

Regional Autonomy and Social Development: Some Notes on the Case of Muslim Mindanao

SUKARNO D. TANGGOL*

Amidst the raging controversy on the Mindanao problem, genuine autonomy seems to be the only acceptable alternative to its resolution beyond secession and war. But autonomy must move far beyond the decorative nature of PD 1618 and substantial governmental powers and functions must be devolved from the national government to the regional autonomous government. Autonomy implies a change to a pluralist approach for national integration and may unite and preserve the "wholeness of Philippine society in its ethnolinguistic, cultural, and even religious diversities." Autonomy may also be consistent with the goals of equity and social justice as the Muslim community's diminishing access to political power and economic resources may be restored. Finally, autonomy may actualize the ideals of a government that is closer to the people where goods and services are not only delivered efficiently and effectively but more importantly, according to the real demands and needs of the client communities.

Introduction

Again, the national government is manifesting its on-and-off concern on the issue of "Muslim Mindanao" autonomy with the heightened diplomatic offensive of the Moro National Liberation Front (MNLF) for membership in the Organization of Islamic Conference (OIC). This manifestation of concern is understandable since membership in the OIC would assure the MNLF of more material, financial, and moral help from OIC members and a status of belligerency would be achieved by the MNLF. This would surely provide a serious setback to the timetable of the Philippine government in its avowed goal of resolving this perennial issue so that its efforts and resources can be fully channeled to the other requirements of national reconstruction.

While the so-called Mindanao problem is a very complicated dilemma (it seems to get more complicated with every offered "solution"), there is an increasing convergence of opinion that somewhere in the word autonomy lies the best first step towards that lasting but elusive formula. Among the Muslim revolutionary groups operating in the South, this trend is obvious even while the MNLF (Misuari group) is again hinting at a return to its secessionist stand because of what it perceives as insincerity on the part of the Aquino government to respond to the centuries-old problem obtaining in the South. On the part of the national leadership and community, this

*Student, Doctor of Public Administration, College of Public Administration, University of the Philippines and Assistant Professor, Mindanao State University. This is a revised version of a seminar paper presented in PA 324 (Special Issues on the Administration of Social Development), Second Semester, 1987-88.

trend finds expression in the 1987 Constitution (which explicitly provides the granting of autonomy to "Muslim Mindanao") and the mounting expectations for a more concrete "enabling act" that would put meat and bones to this constitutional mandate.

This paper attempts to analyze the implications of autonomy to the social development of Muslim Mindanao especially in relation to the larger Filipino community. Before this is done, a brief exploration of the social dimensions of the Mindanao problem is considered. An update on the policy thrusts of the present government vis-a-vis the autonomy issue is also presented.

Sequentially, this paper consists of three major parts. The first dwells on the social aspects of the Mindanao problem. Relevant statistics on education, family income, population, employment, and other "social sectors" are presented and interpreted. The second part consists of two subparts: one, on the theoretical justifications of autonomy and the other, on the policy thrusts of the government with regards to the question of autonomy. The latter includes brief presentations of such documents as the 1987 Constitution (Article X, Sections 15-21), Tamano-Rasul Bill, Presidential Decree No. 1618, and the Tripoli Agreement, especially as they relate to social development. The third major part of this paper analyzes the implications of autonomy to such social development goals as national integration, equity and social justice, and effective service delivery by moving the government closer to the people.

Among the various documents and literature used as references in the preparation of this paper, mention is made of two important documents: the papers and readings on the "First National Scientific Workshop on Muslim Autonomy" held in Los Baños, Laguna, January 14-18, 1987 and the "Selected Documents for the Conference on the Tripoli Agreement," September 12-13, 1985, prepared by the International Studies Institute of the Philippines.

Historical Background of the Mindanao Problem

The exceedingly complicated nature of the problem in the South derives from the fact that its roots are well embedded in the four centuries of colonial history of the country. That the problem has been consistently nourished by such historical circumstances, whether by accident or by deliberate plan, explains the elusiveness of any formula that is acceptable to all concerned.

It can be said that the rudiments of this social conflict began to be formed when the Spaniards, armed with a cross, a gun, and a strong accumulative appetite for economic resources, began imposing their will on the erstwhile peaceful barangganic communities. The conflict was also inevitable since the colonizers came with different agenda, culture, and religion. They came at a time when Islam was starting to spread in Luzon and Visayas with the development of Muslim principalities like that one in Maynila, albeit its Islamic mold was quite loose. In addition to these factors were the

experience of the Monarch with the Moors of North Africa plus the culture of resistance to outside imposition inherent in these native communities .

It would have been easier if it were only a matter of colonizer-colonized relationship. The fact is, the colonizers left a nation that is less united than what it was made to appear. On the one hand, we had the Filipino "majority," Christianized and Hispanized to a certain degree. On the other hand, we had the so-called "cultural minorities" with their traditional culture and social outlook quite intact. In the case of the Muslim minorities, their Islamic consciousness was unyielding.

But it is not this religious and cultural differences per se which really created the social tension. It is in the manner the Spaniards used the Christianized *Indios* in their centuries-old attempt at subjugating the *Moros* that the social antipathy between these groups of Filipinos matured to a poisonous fruition. The Moro wars saw the Christianized Filipinos fighting against their Muslim brothers, slowly building the infrastructure of mutual hatred, biases and prejudices.

The coming of the Americans only developed the other dimension of the Mindanao problem. With the policy of education and attraction perfected by the Americans for their own brand of colonial rule, the political cohesion and unity of the Muslim communities started to disintegrate and the cultural foundation began to be assaulted by Western norms. The erosion of the Sultanate's political power and its gradual transfer to Manila assured the latter of more effective means to assimilate the Muslims into the mainstream of national culture and politics. This assimilationist approach threatened the tradition of self-construction being enjoyed and preserved by the Muslim community. Thus, loss of access to political power not only deprived the community of such a valued social good but eventually translated into the diminution of their collective prestige and the blurring of their subnational identity.

