

# Empowerment/Disempowerment vis a vis Material Resources: Internal and External Influences Shaping Community Change

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Studies on resources often take a top-down approach which reduces the relationship between people and their resources “to the machinations and workings of the macro-state or the global market” (Sajor and Resurreccion 1998: 3). The top-down approach unwittingly blurs the significant role of micro-level factors and denies social actors of their agency in shaping events. This paper departs from the top-down approach and contributes to a more nuanced and in-depth study of the resource use of target communities at the micro- or at the most basic- level (see Prill-Brett 2006; Sajor and Resurreccion 1998; Long 2002). The paper emphasizes the concept of agency in looking at the relationship between the community members and their resources. Community members, as social actors, have the capacity to change the course of events no matter what the seeming constraints they face. When presented with development projects, social actors do not passively receive the intervention. Rather, they provide differing and calculated responses according to the perceived advantages that they could get from it. Community members are active agents who process and modify development projects according to their existing needs and realities (Long and van der Ploeg 1994).

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Most studies that have been conducted on empowerment are on three themes: women’s empowerment, empowerment in governance and community participation (Holland and Brook as quoted in Alsop and Heinsohn

2005: 26). This study aims to contribute to research on empowerment by focusing on material resources, since there is a lack of studies that focus particularly on this theme. Fewer still are studies of communities where significant changes—brought about by factors from within and outside of the community—in the use, management and control of material resources are occurring. It is important to consider these changes because most studies on resources especially of indigenous communities have been what Sajor (1998) refer to as static and ahistorical; that is, these studies fail to recognize that even so called traditional communities are changing, as well as the norms, rules and values accorded to resources.

This study was conducted in Sabangan *Ili* (village) in the town of Sabangan, Mt. Province. In this community, there have been changes in the internal regulatory orders (which cover the customary laws, norms and values) regarding the use, management and control of material resources. As a semi-autonomous social field, the community has also been open to regulatory orders from outside that have had considerable effect on its material resources. These include market forces, state legal system, interventions of development agencies, etc. Regulatory orders are being created and recreated as a result of the interaction between the different forces at work. The changes occurring in the use, management and control of material resources brought about by several forces and factors from within and outside of the community created a condition of legal pluralism, and thus the operation of multiple regulatory systems is observable in Sabangan *Ili*.

Given that the behavior of the community members is influenced by multiple regulatory orders (Vanderlinden 1989), the concern of this paper is to look into how the members of the community Sabangan *Ili* take advantage of the changes with regards material resources occurring in their midst, as well as the existence of several regulatory orders to promote their interests and secure their position. This is best illustrated through cases. Cases elucidate the different regulatory orders at work and how, on the one hand, these regulatory orders assert their power over the different players, and on the other hand, how the different players invoke these regulatory orders to gain power and advantage. From this, the paper looks at who are empowered/disempowered in the process.

Legal pluralism is utilized as a tool for data analysis. I borrow Keebet von Benda-Beckmann's (1997) definition of legal pluralism: "It is when in a social field more than one source of law, more than one 'legal order' is observable, that the social order can be said to exhibit legal pluralism. Legal

pluralism does not presuppose that one legal system is superior over another. It only states that in actual situations, actors do not always make a clear distinction between differing legal systems and regulatory orders (Sajor and Resurreccion 1998).

## EMPOWERMENT

The concept of empowerment is a relatively new development catchphrase.<sup>1</sup> It has been emphasized that meaningful development is not possible unless accompanied by empowerment. Thus, although relatively new, empowerment has become the active advocacy of many government and non-government agencies working with grassroots communities. However, the challenge with empowerment is that while it is widely used, it is rarely given a clear definition because it is assumed that people already know what it means (Rowlands 1996).

According to Uphoff (2005), an analysis of empowerment looks into the following concepts:

*power resources*: assets that can be accumulated, invested, expended, transacted, and exchanged, creating possibilities for achieving objectives;<sup>2</sup>

*power results*: whatever is achieved by the use of these resources or assets; and

*processes* whereby resources (power inputs) are converted into results (power outputs). This can be done with more or less skill, with more or less certainty, with more or less efficiency. The roles, relationships, activities, strategies, etc. that structure and achieve this conversion.

Two people having the same resource base do not achieve the same desired results. Furthermore, resources in themselves do not lead to results unless efforts and will are exerted. This makes the capability in the utilization of resource base an equally important determinant and should be considered in the analysis of empowerment. Uphoff provides two types of power capabilities – individual skills and collective organization. Individual skills may include literacy level or entrepreneurial skills. Collective organization is any cooperative activity in the community intended to achieve goals more efficiently. For Uphoff, capability is not the same as resources.<sup>3</sup> Capability is what steers resources into good use. Even if a person is provided with information or is endowed with land, capability is still needed in order for the information to be beneficial or for the land to bear fruit.

The World Bank's measuring empowerment (ME) framework as discussed in Alsop and Heinsohn (2005) is complementary to Uphoff's conceptualization of empowerment. In a nutshell, the framework looks at empowerment as:

a person's capacity to make effective choices; that is, as the capacity to transform choices into desired actions and outcomes. The extent or degree to which a person is empowered is influenced by personal agency (the capacity to make purposive choice) and opportunity structure (the institutional context in which choice is made). Asset endowments are used as indicators of agency. These assets may be psychological, informational, organizational, material, social, financial, or human. Opportunity structure is measured by the presence and operation of formal and informal institutions, including the laws, regulatory frameworks, and norms governing behavior. Degrees of empowerment are measured by the existence of choice, the use of choice and the achievement of choice.

