their very survival as a distinct people, as national policies and laws destroy their political sovereignty and economic well-being.

Conceivably, the national government failed to recognize the fundamental reasons for the Cordillerans' quest for political and economic emancipation. The 1987 Constitution from which the creation of the Cordillera autonomous region flows, has circumscribed the power and authority of the regional government to operationalize its vision of autonomous government. To the Cordillerans, their land is the umbilical cord that ties them together and nourishes their nationhood. To cut them off from their lands is unjustified; their survival as a people with distinct cultural and historical heritage depends on the land. Their forefathers resolutely fought against colonialism to preserve their lands, for they knew that it was necessary in order to protect their "nation" from certain death.

When Cordillerans no longer control their ancestral territories, customary laws will no longer be honored and respected, for such laws reflect the peoples' relationship to their land, nature and environment. Customary laws encapsulate the rules of conduct most essential to the promotion and protection of the peoples' welfare. As their ancestral domain will be subject to national laws, then customary laws will eventually lose their potency to preserve and maintain social order in a manner which is indigenous to the Cordilleran society.

In view of the aforesaid situation, the following recommendations are proposed:

Create a Cordillera Autonomous State within the Territorial Boundary of the Republic of the Philippines

An autonomous government for the Cordilleras can only be attained through the creation of a Cordillera Autonomous State (CAS). It entails minority rule over the minority itself with regard to a specified area of activities that are the minority's exclusive concern. The political jurisdiction of the CAS shall cover the entire Gran Cordillera Central inhabited by the various ethnolinguistic minority groups. This includes the entire provinces of Abra, Benguet, Kalinga-Apayao, Mt. Province and Ifugao and parts of Cagayan, Ilocos Norte, Ilocos Sur, Nueva Ecija, Nueva Vizcaya and Pangasinan.

The CAS shall draft their State Constitution identifying the powers and authority of their government *excluding* the powers reserved to the Republic, i.e., foreign relations, external defense, coinage and currency, postal communications and telecommunications, immigration and deportation, quarantine, citizenship and naturalization and standards of measurements. All other political and administrative powers shall be exercised by the State government (CAS), thus giving it a semi-sovereign status. The Constitution shall be effective immediately upon the ratification of the majority of the electorates voting in a plebiscite called for the purpose.

Where there is a concentration of non-Cordillerans or people who do not share common historical and cultural heritage with the indigenous people living within the territorial coverage of the CAS, e.g., Baguio city and some parts of Abra and Benguet, a Non-Cordilleran Organic Act shall be drafted providing for the creation of a Sub-State Government or city, municipal or supra-municipal government (whichever would be appropriate and applicable under the given situation). The Sub-State Governments can either link, politically and/or administratively, with the CAS or National Government or both, whichever would be most advantageous to them.

The intergovernmental relation shall be defined in the State Constitution and Sub-State Organic Act or Charter working on the principle of mutual-benefit, mutual-respect and nonintervention on internal affairs. The Non-Cordilleran State government in the Autonomous State shall be given a seat in the highest policymaking body of the CAS based on the principle of proportionality serving as the basic standard of political representation, civil service appointments and allocation of public funds.

The Cordillera Autonomous Government shall exercise its power of eminent domain. The exploration, utilization and development of Cordilleran resources, including operation of all public utilities, shall be under the control and supervision of the Cordillera government. Moreover, the government has the right to control the activities of transnational and domestic corporations to prevent the exploitation of the people and to ensure that such activities contribute to the development of the region and the democratic sharing of wealth and income among the inhabitants and local government units.

The imposition and collection of income taxes shall be the sole prerogative of the Cordillera Autonomous State Government. Multinational corporations which generate their income and profit from the exploration and development of the Cordilleran natural resources shall be taxed in accordance with the taxing system of the CAS. The CAS shall formulate and implement their own regional fiscal policies which include policies on taxation and revenue generation and administration; resource allocation, budgeting and public expenditures; public borrowings and debt management; and accounting and auditing.

With regards to National-CAS revenue sharing, the Autonomous State shall retain 100 percent of its income and revenues for ten consecutive years and remit 10 percent thereafter to the national government. This is the most justifiable arrangement that can be made considering the many decades of neglect and deprivation experienced by the Cordillerans under the present government.