On another front, the Muslims saw how they were cheated of their economic goods especially their ancestral lands which are not only seen as economic means but also as a *Dar-ul-Islam* or abode of Islam, worthy to fight and die for. First was the colonial regime's unilateral imposition of the Torrens System of land ownership that was alien, unacceptable and prejudicial to the Muslims and other minority groups who had ancestral claims to these lands. Second was the gradual intrusion of foreign companies that so far had eaten up a considerable chunk of the indigenous people's territory and natural resources. Finally, there was the deliberate policy of resettlement adopted by the post-American, Filipino government whose undeclared goal was to saturate these Muslim communities into submission. This policy of resettlement, effected at a time when mutual animosities and prejudices have not yet died down, provided opportunities for less harmonious interactions between the Muslims and the settlers, sometimes erupting into violent confrontations. This social conflict was easily exacerbated considering that not all Muslims knew that their Christian brothers were also victims of policies not of their own making.

This convergence of factors and circumstances proved disadvantageous to the Muslims as they saw their accessibility to such socially desirable goods as political power and land became dimmer and dimmer into insignificance.

The struggle of some Muslims to restore this accessibility is only one point of view. Another view raises the concept of *Bangsa Moro* Nation which insists on a separate nationality for the Moros. This latter view which maintains that the Moros were never really a part of the Filipino nation is concededly not without historical basis.

However, and at least for practical considerations, this paper does not dwell on the issue of Moro nationality. Firstly, it can easily translate into the agendum of secession which can heat up national sensibilities into boiling points. Secondly, it can be argued that the problem can be solved within the framework of genuine autonomy. Thirdly, among the three Muslim revolutionary groups in the south, only the Misuari group has exhibited a secessionist inclination, an inclination that has shown its capacity to tilt towards the side of autonomy when circumstances so demand. And fourthly, the cost of secession is too high both for the Muslim and national communities.

Autonomy can then be seen as a brilliant political solution to the problem obtaining in the South. As an initial restoration of accessibility to political power, autonomy can provide access to other social goods even while the distinctiveness of Moro culture and religion is given enough breathing room.

Social Dimension of the Mindanao Problem

Population Distribution

The population question is one social consideration that needs some detailed discussion. The numerical strength of the various ethno-linguistic groups found in Mindanao poses serious implications to their inter-group relationships especially as they look for better access to such things as political power and economic resources like land. The issue of plebiscite as a precondition for the implementation of autonomy surely hinges on the population distribution of the group to be affected. The attitude against or in favor of autonomy seems to be based on certain assumptions about these groups' perceived sentiments regarding this plebiscite (i.e., the Christian groups will almost certainly reject inclusion in the ambit of autonomy).

The situation in Mindanao appears to be the consequence of the first of Herbert Blumer's (1955:13) arguments about the "three ways" in which "this hierarchical relationship comes about." These are:

- (1) A peaceful or warlike invasion of some native land by a dominant group which sets up an economic, political, and cultural order of life which is alien to the natives but into which the natives have to fit in a subordinate role, if they fit in at all;
- (2) The bringing of large numbers of an outside group into an order of life which

has already been set up by the dominant group, and into which the imported (racial) group enters as subordinates; and,

(3) The more or less voluntary migration of the people to an occupied area which they enter on a subordinate level and in which they compete economically with members of a dominant (racial) group.

In Southern Philippines, three general groupings of people can be identified. Mamitua Saber (1975:20-38) named them as follows: (1) the Christian majority; (2) the Muslim minority; and, (3) the Tribal minority. The third group is what Rodil (1986) calls the Lumadnons.

Statistics on the population distribution in Mindanao are scarce. What available statistics tell us is that even within the areas of autonomy outlined in the Tripoli Agreement, the Muslims are still a minority. They are believed to be predominant in only about five provinces. This is rather a far departure from those days when they used to be superior -- politically, numerically, and economically, in the whole area of Mindanao.

Rudy Rodil (1986), using the 1979 census, shows that the Muslims comprise 31.79 per cent of the population in the thirteen contested provinces while the Lumadnons constitute a mere 5.72 per cent. This means the Christians form a majority of 62.49 percent in these provinces. At present, the Muslims are predominant only in the provinces of Lanao del Sur, Maguindanao, Basilan, Sulu, and Tawi-Tawi.

Table 1. Population Distribution in the Thirteen Provinces (Percentage)

Christians	62.49%
Muslims	31.79%
Highlanders	5.72%

Source: Rodil 1986:6-8

While Misuari, in one of his speeches, dismissed this as "colonial statistics," no other statistics are available for our consideration.

The Muslims are believed to be comprised of thirteen ethno-linguistic groups, namely (Abbahil 1984):

- (1) Kalagan
- (2) Sangil
- (3) Maguindanaon

- (4) Ilanun (Iranun)
- (5) Maranao
- (6) Kolibugan
- (7) Yakan
- (8) Tausog
- (9) Sama
- (10) Badjao
- (11) Jama Mapun
- (12) Palawanon
- (13) Molbog

Regarding inter-tribal relations among these groups, Peter Gowing (1978:8-10) wrote:

Throughout their history, lack of unity has characterized the Moros -- an inability of Maranaos, Maguindanaos, Tausugs, and Samals to join together in a common cause. In the present warfare, too, the Moros have been badly factionalized. But for the first time in their history, they have begun to think of themselves as Moros (Moro National Liberation Front, Bangsa Moro State, Bangsa Moro Army, etc.) rather than as Maranaos and Tausugs.

Understandably, religion and a common place in history continue to bind these ethnic groups into a sense of oneness.

The Highlanders (Lumadnons in Rodil's terminology), who refer to the non-Muslims and non-Christian tribes, are always situated on a lower scale in relation to the two other groups mainly because of their numerical inferiority and lack of organization and political cohesion.