The ME framework focuses on three interrelated concepts: asset endowment as indicator of agency, opportunity structure, and degree of empowerment. Agency and asset endowment are complementary to capability and power resources discussed earlier. Note however that Uphoff looks at capability as different from resource while the measuring empowerment framework regards asset endowment as equivalent to agency. Furthermore, what Uphoff regard as capability—individual skills and collective organization—is subsumed under assets—human assets (e.g. skills or literacy) and organizational assets (e.g. membership in organization)—in the measuring empowerment framework.

Opportunity structure has similarities with Uphoff's processes in that both pertain to the structure (the rules, roles, regulatory frameworks, etc.) that, on one hand, determines a person's access to resources and, on the other, facilitates or deters a person's achievement of desired outcomes. Degree of empowerment is about choice and chance – whether a choice exists and whether the person takes the chance to use the choice as an opportunity to achieve objectives.

**Material Resources:** Land is the primary material resource dealt in this study. Other material resource include sand and gravel, forest products particularly timber, and financial resources. Financial resource is not a material resource per se. It is also, according to Berthoud (1993: 79), a social and political resource, but it is nevertheless referred to in this study as a material resource. Material resources are means that are employed to achieve needs

and wants. Possession of these resources, e.g. financial resources, enables a person to attain some level of physical well-being. Thus, the possession of material resources can be ends or desired outcomes in themselves.

Opportunity structure covers the 'laws, regulatory frameworks, and norms governing behavior with regard the use of material resources. These can be 'laws, regulatory frameworks, and norms' inherent in the community. They can also be 'laws, regulatory frameworks, and norms' influenced by external factors and agencies. The opportunity structure determines a person's access to resources and can facilitate or deter the achievement of results he desires.<sup>4</sup>

Material resources in themselves do not accrue to results. In the same way, opportunity structures are only as good as how the community members take advantage of them. Capability is how the community members employ their material resources in order to achieve desired outcomes with more efficiency. Individual skills and collective organization make the achievement of needs and wants more efficient. Capability also refers to how community members take advantage of the opportunity structures that are presented as a result of the changes in the use of material resources that are occurring within their community as well as the opportunity structures presented as a result of the interventions of outside agencies in order to promote their interest and secure their positions. Capacity is the ability to make effective choices.

The concept of agency as espoused by Norman Long and Jan van der Ploeg (1994) expounds the concepts of capability and capacity. The concept of agency explains the "differential responses" of social actors to similar structural circumstances. This means that a given intervention by outside agencies can meet different responses given the different experiences of the target beneficiaries as well as their capacity to manipulate the intervention so that it fits their existing needs and realities. Long and van der Ploeg consider this a form of power.

This study looks at empowerment as a process. A person or a group is said to be empowered if their material resources and capabilities are enhanced so that the probability that they will achieve what they need and want is higher. That is, a person or a group is said to be empowered if they are able to make more effective choices and decisions to achieve what they need and want. Disempowerment occurs when a person's or a group's access or use of material resources is constrained, giving them less or zero probability in achieving their goals. The changes in the use of material resources and the intervention of outside agencies can be sources of constraints.

## CHANGES IN PROPERTY SYSTEM

The changes in property system illustrate the multiple forces from within and outside Sabangan Ili that have impacted on the use, management and control of material resources and created a condition of legal pluralism. The most significant material resource in Sabangan has always been land; its significance has never waned. But there have been changes in the land property system which mirror the changing perception of the people towards the resource. In the early 20th century, land in Sabangan was still classified into three types, according to ownership.<sup>5</sup> First are the individual or family-owned lands (*bukod*) which can be passed on as inheritance. A land declaration or a land title can be applied for it and it can thereby be sold, exchanged, or offered to serve as collateral. Individual or family-owned land include the *payew* (irrigated ricefield), the *uma* (nonirrigated field), the house lot, and any land that has been purchased by the individual or the family. Some timberlands and pasturelands are also individual or family-owned.

Second, there are still a few plots of land that could be classified as corporate or clan property in the early 20th century. Clan property is referred to as *albobo* and this belongs to all those who trace their descent to a common ancestor.<sup>6</sup> Each of the clan members is given usufructuary rights to the albobo. Thus, in theory, it can not be land-declared; it can not be sold or exchanged. Clan properties are usually timberlands where clan members can gather timber needed in building their houses. Some clan properties are grassy which can be used as pastureland. There are albobos planted with mango trees, whose fruits the clan members share. A clan member can also make swidden farms for camote and legumes in clan properties. Interested member-families take turns in the swiddening or utilization of swidden farms found in albobos.<sup>7</sup>

The third type of land is the village communal land to which every member of the community is given access and rights of use and benefit. Communal lands are those within the domain of the ili which have not been claimed as an albobo or are not privately-owned. Community members can make swidden farms in communal lands and no one disallows it. Communal lands are forestlands used as timberlands and hunting grounds, or they can be grasslands used for pasture. Portions of village communal lands can be converted to family-owned lands after permanent improvements have been done on them. Permanent improvements include levelling the terrain, construction of ricefields, building and channelling of irrigation canals, and stonewalling. A person who grows pine trees in a barren portion of a

communal forest can claim ownership of that portion. The portion of the forest can no longer be part of the communal land once permanent improvements have been done; it is now declared individually or family-owned timberland.

