

**Case Study: A REVIEW OF THE IMPLEMENTATION OF
PHILIPPINE LAWS AND POLICIES ON INDIGENOUS PEOPLES, 2010**

Dinteg, the Cordillera Indigenous Peoples' Law Center

Higaonon communities

Municipality of Esperanza, Province of Agusan del Sur

(Based both on information gathered on field and documentary data

accessed from the Provincial Environment and Natural Resources Office of Agusan del Sur)

In the provinces of Agusan del Norte and Agusan del Sur, where 75% of the land is classified as forest land, the DENR is promoting the conversion of both primary and cultivated forests into tree farms through Industrial Forest Management Agreements (IFMA) with big corporations and Community-Based Forest Management (CBFM) arrangements with cooperatives that local public officials have organized among the indigenous Higaonon, Banwaon, and Manobo communities.

The Mayor of Esperanza, Agusan del Sur says that she thought of having her fellow Higaonon apply for inclusion in the DENR's CBFM program because this was the only way they could legalize their tenure of their forests. She says her goal is to bring investments and progress to her people, and she cannot achieve this if her people do not have legal instruments of tenure to negotiate with. Asked whether they had applied for a Certificate of Ancestral Domain Claim (CADC) or a Certificate of Ancestral Domain Title (CADT), she says no but does not explain why.

The Mayor's husband, who had preceded her in her post, and who claims the title of Datu Mancombate¹ among the Higaonon, is the holder of a CADC to 74,827 hectares of land – more than 55% of the land area of Esperanza. Adjacent to his CADC is that of Ronald Manhumusay, a self-proclaimed Datu, covering 8,000 hectares of forest and swidden cultivation sites along the municipal boundary between Esperanza, Agusan del Sur and Las Nieves, Agusan del Norte. Neither datu has yet applied for the conversion of his CADC into a CADT. But it is these datu's claims that stand in the way of the titling of ancestral domains to the Higaonon communities who actually cultivate and occupy the land, and manage its forests. Other datu hold CADTs and CADCs covering 29,725 hectares of the ancestral domains of Banwaon and Manobo communities in neighboring municipalities.

Esperanza, Las Nieves, and contiguous municipalities in the two Agusan provinces are within a 120,000 hectare zone that the DENR is developing into an industrial forest complex which will feature monocropped tree farms, factories, and a biomass-powered electricity plant. The

¹ *Datu* is commonly translated as *chieftain* or *headman*, but in the social structure of the Higaonon, there are different levels and types of *datu*. The highest level of *datu* holds authority over numerous clans occupying a wide territory; the lowest merely represents his section of village in a village council of *datu*s. At every level from the village upward, there is a *datu* for every major field of community concern – dispute settlement, customary law, agriculture, health, defense and warfare, etc. And each *datu* is given a name to describe either his qualities as a person or his function. The Higaonon of Esperanza say that the original *Datu Mancombate*, grandfather of the present one, was in charge of defense and warfare, and given a name derived from the English word *combat*. The present *Datu Mancombate* simply took his grandfather's name. But he does lead an army of his own, known as the Wild Dogs.

DENR is undertaking this in collaboration with Datu Mancombate, Datu Manhumusay, other politically prominent datos, and five big corporations – the biggest of them Shannalyne, which operates from New Zealand and Singapore.

The development project has divided Higaonon communities especially in Esperanza, where the Mayor and the DENR are encouraging the people to enter into oil palm and falcata tree farming contracts. Traditionalists in Esperanza argue against tree farming because it will individualize forest use and management, threaten the collective subsistence security they now enjoy with rotational-shifting cultivation, and destroy the relationship their community has maintained with the creatures and spirits of the forest. Would be modernists among them argue in favor of tree farming because it will yield them cash, which they can use for the formal education of their children and for raising their overall standard of living.

It may turn out that they have no choice in the matter. The infantry of the Philippine Army have overrun the Higaonon's forests, claiming that these host base camps of the insurgent New People's Army, which must be eliminated in order to attract investment and progress to the Philippines. The military operations have compelled forest dwellers to relocate their houses in clustered villages either at the center of their own barangays or in neighboring centers of trade. From here, they must walk at least two hours to their swidden cultivation sites – if they can muster the courage to maintain these at all, given the military operations. A few have already lost the courage and are now living off dole-outs from the Department of Social Welfare Development (DSWD).