For effective governmental management, the CAS shall adopt a parliamentary form of government which reflects the indigenous political system. A modern bodong system shall be developed and encompass the entire territorial coverage of the autonomous government *except* those areas which prefer to adopt the national government's presidential system. With the creation of the Cordillera Autonomous State, the provisions of the Pagta of the Cordillera Bodong adopted by the fourth Congress of Cordillera Bodong in Manabo, Abra on 1 December 1986 shall be incorporated in the CAS' Constitution and take effect immediately upon its ratification.

*Assistance of the National Government in the
Period of Cordilleran Reconstruction*

After the effectivity of the CAS' Constitution, a ten year Cordillera Transition Development Plan shall be implemented. The national government shall allocate at least P10 billion for a period of ten years for infrastructure-based projects, i.e., roads, bridges, electricity, water systems, telecommunications, irrigation systems, etc. The formulation of plans and implementation of these projects shall be undertaken by the CAS in consultation and coordination with the concerned different agencies of the national government.

*Amend the 1987 Constitution for the Adoption of the Federal
Form of Government in the Republic of the Philippines*

The independence and freedom of the Cordillera Autonomous State from the undue intervention of the national government can only be assured with the adoption of a federal form of government for the entire country. Given the heterogeneity of the Philippine society where a majority-minority dichotomy exists, any equation of democracy with the majority rule will permanently exclude the minority from exercising its power over its own domain. It should be emphasized that majority rule is democratic only when there is alternation in public office. But when the dividing lines between majority and minority or between several minorities are fixed rather than fluid, it is likely that one or more minorities will continually lose in elections and will be permanently excluded from power.

The meaning of democracy is violated when a minority lacks any reasonable chance to take part in the governance. In other words, majority rule in deeply divided societies is likely to be profoundly undemocratic and the only democratic system is one that allows participation in government by a coalition of all groups, majority and minority, on a more or less permanent basis. Apparently, only through a federal setup will the autonomy of the minorities be secured rather than a unitary political system where the national government has all the "legitimate" reason to intervene and transgress over the internal affairs of the minorities under the banner of "national interest and development."

Final Note

The defense of democracy and freedom has been the way of life of the Cordillerans, the future of such ideals remains in their hands. As the indigenous people carved their fate in an Organic Act, the lowlanders must likewise carve theirs, not as a separate people from the minorities but in unity with them. As the

Cordillerans look forward in building their nation, the lowlanders can also look forward toward building national unity in diversity.

Endnotes

¹The vision of Cordilleran autonomy was declared in the Pagta of the Cordillera Bodong. It is the Constitution of the Cordillera Bodong adopted on its fourth Congress held in Manabo, Abra on 1 December 1986.

²*Bodong* is a Kalinga word for "peace pact" which is a bilateral nonaggression pact as well as economic and political agreement forged between communities based on the principle of mutual-respect, mutual-trust, mutual-benefit and nonintervention over internal affairs. This is a conviction which was widespread in the Philippines during the advent of the Spaniards. It has been perceived that the bodong which is an institution of peace and unity between tribes can be expanded and embrace more tribes and villages to serve as a vehicle for intra- and intertribal unity and self-government.

³Interview conducted with Fr. Conrado Balweg, Fr. Tito Belisario and Fernando Bahatan, Jr. (members of the Cordillera Bodong Administration)

References

- Agbayani, Rene
1987 The Political Movement in the Cordillera. *Diliman Review* 35 (5 & 6) UP Diliman, Q.C.
- Balicao, Ed
1987 Cordillera Society and Resolution. Lecture Series No. 1, Center for Nationalist Studies of Northern Luzon, Baguio City.
- Balweg, Conrado
n.d. The Political Situation. Message delivered on the CBAAd-CPLA Summing-Up Conference on the Cordillera Situation, Cordillera House, Wright Park, Baguio City.
- Brillantes, Alex B. Jr., et al.
1989 Local Autonomy in the Philippines — Myth or Reality? Occasional Paper No. 89-1 (January).
- Buendia, Rizal
1987 The Case of the Cordillera: An Unresolved National Question. *Philippine Journal of Public Administration* 31 (2) (April).
- Claver, William
1984 Land, Culture, and Identity. Keynote address on the Dialogue Asia Conference. 20-30 October, Baguio City.
- Connor, Walker
1972 Nation Building or Nation Destroying. *World Politics* 24.

