



Weavers of Peace: The Higaonon Tribe in the Philippines

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The Higaonon, an indigenous tribe in Northern Mindanao in the southern Philippines, have preserved an ancient system of conflict resolution which has enabled them to be a truly peaceful community. However, there is a need to ensure that this knowledge is not lost in the future.

The Higaonon described as “people of living mountains” and “people of the wilderness” are one of the *lumads* (indigenous peoples) in the mountainous areas of Northern Mindanao in southern Philippines, who have resisted assimilation or acculturation, with their traditional systems, practices, beliefs remaining relatively intact (Tri-people Consortium for Peace, Progress and Development in Mindanao, 1998).

They have continuously lived as an organized community on communally bounded and defined territory, and have, under claims of ownership since time immemorial, possessed customs, traditions and other distinctive cultural traits. They are one of the indigenous people (IPs) recognized as the true natives of the islands, who at one time occupied and controlled a substantial portion of Mindanao and Sulu archipelago (Tri-people Consortium for Peace, Progress and Development in Mindanao, 1998).

Mercado (1998) has argued that unlike the early IPs who embraced Christianity, the *lumads* have retained their original primal religion because they refused to accept either Islam or Christianity at the early times of colonization. Though a Christian sect penetrated the communities in Bukidnon in 2007 and baptized at least 50 members from a tribe in Kagahuman area,

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these members still practice their original religion while at the same time joining weekly worship with their Christian group.

One of the indigenous practices that the *Higaonons* have retained up to this day is their system of conflict resolution, locally called *paghusay* (meaning “to settle”). With its tribal council composed of a Supreme *Datu* (chieftain), 11 delegates, 3 *baes* (women delegates), and 25 *alimaong* (tribal police), they resolve all kinds of conflicts as long as they take place within their jurisdiction. Cases that reach the tribal authorities for possible resolution include thievery, fighting, murder, misunderstandings, adultery, land conflicts, contempt against rituals and conflicts involving rebels.

The ability of the Higaonon to effectively solve internal conflicts has led to them being described as a genuinely peace loving community and the “weavers of peace”.

Cases of Higaonon Tribal Conflicts: Adultery and Land Disputes

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The Alimaongs of the tribe (tribal soldiers). Image credit: Primitivo III Ragandang.

Adultery and land disputes are the most prevalent form of conflict in the tribe and are often the root causes of other conflicts. For instance, misunderstanding, fighting, and even murder are sometimes due to adultery and disputes concerning the land.

Concerning adultery, the tribal chieftain has said that the practice is considered a serious crime in the tribe because the Higaonons believe that it actually brings bad luck. During a wedding, the *datu* (the one performing religious duty as the *Babaylan* of the tribe), inculcates in the couple's minds the sanctity of marriage, which would become impure when a wife or a husband practices adultery (personal communication, May 24, 2008).

Though *pagduway* (or having two wives) is allowed in the tribe, the consent of the original wife is required; otherwise, the husband could not engage in *duway* (have two wives). A man intending to have two wives must see to it that he can afford to provide the basic needs of his wives and their children. However, the respondents revealed that there was no such case when a wife allowed her husband to have two wives; there were reported cases of adultery instead. These cases of adultery led to *lido* or war between families. This was due to the fact that the Higaonons are by nature protective of their family.

Thus, in cases like this, the wrongdoers disrespect their own families and the family of the betrayed partner. The Higaonons believe that in due time, the spirits of their ancestors would punish them, thus “*magabaan*” (cursed). As an old Filipino remarked, “*kay ang gaba muduol dili magsaba*” [bad karma comes without warning]. *Gaba* is quite similar to the doctrine of karma in Hinduism and in Buddhism. It is also similar to the biblical doctrine of reaping what one sows and is considered a form of immanent justice (Mercado, 1993).