Family Income

Data on family income depict a relatively low average for families in Muslim-dominated Regions 9 and 12, as compared to the rest of the Philippines. Table 2a, culled from statistics provided by the National Statistics Office, shows how economically disadvantaged the Muslim regions are -- a position that has not improved from 1975 to 1985. Table 2b portrays the income inequality (derived by subtracting the regional income from the Philippine income) between the regions of Mindanao on the one hand and the Philippine average on the other hand. Curiously, even Region 10 which in 1975 was below Regions 9 and 12 in average family income, surpassed the latter regions in due time as the 1985 data reveal.

Table 2a. Average Family Income, By Region

		1975 (pesos)	1985 (pesos)
Philippines		6,698	31,502
Region	9	6,351	23,779
	10	6,004	27,402
	11	7,131	28,222
	12	6,518	24,366

Source: National Statistics Office, 1987.

**Table 2b. Income Inequality
(derived by subtracting the regional income
from the Philippine income.)**

<i>Regional Data Vs. Entire Philippines</i>				1975	1985
Region	9	Versus	Philippines	-347	-7,723
	10	Vs.	Philippines	-694	-4,100
	11	Vs.	Philippines	+433	-3,280
	12	Vs.	Philippines	-180	-7,136

Political Inequality

The lack or relative inadequacy of Muslim participation in national policy-making continues to be a factor for the call for Muslim autonomy. In fact, the whole Southern Philippines has been suffering from such a political disadvantage. Canoy, of Mindanao Independence Movement fame, observed that from 1946 to 1971, only the following were elected to the defunct Philippine Senate: Pelaez, Pendatun, Almen-dras, Alonto, Tamano, and Lim (Canoy 1986).

While there are many Muslim military officers in the AFP, no one ever gets promoted to the rank of general except one Mamarinta Lao who "does not even have a command." This is rather ironical considering that "opportunities for military services seem to be in Mindanao." Hernandez (1982:18) says thus:

In the performance of its anti-subversion functions, it (AFP) deployed about 75 per cent of its combat forces in Mindanao against the MNLF and other subversive groups.

The appointments of Muslim members to the Supreme Court and the Commission on Elections are interesting developments from the point of view of drawing the Muslim community into the national body politics. These are interesting developments because assimilating the Muslim community into the mainstream of national politics can have serious implications on the need for political self-preservation on the part of the Muslim polity. The uniqueness of Muslim political culture and its need for a certain degree of independence could run diametrically opposed to the values of political assimilation.

Education

Regions 9 and 12 are among the most educationally backward regions of the country as available data reveal. Comparatively, these Muslim regions show most of the lowest numbers of government offices and private schools and enrollment in public and private schools.

One Mindanao scholar observed that:

In 1981, there were 56 public schools in the tertiary level, or 17.7 percent of the total during that year. This figure is 5 per cent lower than what might be regarded as a reasonable share of Mindanao at that time, whose population stood at 22.7 per cent of the Philippine population. It may also be of value to note that only 16.8 per cent of the total number of teachers in the tertiary level were from Mindanao while enrolment data in tertiary education amounted to a measly 15.2 per cent of the total during the same period. Ironically, the number of tertiary students in Mindanao did not even reach half of those registered in institutions of higher learning in Manila (Magdalena 1987:9-10).

A study undertaken by Costello on the Maranaos, believed to be "the most educationally advanced Muslim group" in the country, shows a

clear evidence of persisting inequality, with regard to educational attainment, between Maranaos and the rest of their countrymen. Moreover, the magnitude of the educational attainment differential between Maranaos and Filipinos has steadily been getting larger, not smaller, throughout the 36-year period covered by our data (Costello 1980:163-164).

Ahmad Tamba Yahya (1980), in a survey on elementary education observed that Regions 9 and 12 always occupied the bottom levels in terms of ratings in English, Pilipino, and Science skills.

Health

Table 3 shows the highest crude death rates for Regions 9 and 12. This implies a poor state of health for these Muslim regions especially since no war was raging in these areas during the period.

Most municipalities of Muslim-dominated provinces in the South actually do not maintain a single doctor. In some areas where there are official municipal doctors, you

will hardly find them in their respective areas of assignment since most maintain clinics and residences in the provincial capitol.

Table 3. Crude Death Rate by Region, 1985 (Per 1000 Population)

Philippines			7.9170
	NCR		5.3689
	Region	I	Ilocos
		II	Cagayan Valley
		III	Central Luzon
		IV	Southern Tagalog
		V	Bicol
		VI	Western Visayas
		VII	Central Visayas
		VIII	Eastern Mindanao
		IX	Western Mindanao
		X	Northern Mindanao
		XI	Southern Mindanao
		XII	Central Mindanao

Source: Philippine Statistical Yearbook 1987, NEDA

Theoretical Justifications for Autonomy: Some Frameworks of Analysis

The Mindanao problem and the consequential claim for autonomy may be viewed through the prism of "majority-minority" relations where relationship between a majority group and a minority group is characterized by "superordinate-subordinate status as a result of inequalities in their potential or actual control of commonly-valued goods." These valued goods, which Magdalena (1987:3) defines as "those things, objects or even personal traits and social values are considered desirable to satisfy basic human needs," both "material and non-material such as wealth, the accoutrement of status and privilege, and such more abstract properties as power, prestige, esteem and honor." Magdalena further states that:

Dominance or control of valued goods are the defining traits of a majority group, while the minority is characterized by (1) lack of access to or non-possession of those goods that are valued commonly with the majority, and (2) lack of resources or ability to mobilize them in accordance with certain approved standards to gain an advantage or control of those goods (Magdalena 1987:3).

It is not difficult to identify the Muslim Filipinos as one of those "minority" groups whose access to these "valued goods" is anything but satisfactory.

Because political power is crucial in the production and allocation of other social goods, it is imperative that minorities get a share in the political pie. And if this pie should be divided proportionally, our analogy for autonomy suggests that partakers of the pie should be free to decide on the manner and pace of eating the pie, lest some may choke in the process. But equally important, if not more important, is the fact of

having a definitive share of the pie. These two conditions, if we were to look at the Mindanao problem, would constitute autonomy.

