Research article

PEACE SUSTAINABILITY USING TRADITIONAL CONFLICT RESOLUTION STRATEGY AMONG THE HIGAONON OF MAINIT, ILIGAN CITY

Quini Gine W. Areola[*1] and Marilyn P. Areola[1]

[*]DepED, Iligan City Division
[1]Mindanao State University at Naawan
9023 Naawan, Misamis Oriental, Philippines

E-mail: vedrasonnie@gmail.com

ABSTRACT

Conflict among the indigenous communities is resolved using their own traditional ways and practices. Hence, this study is conducted to describe the common sources of conflict encountered among the Higaonon people in Barangay Mainit, Iligan City. Therespondents served as key informants who were selected from the 15 Council of Leaders and Elders, Bae, and Baylan in the said area. Descriptive statistics was used to describe the responses among the key informant respondents. Major findings revealed that the Higaonon people in Barangay Mainit encountered various sources of conflict such as adultery/ concubinage, murder, rape, malicious mischief, arson, damage to property, animal rustling (theft), land grabbing, alteration of traditional boundaries and unlawful intrusion of property. To this, the Higaonon leaders used traditional strategies and processes in resolving conflict such as mutual respect, observance of civil and criminal laws, observance of their customary rights and practices and compliance to the provisions of the Indigenous Peoples Rights Act of 1997 as their means of maintaining peace sustainability in the area. **Copyright © WJESD, all rights reserved.**

Keywords: Higaonon, Iligan City, indigenous communities, peace sustainability

INTRODUCTION

Violence can be prevented and stable peace is more likely in societies where institutions are democratic and representative – of women as well as minorities, of the poorest as well as the most affluent. Marginalized groups may resort to conflict and violence if there are no peaceful alternatives for resolving their grievances. It is projected that by 2030 up to 62% of people living in extreme poverty will be in countries at risk of high levels of violence (OECD, 2015). Education has a key role in contributing to the political participation and inclusion vital to ensure social cohesion, and to prevent and mitigate tensions in societies that are – as described in the

statement above from the preamble to the 2030 Sustainable Development Goals (SDGs) – 'peaceful, just and inclusive' and 'free from fear and violence'.

Sustainable peace also requires a well-functioning justice system that offers citizens, regardless of social status, a more attractive alternative to violence to resolve personal and political disputes. If people feel they have no access to justice to address their legal needs and to assert and protect their rights, they are more likely to resort to violent means, undermining the establishment and consolidation of peace. http://unesdoc.unesco.org/images/0024/002457/245752e.pdf

Conflict occurs between people in all kinds of human relationships and in all social settings. Because of the wide range of potential differences among people, the absence of conflict usually signals the absence of meaningful interaction. Conflict by itself is neither good nor bad. However, the manner in which conflict is handled determines whether it is constructive or destructive. Conflict is defined as an incompatibility of goals or values between two or more parties in a relationship, combined with attempts to control each other and antagonistic feelings toward each other (Fisher, 1990). The incompatibility or difference may exist in reality or may only be perceived by the parties involved. Nonetheless, the opposing actions and the hostile emotions are very real hallmarks of human conflict. Conflict has the potential for either a great deal of destruction or much creativity and positive social change . Therefore, it is essential to understand the basic processes of conflict so that we can work to maximize productive outcomes and minimize destructive ones.

This study had described some common sources of conflict, the levels of social interaction at which conflict occurs, and the general strategies of approaching conflict that are available. Moreover, this study tried to answer the following: (1) What are the common sources of conflict encountered by the Higaonon of Mainit, Iligan City? (2) What are the strategies used in resolving conflict among the Higaonon of Mainit, Iligan City, and (3) How the Higaonon people of Mainit maintain peace sustainability in the area? Results of the study would hopefully provide meaningful insights in knowing the sources of conflict encountered by the Higaonon people in the area. It also facilitated future researchers to know the traditional methods and practices used by the Higaonon people in attaining peace sustainability.

MATERIALS AND METHODS

Research Design and subject of the study

This study utilized the qualitative descriptive method of research. A questionnaire was employed to describe the responses of the Higaonon communities. This included tribal council of elders and leaders both men and women. The respondents were chosen among the Higaonon people of Mainit, Iligan City whose traditional knowledge and skills in conflict resolution were present and relevant.