A significant change in the land property system is the loss of corporate or clan property (*alobobo*), and this is the result of several factors. The first of these is the introduction of state laws that put primary importance to land declaration as a means of security of land tenure. Early on the people of Sabangan realized the supposed benefits of land declarations. Years before World War II, there were already many residents who had their lands declared. Likewise, the people of Sabangan realized the power that a signature has on land ownership. It has been told that, in the 1930s, when the wealthy landed woman Kalingban (who did not have a single family member alive) was on her deathbed, some people went to the extent of getting her thumb mark as proof that they were her heirs. Informants also recall the land assessment conducted during the incumbency of Pres. Manuel Quezon as a significant event. In this land assessment program, the government asked the residents to register their lands; otherwise, they would become part of the public domain. This was a cue to the residents of Sabangan to declare their lands.

The *alobobos* were greatly contested in land declarations. Member-relatives decided to subdivide their *alobobos* among themselves and had them declared. Some calculating members declared entire *alobobos* without their relatives' or other clan members' knowledge. Some took advantage of the absence of some members who were working outside the community such as in the mines<sup>8</sup> or in the city. They introduced permanent improvements on the *alobobo* which legitimized their sole claim to the land. Some elderly informants estimate that there were already no clan properties after the war, save for some mango trees whose fruits were all shared by the clan members. The *alobobos* either became *payew* or *uma* or they had already been subdivided among the relatives (*nabato-batog* or *namungsan*). By then, *alobobo* came to refer to an extended family land, which usually took the form of a wide *payew* or *uma* which siblings can take turns farming.<sup>9</sup> But even *payew* and *uma* owned by an extended family were eventually subdivided among siblings. At present, *alobobo* is a nearly forgotten concept.

Aside from land declarations, the entry of Sabangan residents to wage labor in, for example, the booming mining industry in Benguet, and the outmigration of residents to the cities were factors why it was difficult to

maintain clan and extended family properties. Finin (2005: 173) mentions that many of the highlanders who worked in the mines in Benguet decided to settle permanently in Baguio City. This was true for the I-Sabangan who worked in the mines. When these residents settled permanently in Baguio City or in other places, they saw it fit to sell their portion of the land to siblings staying in the ili. They felt they did not have a stake to the land anymore. At the same time, those who were working in the mines afforded them wages that enabled them to buy the share of their siblings. Thus, together with land declarations, land alienation was common as early as before World War II which further shows the changing notion of community members towards land.

Population increase was also a contributory factor to the loss of clan and extended family properties.<sup>10</sup> Before, it was possible to manage the properties because fewer members took turns in utilizing the land. But when the demand for land increased with the burgeoning population, the members simply could not afford to wait for their turn to use the land. Bennagen's observation that "with agricultural intensification resulting from population pressure and the penetration of concepts of individual property rights, not to mention the pressure to meet new consumer needs, even swiddens are now being used permanently by the original cultivators" (1996:19-20) applies to Sabangan Ili.

The designated village communal lands were also contested in land declarations. Village communal lands were not private properties; thus, they were not supposed to be tax-declared. But there were cases where certain individuals or families declared portions of village communal lands under their names. For example, Cada was a mountain designated as a communal area, but in the 1970s, there were individuals who declared some portions of it as theirs. In another instance, one elderly woman declared a portion of Danum, the mountain directly facing Poblacion as hers when it became clear to her that SMART Telecommunication would build a signal tower there. The mountain was part of the designated village communal area. Now, the elder woman is reportedly collecting a P10,000 monthly rental from SMART. Community members did not only lay claim to portions of the forests, but to other areas of the ili considered public areas as well. It has been observed that pigpens or small storehouses have been constructed above the drainage canals passing the different sitios. Some newly constructed houses have also been extended covering the upper portion of the drainage canals.



The application for land declaration attests to the changing notion that community members have to land. The reason community members give for having their lands declared is to ensure and legitimize their claim of ownership to the land. It would be easy for other people to claim the land as theirs if they do not have land declarations.<sup>11</sup> This shows that land declarations have become the basis for land ownership. It is no longer the case that actual use of the land provides security of land ownership. The customary norm that declares that the more labor and improvements that are invested in an area of land, the greater the right of claim to ownership (Prill-Brett 1993; Enkiwe, Baldino, Pogeyed 1998) does not hold true anymore. Informants constantly mention that the government claims land as part of the public domain of the state if the person does not tax declare it. Moreover, a land declaration enables the titleholder to alienate the land using the current market price. And it is not always the case anymore that land be offered for sale first to kin members at a lower price.