Merlin Magallona, in a brief speech during the First National Scientific Workshop on Muslim Autonomy, spoke of the need for "self-expression and self-creation of the Muslim community" and the subsequent positive contributions to national reconstruction. He said:

... one can say that the fullness of self-expression and self-creation of the Muslim community can realize itself as part of the national society to such an extent that in itself that community becomes a medium of expression of the national society in its ethnic peculiarity... without the integrity and freedom of self-creation, the Muslim community has nothing in its being to contribute as part of the national society. If the modalities of its self-creation are deformed, we are denying its fundamental connection to the national society. Hence, the national society has a critical stake in integrity of self-creation of the Muslim community (Magallona 1987:1).

Unfortunately, the Muslim community has been denied this fundamental right to self-creation by the imposing thrusts of our government thereby denying this same government a vital contribution to its task of nation building.

Writing on the issue of Muslim autonomy, Samuel Tan lists some "justifiable grounds" for the Muslims' quest for "self-determination:"

(1) The growing consciousness among the Muslims that they have never been a part of the national community.

(2) The history of Muslim relations with colonialism has brought to contemporary memories and knowledge the gradual or drastic loss of Muslim power, resources, status, and identity through colonial conquest, pacification, and diplomacy leaving to the Muslims virtually nothing but the will and determination to retrieve what was lost or to hand on, at least, to what was left of a "glorious era."

(3) The failure of Filipinism and nationalism to decolonize concepts, attitudes, and values of the National Society so that the biases, prejudices, and injustices of colonial eras have been substantially preserved in national psychology, the literature and the arts, in political processes and power sharing, and in economic disparities or inequalities involving sharing of national/regional resources and wealth.

(4) The inability and/or unwillingness of the national leadership, consciously or unconsciously, to bring more or full development to the non-Christian areas either because of dominant vested interests putting the leadership under captivity, because of inadequate national resources to go around thus giving those nearest the source of power natural advantage, or because of structural defects in the national machinery allowing the concentration of power without responsibility on certain sectors of the country to the prejudice of the rest of the people (Tan 1987:1-2).

Arthur McMahon's concept on decentralization can be helpful in viewing the issue of local autonomy. McMahon argued that decentralization, which connotes movement "away from the center," has two virtues, namely:

(1) To improve central initiative and impetus by freeing those who are at the center from bothersome details so that they think more effectively; and,

(2) To enable subordinates in charge at lower administrative levels to adapt their methods to the situations at hand and hope more fully to enlist their interest and energy (McMahon 1961).

McMahon posited three "patterns of decentralization." The first, which he calls constitutional devolution, signifies an arrangement that "cannot be altered by ordinary law-making procedure" such as federalism. The second, statutory devolution, includes "delegation to territorial units" that "describes the legal nature of self-government as it is carried on in unitary states through the election of officials in provinces, cities, municipalities, and other geographically delimited units to which power is delegated to legislate and to act otherwise on certain matters." This quasi-federal formation depends on the central legislative body as the issue of autonomy in Muslim Mindanao now depends on Congress. The third pattern is administrative deconcentration which is the most limited form of decentralization as it allows no dispersal of political power but only administrative functions from the central office to its lower offices (McMahon 1961).

Regional Autonomy or even federalism is a promising arrangement for the Philippines if only because of ethno-linguistic plurality or the archipelagic nature of its territory which makes centralism all the more inefficient, ineffective and unresponsive.

Arthur Maas wrote that power is divided to "help realize the basic objectives or values of a political community" and that these values are liberty, equality, and welfare. He argued thus:

To promote liberty, governmental power can be so divided as to protect the individual and groups against great concentrations of political and economic power -- a restraining "constitutional" effect. To promote equality, governmental power can be so divided as to provide broad opportunities for citizen participation in public policy -- a "democratic" effect. And to promote welfare, governmental power can be so divided as to assure that governmental action will be effective in meeting the needs of society -- a service or facilitating effect (Maas 1959:9-10).

As to how power should be divided, Maas said that "the total capacity to govern, can be divided among governmental officials and bodies of officials at the capital city of a defined political community" or "it can be divided among areas or regions which exist or can be created within the political community." The first is called capital division of powers (CDP) while the second is called areal division of powers (ADP). Furthermore, power can be divided according to process, functions or constituency (Maas 1959:10-14).

Corollary to this, Paul Ylvisaker developed certain criteria, he called maxims, for the proper areal division of power.

Maxim One: The areal division of powers should be concerned basically with what is meant by the phrase "the power to govern." The assignment of powers to component areas should in each case be a general one, covering the whole range of governmental functions rather than a partial one related only to particular functions.

Maxim Two: The optimum number of levels among which to share the power to govern would seem to be three.

Maxim Three: The component areas should be constituted of a sufficient diversity of interests to ensure effective debate within each component and transcending communities of interest among the several components.

Maxim Four: The components should not as such be represented in the legislatures of the higher levels.

Maxim Five: Four processes affecting intergovernmental relations should be provided for: one, a process of last resort to settle intergovernmental disputes and questions of jurisdictions; two, a process (or processes) of intergovernmental cooperation; three, a process by which the several governments may act separately and independently, as well as in cooperation; and, four, a process of organic change which can neither be dictated nor stopped by a minority of components (Ylvisaker 1959:34-39).

Regional autonomy may then provide for a politico-administrative set up that will serve the ends of efficiency, effectiveness, and responsiveness. In our particular case, it may correct the tendency of our system to sacrifice the interests of cultural communities and other less-privileged sectors of society. If properly constructed, it may yet be a genuine step towards the development of Philippine polity.

Towards An Acceptable Formula

The question of regional autonomy largely depends on how our policy makers consider the need for positive political change. Our incremental approach to policy-making betrays the difficulty of transforming our centralized system into a more devolved one. However, our people's clamor for decentralization may prove harder to resist with each passing day.