As to conflicts involving lands, the Higaonons consider the soil not just their material property. It is actually regarded as their life and part of their legacy from their ancestors. They inhabited over 150 hectares of lands in Bukidnon Province with the boundaries marked by either a tree alone or by just a *butig* (big stone). Even if the original occupant of the land is not occupying or tilling the territory, the land can no longer be owned by anybody else.

Today, the Higaonons do not have land titles. Fortunately, the chieftain commented that the Impahanong Amosig Higaonon Tribal Community Organization (IAHTCO) through the National Commission on Indigenous Peoples-10 (NCIP-10) is actually working towards the grant of Certificate of Ancestral Domain Title (CADT) for the Higaonons. Chapter 2, Section 3 (c) of the

IPRA Law of 1997 referred CADT to a title formally recognizing the rights, possession and ownership of IPs over their ancestral domain. The lack of clear boundary usually led to conflicts between the Higaonons in the tribe who own adjacent land. It is really a source of conflict when somebody extends his boundary.

The Higaonon's System of Conflict Resolution



The Higaonon tribal council inherited the procedures of resolving conflicts from their ancestors who bestowed it through stories alone. Through stories, the procedures were transferred from generation to generation. Even up to the present, they do not have any written documents about their system of resolving conflicts, yet they are assured that their tradition and culture will continue. According to one member of the tribal council, “even my four-year-old son knows what are to continue in the tribe. We told them stories of our tradition before bedtime and in the morning too. They also witness the rituals in the tribe.”

The process of conflict resolution starts with the submission of the case to a member of the tribal council who is delegated in a particular area. A complaint may be lodged in the house of the *datu* or wherever the complainant meets him. Moreover, lodging a complaint can be done anytime of the week.

Wherever disputes arise, especially concerning a single or a particular group of individuals only, the council waits until someone refers the case to them for possible resolution. However, in cases where the general population is involved, the council acts right away. It is a traditional practice which actually best describes the principle of *motu proprio* (by one's own motion or initiative).

Cases like rebels threatening the people and destroying their properties, or a drunkard inflicting hazard on the community requires no prior submission to the tribal council. Once a complainant has referred a case, it is considered filed. As a general requirement, a ritual must be performed at all times prior to the hearing of the case being filed. A conflict resolution session is considered legitimate only when there is a ritual. In the ritual, one or two live chickens are offered to appeal the Halangdong Magbabaya (God) and the spirits of their ancestors to arrive a good resolution of the dispute. Therefore, the absence of a ritual in conflict resolution processes invalidates all the agreements or decisions made in that session.

The referral of the case in the Higaonon tribe of Kagahuman is hierarchical in nature. Thus, no case is brought to the Supreme *Datu* prior to its hearing in the lower body. All cases must be brought first to a member of the tribal council who is delegated in a particular area. If the case is not resolved, that is, the complainant is not satisfied with the decision and therefore appeals to the higher body, the case is then forwarded to the Vice Supreme *Datu*.

At this level, this higher body explores all possible alternatives in order to resolve the dispute. If the decision has been rendered and both parties are satisfied, the case is closed; otherwise, the case is brought to the highest judicial body of the tribe, the Supreme *Datu*. The latter will then schedule the time and place of the hearing. Once the Supreme *Datu* has rendered his decision, it is considered final. In case a party fails to come to the hearing scheduled, a summons is served through the assistance of the *alimaong* (tribal police).

Locally known as *sala*, the Higaonon justice system of punishment generally varies depending on the nature, motive and incidence of the crime. Through the years, the form and nature of *sala* in the tribe have undergone a number of amendments already. Among others, the abolition of death penalty was agreed upon by the tribal chieftains of the eight (8) *talugans* (villages) during a *tagulambong datu* (chieftains summit) in 1969 through the initiative of Datu Indangag of Impahanong. Also, the respondents recalled that pigs were never used as payment before, until the time when the people learned to raise pigs. Penalties include payments in the form of animals, tibod, money, non-inheritance of ancestral domain and banishment from the tribe. Tibod is a special kind of jar made from clay and is believed to be plated with gold in the internal portion (Sagayna, 2007).