Aside from tax declarations, community members have learned to utilize other means to ascertain security of land ownership. Community members who are working or who have settled permanently outside of Sabangan Ili feel that a tax declaration may not be enough as security of land ownership. This for instance in the case of community members who work and live in Baguio City, but who still own lands in Sabangan. These community members use free patent issued by DENR to protect their land in their absence.<sup>12</sup> Free patents are considered better than tax declarations. Surprisingly, based on the observation of the DENR-Sabangan personnel in charge in the Lands Management Division, even those who are living within the community but who have just a few agricultural lands also actively apply for free patents. They do so perhaps to protect the few plots that they have. Community members who have had experiences with land dispute cases are also the first to apply for free patents. These community members have learned that a land title or a free patent provides a stronger claim in land disputes as compared to a tax declaration.

Some community members have also learned to make use of the Certificate of Stewardship Contract (CSC) issued by DENR to claim resources.<sup>13</sup> The Sorianos, for example, declared their farmland in Bebe-an, located above the national road in the Ili. However, they included in their declaration the farmland of the Marianos which has not been tended for some time. Mrs. Mariano learned of this and complained. Her complaint was futile because she did not have a land declaration. The Sorianos secured a Certificate of

Stewardship Contract to further secure their interest in the land in Bebe-an. There are pine trees interspersed in the farmland so it qualified for the CSC. As a form of land tenure, the CSC in the hands of the Sorianos have totally crippled the entitlement of the Marianos to their farmland.

It is important to note that the Chico River runs along Sabangan. The river is part of the village communal resource, so community members are allowed to benefit from its resources. Community members who want their houses cemented can readily avail of the sand from the river. Infrastructure for the community such as pathways, flood control dikes, etc. can also make use of the sand and gravel from the river for free.

However, pursuant to the Mining Act of 1995, the extraction of sand and gravel is now regulated. A permit from PENRO (Provincial Environment and Natural Resources Office) is required before anyone can quarry sand and gravel. The issuance of permit, however, has been taken advantaged of by business-minded community members. They secure a permit from PENRO, by virtue of which, they possess the authority to collect payments from those who quarry sand and gravel from the area covered by their permit. Thus, the river which is a communal resource is now under the control of a few individuals. Other community members can not now freely have sand and gravel from the river.

## CASES

To show in detail how community members of Sabangan Ili take advantage of the existence of several regulatory orders to promote their interests and secure their position with regards material resources, two cases are presented below. These cases involve land disputes, and they provide a picture of how community members at the micro-level employ different normative systems and regulatory orders in order to gain material resources or protect the material resources that they already have.

### Dagiwdiw Land Dispute Case<sup>14</sup>

Dagiwdiw is the name of a hill situated in the Eastern part of Sabangan Ili. It became an albobo of the followers of the Aglipayan Church, referred to as the *Kumbaba*, which was very active in Sabangan during the first half of the 20th century. Kumbaba members would travel by foot to Sabangan to join fellow Kumbabas in the ili for praise and worship. Kumbaba members from many parts of Mt. Province—as far as Agawa and Tamboan of Besao;

Tetep-an and Amkileng of Sagada; Alab, Balili and Gonogon of Bontoc; Otucan, Bila and Bagnin of Bauko, etc.—all worked on Dagiwdiw transforming the hill into terraced ricefields and unirrigated farms. The transformation of Dagiwdiw was accomplished through the leadership of Baket Kalingban, a *kadangyan*<sup>15</sup> and a noted leader of the Kumbabas. Baket Kalingban used his resources to feed the Kumbaba members during the entire time they were working on Dagiwdiw. A house was built on the hill as the group's headquarter.

Baket Kalingban designated Pedro Da-o, a Kumbaba member, to serve as caretaker of Dagiwdiw. Since the Kumbaba members paid only seasonal visits to Sabangan, it was Pedro Da-o and his family who tilled the lands in Dagiwdiw. A share of the harvest from the land was allocated for the use of Kumbaba members during their visit to Sabangan or when they went to other places to worship with other members. A portion of the harvest was given to Pedro Da-o for his work as caretaker.

In theory, the land in Dagiwdiw could not be land-declared because it was a group's *alobo*. However, Lakay Pedro Da-o declared the land in Dagiwdiw under his name. He declared a total of 1.5 hectares which was the largest land ever declared by one person in a single area in Sabangan. The lands were declared before World War II, but it was only after the war when the Kumbaba members learned of it. They took notice when Lakay Da-o was not giving them a share of the harvest. Lakay Pedro Compalas, the leader of the Kumbaba after Kalingban's death, and the other Kumbaba members from different parts of Mt. Province challenged Lakay Da-o in court and hired Atty. Pio Marcos to represent them.

According to one account, Lakay Da-o declared the land under his name, on the advise of an Ilocano judge/lawyer. Another account said that it was the elders of Sabangan Ili who advised Lakay Da-o to do so. The elders' advice to Lakay Da-o was triggered by their fear that there would come a time when the Kumbaba members from many parts of Mt. Province would flock to Sabangan and claim the land as theirs.