The Tripoli Agreement, PD 1618, and the constitutional provisions on "Autonomous Regions" provide legal pillars to government efforts at institutionalizing autonomy in Mindanao. We shall look at these documents as well as the Tamano-Rasul Bill, the latter being the only bill so far filed in Congress to concretize the constitutional provisions on regional autonomy.

Tripoli Agreement

Signed on December 23, 1976 by representatives of the Philippine Government and the Moro National Liberation Front, the Tripoli Agreement granted autonomy to

the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Palawan, and all the cities and villages situated in the areas mentioned here, "within the realm of the sovereignty and territorial integrity of the Republic of the Philippines."

The Agreement provided that foreign policy and national defense fall within the competence of the Central Government.

Among others, the Agreement promised to the Muslims:

- (1) The right to set up Shariah Courts;
- (2) The right to set up schools, colleges and universities;
- (3) Their own administrative system;
- (4) Their own economic and financial system;
- (5) The right of representation and participation in Central Government;
- (6) A Special Regional Security Force;
- (7) A reasonable percentage from revenues of mines and minerals; and,
- (8) A Regional Legislative Assembly and Executive Council.

The Agreement left the details to be "fixed later" and mandates the Philippine Government to "take all necessary constitutional process" for its implementation.

Presidential Decree 1618

Presidential Decree (PD) 1618 was Marcos' concrete interpretation of the Tripoli Agreement which created two autonomous governments, one covering Region IX and another for Region XII.

Section 3 of PD 1618 states that within the framework of the *National sovereignty and territorial integrity of the Republic of the Philippines and its Constitution*, *internal autonomy* shall be established in the autonomous regions with legislative and executive machinery to exercise the powers and responsibilities herein specified *in accordance with the provisions of the Constitution and the laws of the Republic of the Philippines*.

Section 4 (Scope of Internal Autonomy) partly says: "The Autonomous Region shall undertake all *internal administrative matters* for the respective region. They

shall not act on matters which are within the jurisdiction and competence of the National Government."

Each legislature (*Sangguniang Pampook*) is mandated to "exercise local legislative powers over regional affairs *within the framework* of national development plans, policies and goals in the following areas:

- (1) Organization of regional administrative system;
- (2) Economic, social and cultural development of the Autonomous Region;
- (3) Agricultural, commercial and industrial program for the Autonomous Region;
- (4) Infrastructure development for the Autonomous Region;
- (5) Urban and rural planning for the Autonomous Region;
- (6) Taxation and other revenue-raising measures as provided for in this Decree;
- (7) Maintenance, operation and administration of schools established by the Autonomous Region;
- (8) Establishment, operation and maintenance of health welfare and other social services, programs and facilities;
- (9) Preservation and development of customs, traditions, languages and, culture indigenous to the Autonomous Region; and,
- (10) Such other matters as may be authorized by law including the enactment of such measures as may be necessary for the promotion of the general welfare of the people in the Autonomous Region.

The same section (7) proceeds thus: "The President shall exercise such powers as may be necessary to assure that enactment and acts of the Sangguniang Pampook and the *Lupong Tagapagpaganap ng Pook* are in compliance with *this Decree on national legislation, policies, plans and programs*" (all italics supplied).

As for the "Establishment of Schools in the Autonomous Region," Section 13 mentions that: "the autonomous region may establish educational institutions such as schools, colleges and universities within the framework of the national system of education as defined in the constitution and laws. Such educational institutions shall be operated and maintained by the Autonomous Region.

All state colleges and universities whose main campuses are located in the autonomous region shall assist and cooperate for the progress and development of the

region. For this purpose, the Lupon Chairman shall designate his representative to sit as member of the governing boards of these institutions in addition to the present members thereof."

With regard to such national agencies as Departments of Health, Education and Culture, Public Works and Highways, Agriculture, Social Services and Development, Human Settlements, Industry, and Youth and Sports Development, the *Lupong Tagapagpaganap ng Pook (LTP)*, which is the Executive Council of the Autonomous Government, is given the power to "oversee the activities and performance" of their respective regional directors.

No special regional security force is created by this Decree.

1987 Constitution

Our Constitution promises autonomy to "Muslim Mindanao" which shall come into effect upon Congress' passage of an "organic act" and upon its approval in a plebiscite by the people of the proposed area of autonomy. Again, it is emphasized that the granting of autonomy shall be "within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."

Composed of a legislative assembly and an executive department, the autonomous region may create "special courts with personal, family and property law jurisdiction consistent with the provisions of this constitution and national laws."

While no special regional security force is being promised, the autonomous region is given legislative powers over:

- (1) Administrative organization;
- (2) Creation of sources of revenues;
- (3) Ancestral domain and natural resources;
- (4) Personal, family and property relations;
- (5) Regional urban and rural planning development;
- (6) Economic, social, and tourism development;
- (7) Educational policies;
- (8) Preservation and development of the cultural heritage; and,
- (9) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.

Tamano-Rasul Bill

In response to the constitutional call for autonomy in Muslim Mindanao, Senators Tamano and Rasul filed Senate Bill Number 75 to grant autonomy to the same areas covered by the Tripoli Agreement. Interestingly, the Bill has familiar lines like Sections 3 and 4 which we quote here:

Section 3. *Internal Autonomy* - within the framework of the national sovereignty and territorial integrity of the Republic of the Philippines, internal autonomy shall be established in the Region to exercise the powers and responsibilities herein specified in accordance with the provisions of the Constitution and the pertinent laws of the Republic of the Philippines.

Section 4. *Scope of the Internal Autonomy* - The Region shall undertake all internal administrative matters for the region. It shall not act on matters which are within the jurisdiction and competence of the National Government.

The bill calls for a "Regional Security Force" whose members shall come from both the MNLF and the Philippine Constabulary; "Active role of the region in the formulation of foreign policy affecting Muslim countries;" "Concern of the Region to develop the growth of trade, barter and commerce between the Philippines and the neighboring Muslim countries, namely: Malaysia, Brunei and Indonesia;" and, a "Concern of the Region" in the "exploration, exploitation, development and utilization of natural resources."