- Constantino, Renato
1974 Identity and Consciousness: The Philippine Experience. Paper presented in Symposium 3 of the VIII World Sociology Congress held in Toronto, Canada.
- Cordillera Bodong Administration (CBAAd)
1986 Towards the Solution of the Cordillera Problem: A Statement of Position in Pagta of the Cordillera Bodong. CBAAd. December.
- Cordillera Regional Consultative Commission (CRCC)
1988 What is the Historical Basis for Regional Autonomy? *Primer on Cordillera Autonomy*. CRCC, Baguio City.
- Cordillera Resource Center
1989 What is Genuine Regional Autonomy? Cordillera Papers, Monograph No. 1, CRC, Baguio City.
- de Guzman, Raul P. & Alex B. Brillantes Jr.
1978 Issues and Problems in Development Administration in the Philippines: Focus on Regionalization. Paper presented at the Fifth Annual National Conference of the Philippine Political Science Association. 21-22 October held at the UP School of Economics Auditorium.
- de Guzman, Raul P. & Proserpina D. Tapales
1973 Philippine Local Government: Issues, Problems and Prospects. Local Government Center, UP-College of Public Administration.
- Glang, Alunan C.
1969 Capsule History of the Muslim Filipinos in Muslim: Secession or Integration? Q.C.: Garcia Publishing Co.
- Gowing, Peter
1988 *Contrasting Agendas for Peace in the Muslim South in Understanding Islam and Muslims in the Philippines*. Q.C.: New Day Publishers.
- Hagopian, Mark N.
1985 *Nationalism in Ideals and Ideologies of Modern Politics*. Longman Inc., New York, N.Y.: The Alpine Press.
- Katigbak, Ramon K.
1989 Decentralization: The Next Research Frontier. *NTRC Tax Research Journal* 1(1) (Jan-Feb) Manila.
- Kohn, Hans
1961 *The Idea of Nationalism*. New York: Macmillan.
- Linton, Ralph
1958 Nativist Movements. W.A. Lessa and E.Z. Vogt Evanston (eds.) *Reader in Comparative Religion*. Ill.: Row, Peterson.
- Local Government Code (LGC)
1991 Draft Conference Committee Report.
- Majul, Cezar Adib
1972 The Historical Background of the Muslims in the Philippines and the Present Mindanao Crisis. Ansar el Islam, Marawi City.

- Maranan, Ed
1987 Development and Minoritization. *Diliman Review* 35(5 & 6). UP Diliman, Q.C.
- Mastura, Michael O.
1988 Maguindanaon Hopes and Fears From the Constitutional Convention in Peter Gowing (ed.) *Understanding Islam and Muslims in the Philippines*. Q.C.: New Day Publishers.
- McDonagh, Sean
1983 *Modernization, Multinationals and the Tribal Filipinos in Solidarity* 4(97). Ermita, Manila: Solidaridad Bookshop.
- Mondoñedo, Baboo; Felix Cabading, & Nestor Caoili
1990 The Cordillerans: A Distinct People, A Diverse Culture. *Philippine Daily Inquirer* (22 January).
- Montanews
1979 Mt. Data National Park Reforestation. (September).
- Moro National Liberation Front (MNLF)
1975 Manifestó. Address to the Sixth Islamic Conference of Foreign Ministers, Jeddah, Royal Kingdom of Saudi Arabia. 12-15 July, mimeograph.
- Morse, Bradford W.
1983 Land Rights and Customary Law: A Comparative Analysis. University of Ottawa, August. Cf. *Primer on Cordillera Autonomy*. CRCC.
- National Economic and Development Authority (NEDA)
1986 *Medium-Term Philippine Development Plan (1986-1992)*. Republic of the Philippines.
Philippine Daily Inquirer
1989 October 11.
- Shafer, Boyd C.
1955 *Nationalism: Myth and Reality*. New York: Harcourt, Brace, World.
- Sosmeña, Gaudioso C.
1987 Local Autonomy and Intergovernmental Relations. *Philippine Journal of Public Administration* 31(3) (July).
- United Nations
1985 Declaration of Principle. Working Paper No. 4. Commission on Human Rights. Subcommission on Prevention of Discrimination and Protection of Minorities. Geneva.