The case was heard in the sala of Judge Berganza at the Municipal Hall in Nacagang, Sabangan. Informants recall that there were many people who flocked to the court hearings. The Kumbaba members reasoned that the land belonged to them by virtue of the labor that they had invested in transforming the hill. Pedro Da-o countered that the land belonged to him, because he had been farming and managing it. He also reasoned that Baket Kalingban

gave him blessings to own the land. The Sabangan Ili elders knew that the Kumbaba members improved Dagiwdiw; they had observed the latter working on the land. They even refer to Dagiwdiw as the albobo of the Aglipayans. Still, they supported and testified in favor of Pedro Da-o because they felt threatened that if Dagiwdiw remained in the hand of the Kumbaba, Kumbaba members from other parts of Mt. Province would flock to Sabangan and compete for the already scarce resources of the community. Their support of Pedro Da-o was therefore a move to secure the material resources of the community.

The court ruled that the land belonged to Pedro Da-o.<sup>16</sup> Naturally, Pedro Compalás felt bad about the decision of the court and regarded Lakay Da-o as a usurper. Marriage was used as a method for peace settlement. Da-o had a daughter. Compalás also only had a girl. However, his wife had a nephew, and they married the nephew to Da-o's daughter. Some plots of land in Dagiwdiw were given to the couple, and this promptly ended Compalás' animosity towards Lakay Da-o.

#### Pisto-an Land Dispute Case<sup>17</sup>

Another case of land dispute involved some residents of Sabangan Ili and the Episcopal or Anglican Church. The land in question was Pisto-an, located in Sitio Lengey, Poblacion. Pisto-an was a flat and a relatively large tract of land that belonged to the wealthy landed woman Kalingban (the same woman mentioned in the first case) and her husband, Pulayos. Pisto-an consisted of several parcels of non-irrigated fields owned by several individuals. Kalingban and Pulayos owned a field in the area. In need of a larger area for the construction of the Aglipayan church, Kalingban exchanged with the owners of the fields found in Pisto-an her land located in other parts of the ili. The other field-owners agreed and thus, the land in Pisto-an came to be owned by Kalingban and Pulayos (*inamong da*). The Aglipayan members built a church in Pisto-an. It was actually at this time that the area came to be known as Pisto-an, because it was the *pwesto-an* (site or spot) of the church.

Informants recall that, Father Edward Longid came to Sabangan in the late 1950s and met with Lakay Pedro Compalás who became the leader of the Aglipayans after Kalingban's death. Father Longid requested that the Anglican Church and Aglipayans take turns in using the church built by the Aglipayans. It was thus agreed that the Aglipayans would use the church in the early morning, while the Anglicans would use it later. Fr. Longid also suggested that they build a house for Lakay Compalás near the church. The

Aglipayan members took charge of the “body” and the Anglican members were responsible for the roof. At the death of Lakay Compalas, the house served as the dormitory of the Anglican resident priests. Most of the followers of the Aglipayan church became Anglicans when the Aglipayan faith weakened after World War II, and many of the descendants of the earlier Aglipayans joined the Anglican Church.

The dispute started in the late 1980s when some residents of Sabangan challenged the legitimacy of the Anglican’s stay at Pisto-an and questioned their ownership of the land. These residents were contractors of infrastructure projects. By 2005, the case became a full-blown law suit. The contractors started building a gymnasium covering the whole of Pisto-an resulting in the demolition of the Anglican Church. The Episcopal diocese was forced to file a suit of forcible entry at the Bauko-Sabangan Municipal Circuit Trial Court. The construction of the gymnasium proceeded even while the Bauko-Sabangan Municipal Circuit Trial Court was hearing the case. Later, the Regional Trial Court ruled that the land belonged to the diocese. The case is now on appeal with the Supreme Court.

This case illustrates the different normative orders that are invoked by the different actors and how they take advantage of opportunity structures to promote their interest and secure their material resources. The Anglican’s claim of ownership of the land in Pisto-an was based on legal documents. This is seen in a statement issued by the Convention Secretary of the Episcopal Diocesan of Bontoc:

The lot was transferred through a deed of donation executed on 1 April 1958 between Aglipayan leader Pedro Compalas Aglipay and Fr. Edward Longid representing the Episcopal Church in the USA which had jurisdiction of the Philippine Episcopal Church at that time. The church building was transferred through a deed of sale dated 3 November 1958 (Ananayo 2006).

The contention of the few residents who challenged the Anglican’s stay at Pisto-an was that the land belonged to Kalingban and the Aglipayans. After the death of Kalingban and the Aglipayan members, the land should have reverted as village communal land. As communal land, its use should not be limited to the Anglicans, but for other community members as well. They do not regard the land as belonging to the Anglican Church. Indeed, my interviews with elder informants reveal that they still regard the land as belonging to Kalingban and the Aglipayan Church, and they are not aware of the deed of donation and deed of sale that was executed between the

Aglipayans and the Anglicans. Some elder informants mention that it was only the church building that was sold by Lakay Compalas, not the lot.

The few residents who challenged the Anglican's stay at Pisto-an (herein referred to as challengers) could have intentionally ignored the deed of donation and deed of sale between the Aglipayan and the Episcopal Church because they had vested interests in the land in Pisto-an. As contractors, they had long been interested in building a gymnasium in the area. It was a big-budget infrastructure project that they found difficult to resist. The challengers were supported by the late long-time Mt. Province Congress Representative Victor Dominguez, and it was in fact the latter's Community Development Fund that financed the project. For the challengers, the backing of a long-time congress representative legitimized their claim and actions in Pisto-an.