The Bill lists 15 areas over which the legislative body of the Region has powers provided they are "within the framework of national development plans, policies and goals" and that the President of the Republic "shall exercise such powers as may be necessary to assure that enactments and acts" of the Autonomous Region are "in compliance with existing laws, national legislation, policies, plans and programs."

The Bill also creates a Shariah Judicial System for the Muslim inhabitants of the Region and that the Region "may establish, maintain and operate educational institutions such as schools, colleges and universities within the defined area in the constitution and laws concerned (Section 13). As in PD 1618, state colleges and universities within the Region are asked to "assist and cooperate in the progress and development of the Region" and that their governing boards shall be infused with a representative from the Autonomous Region. The region is to oversee the activities and performance of regional directors of the Departments of Health; Education, Culture and Sports; Public Works and Highways; Agriculture; Social Services and Development; Industry; and, Youth and Sports Development.

Some Implications of Autonomy

National Integration

Our national government has never been wanting of pronouncements on national integration. In fact, our history can be seen as a continuing process of searching for, and development of, common threads of national unity. But apparently, the problem obtaining in the South is a manifestation of a failure in approach and basic assumption. The Philippine government, proceeded along what Samuel Tan (1974) calls the "unitary approach" to integration. "This is based on the assumption that in the prehispanic period, a common cultural and historical unity existed" which is traceable "linguistically to Austro-Polynesian origin and ethnologically to Malay beginnings. Attempts at finding unity amidst ethnic diversities in the Philippines led to "two important developments in national direction," namely:

- (1) The development of ethnocentric culture principally associated with Tagalog cultural pattern as the national literature; and,
- (2) The emergence of the concept that national society and tradition should be Christian (Tan 1974:1).

The first, "owing to the fact that Philippine scholarship substantially involved Tagalog scholars dating as far back as the Reform Movement," pushed other "ethnic traditions" to "peripheral positions" (Tan 1974). The second, "traceable to the successful establishment of the Christian religion in the Philippines and to the subsequent support it received from the colonial powers and government," further alienated those who refused to accept Christianity.

Autonomy, as a national policy, is consistent with the other approach on integration which Tan (1974), quoting Mandelbaum, calls pluralism. Applied in the Philippines, it would recognize the wholeness of Philippine society in its ethno-linguistic, cultural, and even religious diversities. It would free Philippine society of the strain and wastage caused by its assimilationist approach. It would, hopefully, produce a national orchestra where individual players play distinct melodies by creating together, a beautiful and harmonious symphony.

Autonomy implies the cultivation of more positive means for national integration in their most relevant forms. It would remove the wariness among the Muslims, increase their trust in the government and pave the way for the unhampered implementation of the development programs in the region.

How these developments would go through would of course depend on the content of autonomy and its acceptance by the Muslim and national communities. Definitely, the political power that must be devolved to the regional government should be substantial enough unlike the one created by PD 1618. As a political solution to the

Mindanao problem, autonomy must create enough room for what Magallona (1987:1) termed as "self-expression and self-creation" of the Muslim community so that it will be in a better position to contribute to national progress.

While one suggests some form of self-determination to the Muslims and those similarly situated, we understand the need to strengthen viable means or tools of national integration such as language, the political values of freedom, equality and welfare, and religious-free and politically neutral socioeconomic programs.

Equity and Social Justice

The Rawlsean concept of justice speaks well of the need for the Philippine government to rechannel its energies towards the cultural minorities who, history will bear out, have been so disadvantaged in relation to the so-called Christian majority. Indeed, there can be no moral justification to the perpetuation of a system that sacrifices its minorities simply because the system works for the majority.

The notion of autonomy as a rearrangement of the system for the substantive rechanneling of governmental energies may be a modest structure that would lead to the "greatest benefit of the most disadvantaged" groups in the society. It is not even asking for an arrangement where goods will be, to borrow Rawls' words, "unequally distributed" for the "advantage of the least favored." Autonomy is to ask for an equal distribution of social goods in indigenized modalities, at least in the areas of concern.

That autonomy is being granted only to two regions, Muslim Mindanao and the Cordilleras, deserves some attention. Some may raise questions on equity regarding the granting of such "special" arrangement to these two communities when there are others who are similarly situated and are thus also deserving of the same policy.

We submit the thesis that the case of autonomy has a dual significance to Muslim Mindanao and the Cordilleras. One concerns the imperative of an effective public administration where goods and services are efficiently delivered to the people. Here, these two communities are similarly situated with the rest of rural and poverty-stricken Philippines. The second concerns the need to preserve the uniqueness of Muslim and Cordillera cultures, religions and ways of life. Here, these two communities are not similarly situated with the other Filipinos, the dominant majority. So, while other forms of decentralization may make government respond efficiently and effectively to the cultural majority, the Muslim and Cordillera people need no less than a certain degree of self-determination — a decentralization with a dose of political devolution sufficient enough to protect them from the assimilationist character of national legislation.

Autonomy as an indigenization of government instrumentation, when applied to Muslim Mindanao and the Cordilleras, may be seen in different ways that include efforts at redressing past grievances, an experimentation on politico-administrative

arrangement for possible wider application, and a sincere belief in the efficacy and appropriateness of the arrangement for these two communities.

Our romance with centralism has been rather long and social inequities have only grown to deplorable levels that political decentralization may be necessary. Besides, political centralization inevitably nourishes that unitary approach as described by Tan which marginalizes those who do not conform to the dominant outlook. To those non-conforming minorities, centralism, even if proportional representation is achieved, is unjust and only perpetuates the "tyranny of the majority." We are reminded of Rawls who said that:

Each member of society is thought to have an inviolability founded on justice or, as some say, on natural right, which even the welfare of everyone else cannot override. Justice denies that the loss of freedom for some is made right by a greater good shared by others. The reasoning which balances the gains and losses of different persons as if they were one person is excluded. Therefore in a just society the basic liberties are taken for granted and the rights secured by justice are not subject to political bargaining or to the calculus of social interests (Rawls 1971:28).