A chieftain performing a prayer. Image credit: Primitivo III Ragandang.

It can be inferred that the penalties imposed in the Higaonon tribe of Kiabo is restorative in nature since “the application of punitive sanctions such as death penalty would,” according to the Chieftain “make the situation worse.” This traditional system is recognized as providing a win-win situation to all parties involved. It is a condition which would best describe the theoretical point of Stewart (1990) that in the early stage of struggle, one possible outcome is the accommodated agreement between parties which may lead to both parties

being satisfied. Moreover, the abolition of the death penalty in 1969 is an indication that the Higaonons cherish the value of a person's life.

After the ritual is performed, the hearing procedure begins. It can be inferred further that the tribal council plays a very crucial role in maintaining the peace and order of the tribe. Also, the hierarchical nature of conflict resolution can also lead to a more egalitarian practice since a case can be forwarded whenever a party is not satisfied with the decision of only one judicial entity. Also, the credence for a Divine Intervention is seen to be an important preliminary habit in a resolution process – both in the Higaonon tribal council and in the barangay as manifested in the opening ritual and prayer, respectively.

The ritual and the whole *paghusay* system is so effective because the Higaonons have high regard for the spirits and it is part of their belief system. Also, in day-to-day activities – planting, harvesting, child delivery, making a house, and paghusay – they must start with a ritual for the spirits in order for the spirits to help them and bring them success in their endeavors.

The Future of the Higaonon's system

There are some serious issues with the conflict resolution system which need to be addressed. Firstly, it is desirable for a functional tribal hall within the Higaonon tribe of Kagahuman to be built. Establishing a tribal hall for conflict resolution is very necessary for two reasons: first, there is a fixed place for settling disputes; second, it actually develops the sense of justice, peace, and belongingness among the Higaonons in the tribe.

Another important issue that needs to be addressed is gender. The female representation in the tribal council, though accounting for only 20% of the populace, is a good sign of gender-awareness and development in the tribe. However, the role of women in the resolution process is actually very limited. They must therefore have a higher role so their voices can be heard.

Moreover, based on the observation that the tribe does not document every case being resolved, it is highly recommended that the tribal council should have a record in every *paghusay*. These records will contain the date, time, venue, present persons during the hearing, and also agreements or decisions made. More importantly, a secretary must be appointed to perform the recording tasks. Also, a written document on the resolution processes and penalties imposed is necessary to have clear and detailed presentation of their traditional methods of settling disputes. Penalties must be presented in a very detailed manner, especially on murder cases wherein self-defense does not warrant any penalty.

Perhaps the most immediate concern, though, is the need to ensure that this knowledge of conflict resolution is not lost and becomes sustainable. Due to forces of modernization in the Philippines, it is very likely that not codifying this indigenous system of conflict resolution among the Higaonons will lead to extinction of this useful system. This is not impossible as the pattern of migration (especially among the younger Higaonons) is increasing, where the young leave the tribe and head towards the cities for the quest of greener pastures and opportunities. Unfortunately, maintaining the minutes of *paghusay* proceedings is a challenge for the tribe for two reasons.

Firstly, the Higaonons are not used to writing. There are literate tribal members, but they are no longer staying in the tribe — they either work in the city or are

busy with their own business. Secondly, they are not equipped with the basics of writing minutes of case hearings. It is in this light that the intervention of the local government and other civil society organizations is crucial in empowering the Higaonons, especially the young who are left in the tribe.

It is important that they are taught the basics of making *paghusay* proceedings, codifying them for future purposes, and being able to share it with other communities who might find their system as effective for replication. Young Higaonons must preserve and continue to practice their *lumad* tradition and culture. To make this happen, they must put into practice the teachings and activities that are conferred to them by the older tribal members.

The Higaonons of Bukidnon province in the Philippines are teaching us the lessons that upholding community security, respecting all members of a community and adhering to the traditions of cultural heritage are crucial to building a peace in the community.

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