The relationship of the challengers with Rep. Dominguez can be said to be reciprocal. The challengers are avid and long-time supporters of the congressman. They mobilize forces during election campaigns. The congressman in turn has allocated infrastructure projects to them. Such reciprocal relationship may be considered extra-legal, but it is one concrete manifestation of the diverse normative systems that residents employ to secure and consolidate material resources. As Moore (1978) claims in her study of a garment industry, "the flow of prestations, attention and favors" are directed to "persons who have it in their power to allocate labor, capital or business deals."

Meanwhile, the Anglican Church has also mobilized the forces of the church for support. At the height of the issue of the demolition of the St. Peter's Church, Anglican priests and bishops gathered in Sabangan as a form of protest. Among those who attended were two Anglican bishops who were natives of Sabangan Ili. The Episcopal Church posted announcements on the issue on their website, gathering support from the international Episcopal community. The issue of the desecration of St. Peter's Church brought about by the demolition was emphasized. Because the image of the desecration of religious entities was an effective tool to rally support to stop the building of the gymnasium.

Even more interesting was the thorough research done in the history of the Aglipayan and the Anglican Church which was utilized by the Episcopal Diocese to strengthen their claim of Pisto-an. This was evident in the statement issued by the Episcopal Diocese of Bontoc. They traced the history of the establishment of the Kumbaba faith in Sabangan, Baket Kalingban's

consolidation of the lands in Pisto-an, the coming of the Anglican Church in Sabangan, and the development of a so called “concordat” relationship between the two churches:

The Aglipayan Church and the Episcopal Church were in the process of developing a concordat relationship characterized by mutual help and respect for each other. This started with the bestowal of the gift of apostolic succession to the Aglipayan bishops, and the acceptance of Aglipayan seminarians at the Anglican theological seminary in Q.C. in 1947. The “Concordat of Full Communion” between the Aglipayan Church and the Episcopal Church was signed in September 1961.

It was in the context of developing the concordat relations that the Aglipayan congregation welcomed the Anglicans to use their church in Lengey for worship and devotions. At the start, the two congregations held separate worship services but eventually, the Aglipayans and the Anglicans prayed and worshipped together. The relationship was nurtured by a succession of Anglican priests starting with Fr. Edward Longid when he was the priest-in-charge of St. Michael and All Angels Church, Tadian in the 1950s (Ananayo 2006).

The cases just presented illustrate the interactions of the concepts discussed earlier – material resources, opportunity structure, and the interrelated concepts of agency, capability, capacity and empowerment. Uphoff’s analysis and measurement of empowerment and the World Bank’s measuring empowerment framework informed these concepts.

In the Dagiwdiw Land Dispute and Pisto-an Land Dispute Case, the agency and capability of the community members is observed in how they choose and employ several of the different normative systems to support their claim to resources and secure their interests. They use the rules inherent in their community (customary laws), rules that were introduced in the community (state laws) or rules that were created as a result of the interaction between customary and state laws. They utilize norms that are considered outside of the legal system such as marriage, the use of religion, and ‘reciprocal obligations’ (seen in the relationship between the contractors and Congressman Dominguez). And if these were not enough, they create their own discourse or knowledge claim. This is seen in their use of historical research as a form of authority to advance their claim. Through the cases, it is seen that the community members are affected by the current states of affairs. At the same time, they are agents who have the capacity to influence and affect such states of affairs. Long and van der Ploeg (1994: 66) see this as a form of power.

A person or a group is said to be empowered if their material resources and capabilities are enhanced so that they have a higher probability of achieving what they need and want. In the Dagiwidiw Land Dispute Case, the decision of the elders of Sabangan Ili who testified in favor of Lakay Da-o in order to prevent the Kumbaba members from different parts of Mt. Province to flock to Sabangan and compete with the already scarce resources of the community can be said to be empowering. The elders believe that having too many people competing for resources would eventually constraint the access of community members of Sabangan Ili to resources, so they prevented this from happening through their decision to support Lakay Da-o. This case manifests the agency of the elders because, they were able to influence the outcome of events.

A person or group is said to be empowered when they are able to make more effective choices and decisions to achieve what they need and want. There is a gamut of normative systems operating in Sabangan Ili which provides opportunities for the community members. However, in the final analysis, it is in how the community members invoke these normative systems that they can really be considered as opportunities. Community members invoke different regulatory orders depending on the issue at hand. Community members invoke the regulatory order where they can gain better leverage. Thus, “[f]rom the point of view of social practice, normative orders—whether customary or statutory—are only as good as how social actors instrumentalize them in concrete social interactions and contexts (Sajor 1998: 171). Again, the agency of community members is manifested here.

## CONCLUDING REMARKS

The changes in land property system are seen to provide avenues for the empowerment/disempowerment of community members. A condition of legal pluralism can be said to be empowering to the residents of Sabangan Ili in as much as it allows them more choices or what Long and van der Ploeg (1994) referred to as room for maneuver and space for one’s interest. The capability of the community members is seen in their employment of several normative systems when their material resources are challenged. For instance, community members can choose to make use of a land declaration or a free patent if they feel that the customary law is insufficient as security of land ownership.