Data Gathering and Procedure

Prior to the gathering of data and other relevant information from the respondents, preliminary protocols were conducted including the conduct of ritual after the free prior and informed consent from the respondents were obtained.

This study used the survey research design. This deals with the descriptive method gathering of data wherein a questionnaire were used to gather information pertaining to the common sources of conflict encountered by the Higaonon that usually resulted to conflict and the strategies used by the tribe in resolving conflicts in the area that ensured peace sustainability.

The questionnaire included topics on the common sources of conflict , strategies used to resolve conflict, and the strategies used to maintain peace sustainability in the area. The questionnaire has Likert scale of 1-4 which indicated ratings of: 1- never , 2- seldom, 3- often, and 4- always. The verbal interpretation is with the mean range of 1.0-1.79 (Never a source of conflict), 1.80 – 2.59 (Seldom as a source of conflict), 2.60 – 3.39 (Often as a source of conflict), and 3.40 – 4.00 (Always a source of conflict). Informal conversations were used for them to speak and express spontaneously without being pressured.

RESULTS AND DISCUSSIONS

Common sources of conflict encountered

The findings revealed that unlawful intrusion was the first source of conflict followed by the alteration of boundaries, malicious mischief, land grabbing, murder, adultery and concubinage, damage to property and animal rustling(theft).

Table 1. Mean scores, ranks and verbal interpretations of Higaonon respondents in terms of common sources of conflict encountered.

Sources of conflict	Mean	Rank	Verbal interpretation
Adultery/ concubinage	1.26	7	Never a source of conflict
Murder	1.93	5	Seldom a source of conflict
Rape	1.00	8.5	Never a source of conflict
Malicious mischief	2.47	3	Seldom a source of conflict
Arson	1.00	8.5	Never a source of conflict
Damage to property	2.00	6.5	Seldom a source of conflict
Animal rustling (Theft)	2.00	6.5	Seldom a source of conflict
Land grabbing	2.26	4	Seldom a source of conflict
Alteration of traditional boundaries	2.53	2	Often a source of conflict
Unlawful intrusion of property	2.66	1	Often a source of conflict
Average Mean Score	2.10		Seldom a source of conflict

Strategies /Methods used by the Higaonon of Mainit in resolving conflict

This study revealed that out of fifteen (15) respondents, twelve (12) responded that they always used the traditional justice system as their strategies / methods in resolving community conflict, three (3) responded that they used barangay justice system as their strategies used in resolving community conflict and two (2) used judicial justice system as their strategies used to resolved community conflict. All of the twelve (12) respondents, always used the tradition justice system processes such as the referral of conflict to the Council of elders/ leaders, submission of conflict to the council of elders/ leaders, acceptance of conflict by the council of leaders and elders, endorsement of conflict to the council of elders/ leaders for arubang(group of elders and leaders involved in conflict resolution, application of Husayan / Kokuman, application of tampuda hu balagun (traditional justice system, and the Final resolution of conflict by the used of *gantangan* (traditional justice system (Table 2).

Table 2. Mean scores and verbal interpretations of Higaonon respondents in terms of common strategies/methods used.

	Mean	Verbal Interpretation
Traditional Justice System	4.00	Always used as methods of resolving conflict
Referral of conflict to the Council of elders/ leaders	4.00	Always used as methods of resolving conflict
Submission of conflict to the council of elders/ leaders	4.00	Always used as methods of resolving conflict
Acceptance of conflict by the council of leaders and elders	4.00	Always used as methods of resolving conflict
Endorsement of conflict to the council of elders/ leaders for arubang (group of elders and leaders involved in conflict resolution	4.00	Always used as methods of resolving conflict
Application of Husayan / Kokuman	4.00	Always used as methods of resolving conflict
Application of tampuda hu balagun (traditional justice system	4.00	Always used as methods of resolving conflict
Final resolution of conflict by the used of	4.00	Always used as methods of resolving