Autonomy, as the best positive step along responsive change, could trigger the remaking of laws and reformulation of program so that they become more attuned to the real aspirations of the people of the areas of autonomy. For instance, it is quite well known how the Muslims, the Cordillera people, and other tribes suffered as a consequence of the imposition of land laws they never understood nor accepted. These and other intrusive thrusts not only led to the loss of what they perceived as socially desirable goods but also developed that attitude of antipathy against what the Muslims used to call as the *gobierno a saruanga tao* or government of foreigners (even including Filipino government). That these groups had to develop a warrior mentality, aside from their resource-expending struggles, was more costly since they had to neglect other socioeconomic pursuits thereby pushing them faster to the position of "backwardness." It may be an intriguing proposition that while we think of redistributing lands from the landlords to the tenants for considerations that include equity and social justice, we cannot think of a parallel scheme for these cultural minorities who have been pushed by history to the attic of their ancestral homes. Autonomy then, because it is expected to destroy unjust laws, would consequently reduce the socioeconomic inequities between the groups and the national majority.

Speaking of equity and social justice, we cannot pretend not to be concerned about the potential worries of the Christians within the areas being sought for autonomy as well as other tribes within and outside Mindanao. Any discussion on this is however hypothetical at this point since the area of autonomy has not been resolved.

To our mind, the grant of autonomy does not exclude the possibilities of granting sub-autonomy to the smaller groups of highlanders within Muslim Mindanao if they need and long for it. Our concept of social justice shall be put to naught if its application is compartmentalized and at the expense of others who are also in a similar position of disadvantage and neglect.

The same range of possibilities also apply to the Christians in the area of autonomy and elsewhere in the Philippines. Even Misuari, who is believed to be the more extreme among MNLF faction leaders talks about "sharing" power with the Christians and Highlanders residing in the area of autonomy. Besides, Islamic laws, if they are to be effected, do not necessarily apply to non-Muslims.

Service Delivery: Moving the Government Closer to People

Another strong argument for autonomy is its positive implications to the more efficient, effective and responsive delivery of services. In areas like Mindanao, government efforts are seen as too slow, if at all, mainly because decision-making is centralized in Manila. The slowness and wastage that characterize government delivery mechanisms suggest the devolution of functions to the lower levels of government.

One author said that:

Even in relatively small and highly homogeneous nations, such as France, over-centralized administration has resulted in what one authority aptly terms as "paralysis at the extremities and apoplexy at the center" (Rodee 1957:41).

Genuine autonomy, we believe, will afford uniformity where appropriate and permit diversities when necessary. It is the more relevant to us considering our geographical realities, ethno-linguistic, cultural and religious differences, and varying technological levels.

Being a form of areal and functional division of power, autonomy can easily contribute to the realization of political values listed by Maas (1959) -- liberty, equality and welfare.

As a form of decentralization, autonomy is consistent with McMahan's virtues on the "improvement of central initiative and impetus by freeing those who are at the center from bothersome details" and the enabling of lower level officials to "adapt their methods to the situations at hand" (McMahan 1961). An appropriate illustration is our electoral system. Nowhere are classic cases of electoral fraud, vote-buying, terrorism and the "practical" virtues of "gun-goon-gold" politics more prevalent in our country than in the Muslim areas in the south as the Comelec can surely prove. As a democratic instrument, this electoral system is simply inappropriate to these areas. But this is not to say that the people of these areas are less democratic than the rest. In fact, when this western system was introduced, the sultanate had already evolved into a type more democratic and consensual than the present system where, say in Lanao del Sur, only two or few families rule.

Autonomy may allow the modification of the electoral system in the Muslim areas to suit the peculiarities of these communities. Or, at least, the final power to decide on electoral cases in these areas may be devolved to the Autonomous Government.

Autonomy will surely make the delivery of goods and services faster in the sense that certain decisions and resources may no longer pass the long and unnecessary route from Mindanao to Manila then vice versa. Local government officials will be saved from wasting their precious time and resources commuting between their places and Manila. In other words, autonomy is making government closer to the clients.

It is noted that among the critical issues being raised against the status quo is its inability to help the *Madaris* (Arabic schools) grow. The consequences of this neglect have been tremendous to the Muslims. The potency of the *Madaris* as tools for human development has been reduced while the western-oriented Philippine educational system made its way into the mountains of Moroland. But this western system did not only create a confused Muslim mind. It was, and it continued to be seen by many as a neo-colonial tool designed to coopt their consciousness into the western and Christian outlook.

Regional autonomy may strengthen the educational system of the Muslims even while existing educational institutions are maintained to serve the needs of the non-Muslims in the area of autonomy. It may establish official curricular linkages between the *Madaris* and the national system of education. It may purge the latter of its unIslamic content when being operationalized in Muslim areas while the former may be reinforced to check its curricular weaknesses particularly in the fields of arts and sciences. With these improvements, there may be no need to migrate to the North to satiate educational appetite among the people in areas which are autonomous.

Autonomy may yet improve the revenue generation of the Region by properly incorporating Muslim religious and obligatory taxes such as *Zakat* (poor tax) into the regional taxation scheme. As it is now, the Muslims are confronted with a double form of taxation. Aside from all taxes enforced by Philippine laws, the Muslims actually pay their religious taxes through means outside of government. Autonomy, therefore, may not only rationalize taxation in the areas of autonomy but may also lead to the more effective and responsive allocation of revenues (i.e., the *Zakat* appropriated solely for the poor segments of society).

Foreign aid and grants may be expected to flow to the Autonomous Region from petro-dollarated Muslim countries who may appreciate the prospects of regional autonomy. And this, of course, may easily translate into better quantities and qualities of goods and services for the people.