The disempowering aspects include the loss of institutional arrangements that are responsive to the poor members of the community. This is seen for



instance in the conversion of land from corporate to individually-owned properties. According to Prill-Brett (2006), village communal lands and corporate properties are important support mechanism for the poor members of the community. When their individually-owned lands are not enough to support the needs of their families, community members can invoke their usufructuary rights in the village communal lands or the corporate properties where they are members. The clearing for swidden gardens in communal lands is thus an additional source of subsistence for the family. With albobos now gone, opportunities and options for poor members of the community has been lessened.

Some interventions of outside agencies, such as DENR are also said to be disempowering, because they open opportunities for a few members of the community to be in sole control of the community's common resources thereby preventing the others equal access to and use of the resources. The regulation of PENRO covering the quarrying of sand and gravel provided opportunity structure or avenues for the businessmen and contractors to gain control of the sand and gravel resources of the community through the application of a permit. This is a far cry from the customary institutional arrangement that regards the sand and gravel as village communal resource to which all community members have equal access.

As a consequence of the regulations issued by PENRO, the other community members have to pay to those who have permits if they want sand and gravel. They are therefore said to be disempowered using the definition of disempowerment provided earlier – disempowerment happens when a person's or a group's access to or use of material resources are constrained giving them less or zero probability of achieving their goals.

## NOTES

- 1 The concept of empowerment started to be given attention to in the 1980s following the idea of providing a 'human face' to development (Rowlands 1997).
- 2 Uphoff provides his summary of the different power resources based on his review of social science literature. The power bases are categorized into six: economic resources which cover "control over land, labor and/or capital as well as the goods and services produced therefrom;" social resources which refers to "social status or standing;" political resources

or the benefits that comes from being in authority as well as being able to influence authority; informational resources or knowledge; moral resources or legitimacy; and physical resources or physical force be it coercion or violence. Power resources are referred to in other literature as bases of power, power assets, asset endowments, etc.

- 3 Other literature (See Friedmann 1992; Alsop and Heinsohn 2005, in their discussion of the measuring empowerment framework being used by the World Bank) classify individual skills and forms of cooperative organizations as power resources or assets.
- 4 Giddens refers to these structures as rules and resources – that is, the socio-cultural and legal environment that rules out who gets access to resources (Illo 2003).
- 5 See Prill-Brett (1993) for a thorough discussion of the property regimes (common property, corporate property and individual property) of the Bontok which share similarities with the property system of Sabangan Ili.
- 6 Albobo was also used to refer to lands owned by an entire group such as the lands developed by the Aglipayans or Pakumbaba followers in Dagiwdiw, a hill situated at the eastern part of Sabangan Ili. More discussion of this in the Dagiwdiw Land Dispute Case.
- 7 No one individual or family can claim an albobo as his/her own even if s/he is utilizing it. A particular clan member is discouraged from holding an albobo for more than three years, lest it will give the impression to that particular clan member's heirs or family members that the land belongs to them. In the case of swidden farms found in albobos, it is advised that after two or three years, the land be passed to other clan members who are willing to cultivate it.
- 8 The big mines of Suyoc, Antamok, Baguio Gold and Benguet Consolidated were already in full-blown operation before the break of World War II (Finin 2005: 91). Many residents of Sabangan Ili worked in these mines.
- 9 People from other parts of Mt. Province describe the people of Sabangan Ili as *nagedgedged an lagayan da*. When literally translated, it means their wrap-around skirts are tattered. The expression is a reference to the lands of the people of Sabangan being subdivided among the relatives. It is also used to refer to the practice of equal inheritance—lands being equally divided among children in contrast to the the tradition of primogeniture—the first child inherits the bulk of the property, and homoparental rule—the female child inherits the mother's properties while the male child inherits those of the father's—of neighboring communities.

- 10 Land declaration and population increase are also mentioned by Prill-Brett (1993) as reasons for the dissolution of corporate property resources among the Bontoks
- 11 Prill-Brett (2006: 17-18) says that the Ibaloy provide the same reasons for having their lands declared.
- 12 The issuance of a free patent is part of the government's effort to convert chosen areas of the public domain into private ownership. It is the opinion of the government that it is better for the country "to have a large public domain come under private ownership" (Dominguez 1990: 7). Once portions of the public lands are classified as agricultural lands, it is declared alienable and disposable and these are the lands covered for free patenting.
- 13 The awarding of CSC to individuals is part of the Integrated Forest Management Programme of the government. The CSC is "a contract entered into by and between an individual forest occupant ... and the government allowing the former the right to peaceful occupation, possession and sustainable management over a designated portion of the forest land for a period of 25 years" (Dominguez 1990). As a contract, this certificate serves as a form of security of land tenure. Land declaration was a prior criterion in the awarding of the contract. The application and awarding of CSC to residents of Sabangan Ili started in the early and mid-90s. Most of the informants were born years before World War II at the time when the Aglipayan Church was still active in Sabangan. The image of visiting Aglipayan members in their white upper garments and white knee-length pants (porontong) carrying fruits and vegetables when they visited Sabangan for praise and worship were still clear in the minds of the informants. They heard from their parents and elders that the Aglipayan members transformed Dagiwdiw.
- 14 Informants for Dagiwdiw case: a) Paolo Colaling, date of interview: 24 August 2007; b) Andres 'Damollog' Degay, dates of interview: 4 October 2007 and 17 December 2007; c) Wale Las-ig, dates of interview: 22 August 2007, 3 October 2007 and 15 December 2007; d) Cornelia Palicos, date of interview: 23 August 2007; and e) Layan Palicos, date of interview: 4 October 2007. All interviews were conducted in Sabangan.
- 15 Kadangyan refers to the landed gentry.
- 16 Some informants say that the decision of the court was based on the testimony of the elders of Sabangan Ili. Others say the decision was based on the land declaration of Pedro Da-o. One informant says that Mr. Dao won because he presented a signature of Baket Kalingban authorizing him to be the owner of the lands in Dagiwdiw.