gantangan (traditional justice system		conflict
Average Mean Score	4.00	Always used as methods of resolving conflict
Barangay justice system		
Referral of conflict to the barangay captain/ Punong barangay	2.50	seldom used as methods of resolving conflict
Filing of complaint to the barangay captain/ Punong barangay	3.00	Often used as methods of resolving conflict
Issuance of summons to the conflicting parties	3.50	seldom used as methods of resolving conflict
Hearing of complaint by the Punong barangay	3.50	seldom used as methods of resolving conflict
Referral of the Complaint to the Lupong Tagapamaya of barangay in cases conflicting parties failed/ refuse to settle their conflict before the Punong Barangay	3.50	seldom used as methods of resolving conflict
Issuance of summons to both parties by the Lupong tagapamaya of the barangay	4.00	Always used as methods of resolving conflict
Hearing of complaint before the Lupon	3.50	seldom used as methods of resolving conflict
Signing of agreement before the lupon if amicable settlement is reached	3.50	seldom used as methods of resolving conflict
Issuance of Certification to file action by the lupon if amicable settlement is not reached	3.50	seldom used as methods of resolving conflict
Average mean Score	3.44	seldom used as methods of resolving conflict
Judicial legal System		
Filing of complaint before the Fiscal's office	4.00	Always used as methods of resolving conflict
Issuance of summons to the conflicting parties by the City Fiscal's office	4.00	Always used as methods of resolving conflict
Preliminary hearing before the Fiscal's office	4.00	Always used as methods of resolving conflict
Signing of agreement if amicable settlement is reached	4.00	Always used as methods of resolving conflict
Filing of formal complaint if amicable settlement is not reached	4.00	Always used as methods of resolving conflict
Filing of formal complaint before the court of justice who acquires jurisdiction of the case	4.00	Always used as methods of resolving conflict
Hearing of cases before the court of justice who acquires jurisdiction of the case	4.00	Always used as methods of resolving conflict
Rendition of justice before the court of justice who acquires jurisdiction of the case	4.00	Always used as methods of resolving conflict
Average Mean Score	4.00	Always used as methods of resolving conflict

Strategies used by Higaonon to maintain peace sustainability

The findings revealed that all respondents always used traditional justice system in resolving community conflict such as mutual respect, observance of both civil and criminal laws, compliance of traditional laws and the Indigenous Peoples Rights Act of 1997 as strategies in maintaining peace sustainability in the areas (Table 3).

Table 3. Mean scores and verbal interpretations of Higaonon respondents in terms of strategies/methods used in maintaining peace sustainability in their community.

Items	Mean	Verbal Interpretation
Mutual respect	4.00	Always used to maintain peace sustainability
Compliance of traditional laws	4.00	Always used to maintain peace sustainability
Observance of civil and criminal laws	4.00	Always used to maintain peace sustainability
Compliance of Indigenous Peoples Rights Act of 1997	4.00	Always used to maintain peace sustainability
Average Mean Score	4.00	Always used to maintain peace sustainability

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, 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.

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 Higaonon*s* 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 Higaonon*s* 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 inhibited 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.

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).

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).

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 Higaonon*s* 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 Higaonon*s* 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.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.

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.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of this study, the conclusions are hereby drawn:

1. The IP –respondents of Mainitbelonged to the age bracket 61 years old and above, 100 % were married, and majority of the IP respondents were farmer.

2. The common sources of conflict encountered by the Higaonon of Mainit were malicious mischief, alteration of traditional boundaries and animal rustling/ theft.

3. The Higaonon of Mainit always utilizes the traditional methods / strategies in resolving community conflict through the following processes such as the referral of conflict to the Council of elders/ leaders, submission of conflict to the council of elders/ leaders, acceptance of conflict by the council of leaders and elders, endorsement of conflict to the council of elders/ leaders for *arubang*(group of elders and leaders involved in conflict resolution, application of Husayan / Kokuman, application of tampuda hu balagun (traditional justice system, and the Final resolution of conflict by the used of *gantangan* (traditional justice system.).

4. In order to maintain peace sustainability, the Higaonon of Mainit always utilizes the following strategies such as mutual respect, observance of both civil and criminal laws, compliance of traditional laws and the compliance of the Indigenous Peoples Rights act of 1997 .

Based on the findings of this study, the following are highly recommended: (1) that the government lead agencies dealing with government programs and projects shall initiate measures to preserve and protect the indigenous knowledge systems and practices of the Higaonon of Mainit in relation to conflict resolution in order to maintain peace sustainability in the area; and (2) that tribal council of elders and leaders be given seminars and trainings that would enhance their knowledge and skills in relation to conflict resolution management provided that it would not contravene their existing indigenous knowledge on conflict resolution.

ACKNOWLEDGEMENT

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