The judicial system in Muslim Mindanao may yet improve with the granting of autonomy. One gets the funny feeling when apprised of the fact that the Muslims, specifically, seldom go to the regular Philippine courts to resolve their civil and criminal cases but instead, avail of the traditional modes of settling such cases. Sometimes, the underground revolutionary groups become the refuge of the people thereby granting additional legitimacy to these groups. The existence of these

competing "governments" unfortunately results in lawlessness and near-anarchy which baffle the imagination of the national community including the media. Autonomy may prove beneficial not only in terms of saving others the effort of exposing their bias-and-ignorance-tainted judgment, but most importantly, in terms of providing a more relevant and effective system of justice to the people of the region. This we see through the operationalization of the Shariah system for the Muslims while non-Muslims may avail of the usual Philippine Jurisprudence. The efficacy of the arrangement lies in the manner the autonomous government may provide a unified judicial superstructure that is just to all and where "competing governments" cannot thrive.

Autonomy may trigger the return and resettlement of the hundreds of thousands of Muslim refugees who are now in the neighboring island of Borneo as a result of the war of the early 70s. This may come as people will realize their new confidence in the Philippine government and while the autonomous government may also exert extra efforts at solving the real social problems of the region of which the refugee question is but one.

Postscript

On August 1, 1989, the "Organic Act for the Autonomous Region in Muslim Mindanao" was signed into law. Senator Aquilino Pimentel, the principal sponsor of the Act, asserted that it is 99 per cent consistent with the Tripoli Agreement. Its framers agree that it is the best formula that would concretize the constitutional provisions on "Autonomous Regions." It is hailed as a positive legislation that would give justice to all people of Mindanao including the Muslims and other cultural communities.

Consistent with the Constitution, the President appointed the members of the Regional Consultative Commission (RCC) whose task was to participate and assist Congress in the formulation of the Organic Act. The RCC draft was however shelved by Congress, according to many of the members of the RCC. At least, the substantive portions suffered severe alterations in the hands of our legislators. Out of frustration, some RCC commissioners exposed the attempts of the National Government to infiltrate and control the output of the RCC.

A deeper probe of the Organic Act (RA 6734) betrays an ill-conceived law that may stay for sometime as a puzzle to our legal experts. Already, cases have been filed in the Supreme Court against the Act's implementation for, among others, its alleged unconstitutionality. The Law appeared unprepared for its own self. People thought of some funny possibilities like the Law being accepted only by one province or only Christian provinces vote for inclusion in the autonomous region.

Actually, no substantive powers are devolved to the Regional Government under the Organic Act. What political powers it grants are simultaneously withdrawn by

such phrases as "consistent with national policies and programs." Its fiscal powers are merely theoretical since most important objects of taxation fall within the competence of either the National Government or the Region's constituent local government units (Article X). It cannot impose additional taxes because it may only overburden the people it is meant to serve. Even its administrative powers are limited as, for instance, the Clerk of Court and the Court Administrator of the Shariah Appellate Court are to be appointed by the Supreme Court (Article IX). Furthermore, it has no operational control over the regional police (Article XIV).

The Act's provisions on ancestral land and domain are so anti-Moro and anti-Highlander that even those presently owned and occupied by these cultural communities may be lost to the National Government (Article XI). The exceptions to ancestral domain are "strategic minerals such as uranium, coal, petroleum and other fossil fuels, mineral oils and all sources of potential energy; lakes, rivers and lagoons; and, national reserves and marine parks, as well as forest and watershed reservations." These provisions, as a matter of illustration, indirectly say that most part of Lanao del Sur is not ancestral domain because of the lakes, rivers, and forest and watershed reservations that comprise it.

Because of lack of substantive powers, the creation of the Regional Government may only serve the ends of graft and corruption, red tape, inefficiency, and dirty politics. The Regional Government is tasked with so much responsibilities but with so little authority. Organizational hierarchy is blurred and confusing under RA 6734 and a potential conflict exists between the Regional Government and its constituent local government units. RA 6734 actually strengthens the local units rather than the Regional Government. First, the local units collect the taxes (Article X, Section 5). Second, direct lines are established between the National Government and the local government units (Article VI, Section 1). Third, the Regional Government cannot reduce the powers and functions already enjoyed by local units (Article V, Section 1). Fourth, heads of local units, as representatives of the National Police Commission, have operational control over regional police (Article XIV, Section 3). Finally, the Regional Government is advised to devolve its powers to "local government units where appropriate" (Article III, Section 3).

As an additional layer of government, the Regional Government may be efficient, effective, and responsive only when about 80 per cent of the powers and functions of the National Government are devolved to it. The proper delineation of governmental powers and functions should be clear, defining what are exclusive to what level and what are shared by whom.

Obviously, RA 6734 is short of the autonomy we envisioned in the preceding discussion.

Last November 19, 1989, a plebiscite was held in the thirteen provinces and nine cities to determine the areas of autonomy. The Comelec count showed the provinces

of Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi as the only ones opting to join the autonomous region. No city voted for inclusion.

With the result of the plebiscite, the Autonomous Government apparently needs all the luck it can muster. Its four constituent provinces are anything but contiguous. Lanao del Sur and Maguindanao are in the north-central part of Mindanao while Sulu and Tawi-Tawi are situated in the extreme south-west. No land routes connect them. Except for a very scarce air trip, it takes days of continuous land and sea travel before one can reach the southern islands from either Lanao del Sur or Maguindanao.

These four provinces are among the poorest in the country. Even if the Organic Act provides for a one hundred per cent retention of revenue collections, the Autonomous Government may still be unable to provide enough resources to pursue its programs without depending on outside sources. Mendicancy, therefore, is its only assurance.

The social realities in these provinces may translate into greater demands on the Regional Government. Ethnic differences and lawlessness, among others, may also create political and administrative problems for the government.

With enormous responsibilities on its shoulders, one can only hope that the Regional Government in Muslim Mindanao does not die in its infancy. It is seriously ill and structurally handicapped at birth.

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