## REFERENCES

Alsop, Ruth and Nina Heinsohn

- 2005 "Measuring Empowerment in Practice: Structuring Analysis and Framing Indicators." *World Bank Policy Research Working Paper 3510*. February.

Ananayo, Victor

- 2006 *Kontrata caused the Demolition of St. Peter's Church Sabangan*. Bontoc, Mt. Province: Episcopal Diocese of Northern Philippines.

Benda-Beckmann, Keebet von

- 1997 *Why Bother about Legal Pluralism: Analytical and Policy Questions*. IAUES Newsletter.

Bennagen, Ponciano

- 1996 "Consulting the Spirits, Working with Nature, Sharing with Others: An Overview of Indigenous Resource Management." In Ponciano Bennagen and Maria Luisa Lucas-Fernan (eds.) *Consulting the Spirits, Working with Nature, Sharing with Others: Indigenous Resource Management in the Philippines*. Quezon City: Sentro Para sa Ganap na Pamayanan.

Berthoud, Gerald

- 1993 "Market." In Wolfgang Sachs (ed.) *The Development Dictionary a Guide to Knowledge as Power*. London: Zed Books Ltd.

Dominguez, Evelyn

- 1990 *Survey of Laws and Policies Pertaining to Security of Land Tenure and Access to Natural Resources of Upland Dwellers*. Quezon City: Department of Environment and Natural Resources.

Enkiwe, E., T. Balino Jr. and M. Pogeyed

- 1998 "Indigenous Practices in the Sustainable Management of Pine Forests in Mt. Province." *People, Earth and Culture*. Laguna: PCCARD.

Finin, Gerard

- 2005 *The Making of the Igorot Contours of Cordillera Consciousness*. Quezon City: Ateneo de Manila University Press.

Friedmann, John

- 1992 *Empowerment: The Politics of Alternative Development*. UK: Blackwell Publishing.

Ilo, Jeanne Frances

- 2003 "Crises, Survival and Empowerment: Reflections on the Case Studies." In Rosalinda Pineda Ofreneo (ed.) *Beyond the Crisis: Question of Survival and Empowerment*. Quezon City: UP Center for Integrative and Development Studies.

Long, Norman

- 2002 *An Actor-oriented Approach to Development Intervention*. Background paper prepared for the APO meeting in Tokyo, Japan. 22-26 April.

Long, Norman and Jan van der Ploeg

- 1994 "Heterogeneity, Actor and Structure: Towards a Reconstitution of the Concept of Structure." In David Booth (ed.) *Rethinking Social Development Theory, Research and Practice*. Essex, England: University Hull Centre for Developing Area Studies.

Moore, Sally

- 1978 "Law and Social Change: the Semi-autonomous Social Field as an Appropriate Subject of Study." In S.F Moore (ed.) *Law as Process: An Anthropological Approach*. London: Routledge and Kegan Paul. Chapter 2.

Prill-Brett, June

- 2006 "Contested Domains: The Indigenous Peoples Rights Act and Legal Pluralism in the Northern Philippines." Paper prepared for the XVth International Congress of the Commission on Folk Law and Legal Pluralism on "Law, Power and Culture: Transnational, National and Local Processes in the Context of Legal Pluralism." Depok, West Java, Indonesia. 29 June – 2 July.
- 1993 "Common Property Regimes among the Bontok of the Northern Philippine Highlands and State Policies." *Cordillera Studies Center Working Paper 21*. Baguio City: Cordillera Studies Center.

Rowlands, Jo

- 1997 *Questioning Empowerment Working with Women in Honduras*. UK: Oxfam.

Sajor, Edsel

- 1998 "Worlds Apart: State Policy on Upland Development and Local Transformations." *People, Power and Resources in Everyday Life*. Quezon City: Institute of Popular Democracy.

Sajor, Edsel and Babette Resurreccion

1998 "Beyond Dichotomies: Dissecting Power in Environmental Issues." *People, Power and Resources in Everyday Life*. Quezon City: Institute of Popular Democracy.

Uphoff, Norman

2003 "Some Analytical Issues in Measuring Empowerment for the Poor, with Concern for Community and Local Governance." A paper prepared on the Workshop on Measuring Empowerment: Cross Disciplinary Perspectives. Washington D.C. 4-5 February.

Vanderlinden, Jacques

1989 "Return to Legal Pluralism: Twenty Years Later." *Journal of Legal Pluralism* 28: 149-157.