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Tenurial Arrangements and Forest Resource Management  
in Haliap, Kiangnan, Ifugao, Northern Philippines\*

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1. Introduction:

The incorporation of peripheral communities (indigenous groups) to the market (world) economy and to the colonial state has been a part of the colonial heritage of most Third World countries. Western colonizers imposed western laws and political structures to the colony and reallocated resources away from the production for local use to production for exchange in the world market (Dixon, 1990; Douglas, 1981 and 1989; Ofreneo, 1980; Scott, 1976; Brookfield, 1973). In their drive for national integration, the successor government of the newly independent colonial state adopted the policy of assimilation of marginal communities (Bajracharya, 1992). This policy is reinforced with new policies that encourage the exploitation of natural resources like forests and minerals often found within the ancestral lands of periphery people; this is largely driven by the need of the state to industrialise (i.e., power generation projects) and the need to finance the acquisition of industrial capital (Lopez-Gonzaga, 1983). The policy of assimilation (via incorporation and natural resource exploitation) paved the way for the imposition of western-based laws and political and bureaucratic structures over indigenous system. This expansion and internal colonization of frontiers have brought periphery people out of their peripheral existence and pushed them toward linkages with towns and outside, regional and national centers (Lopez-Gonzaga, 1983).

In the Philippine context, the indigenous people (periphery people) came into being when majority of the inhabitants of the archipelago succumbed to the colonizers,

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embraced their religion and culture and were subjected to their rule (Scott,1985). The ancestors of the indigenous people were able to resist the "reduction" efforts of the Spanish colonizers (i.e., the Cordillera and Moro People). Their resistance has kept them apart from the rest of the "reduced Filipino people" at the end of the Spanish Regime (Scott,1983).

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The integration and incorporation of small-scale society in developing countries into larger regional, national and international economic and political systems has been the focus of studies in various academic disciplines. This paper attempts to answer the question: (1) How would the integration of a peripheral community into larger political and economic system transform the customary tenurial arrangements of the community? and (2) What are the impacts of the changes in customary tenurial arrangements, their transformation through time, and their relation to resource utilization in general and to forest conservation in particular. Specifically, this paper tries to show:

- a. the indigenous agroforestry system of Ifugao;
- b. what are the external factors affecting the Ifugao indigenous agroforestry system;
- c. how are the people responding to external factors;

This paper began with two assumptions. First, indigenous forest resource utilization is closely linked to customary land and tree tenure (Lynch, 1991; Fortmann,1987; Moench,1986). The second assumption is that upland marginal and peripheral indigenous communities are in transition, i.e., these communities are increasingly participating in lowland's market economy driven by political incorporation to the dominant nation-state (Lopez-Gonzaga,1983).

A case study approach was employed in the research. Barangay Haliap, in the municipality of Kiangan, Ifugao, Northern Philippines, was chosen as the study area (Figure 1).

This paper is divided into five sections. The first section is the introduction which includes also the brief description of the study area. The second section attempts to describe the indigenous forest resource management of the people. In this section, the relation of tenurial arrangements and forest management is discussed. A brief historical presentation of statutory laws is presented in section three while the interface of the customary and statutory laws is presented in section four. The implication of the interfacing of the two laws in resource utilization in the area is also presented in section four. The last section is the conclusion and recommendations.

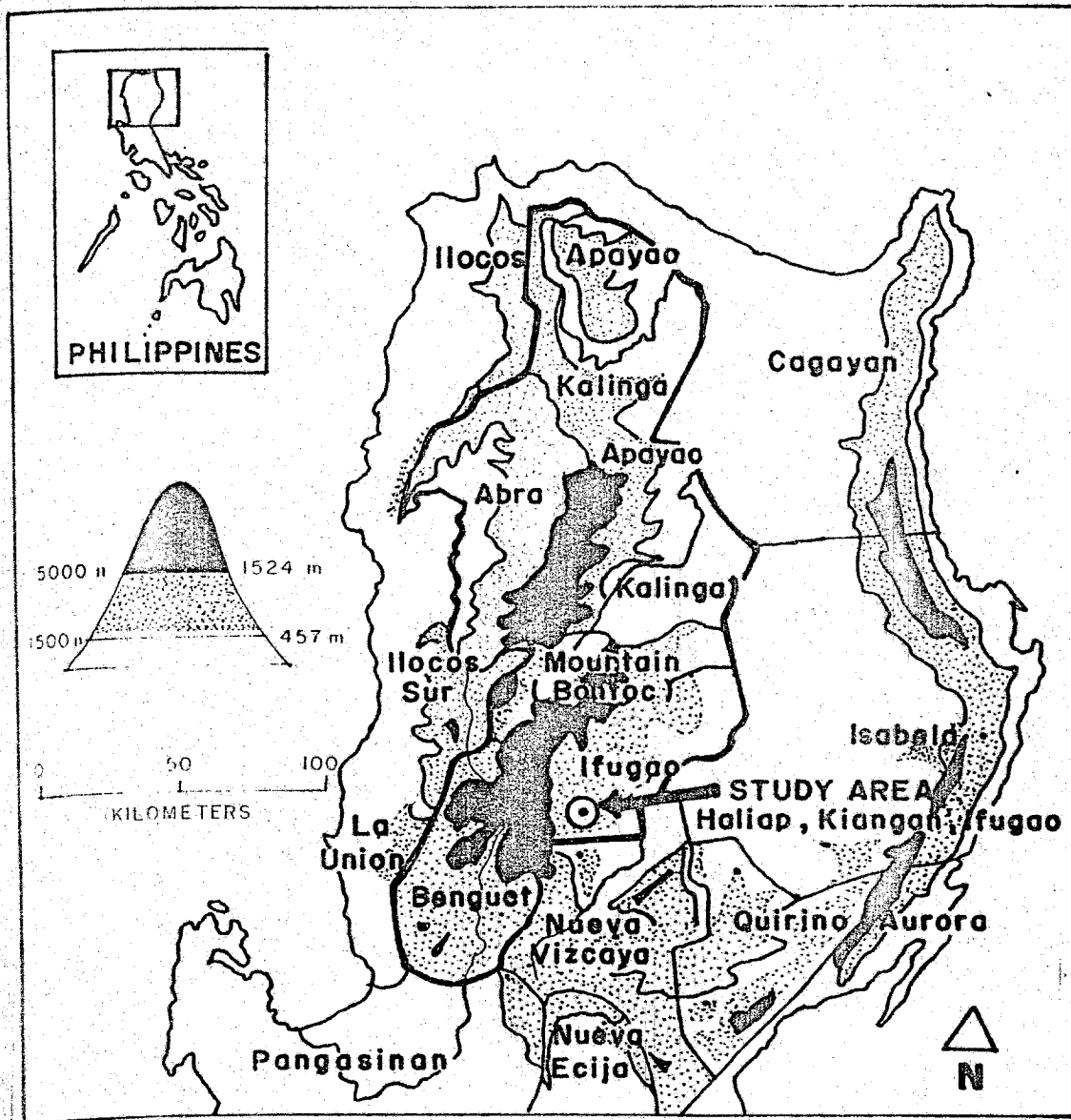


Figure 1. Location Map of the Study Within the Cordillera Administrative Region (C.A.R.)  
 (Source: Modified from Lewis, 1989: 391)

## The Study Area:

The research site for this study is a barangay called Haliap in the municipality of Kiangan, province of Ifugao in northern Philippines (Figure 2). Ifugao in turn, is one of the provinces that constitute the Cordillera Administrative Region (CAR) (Figure 3), one of the autonomous regions in the country.

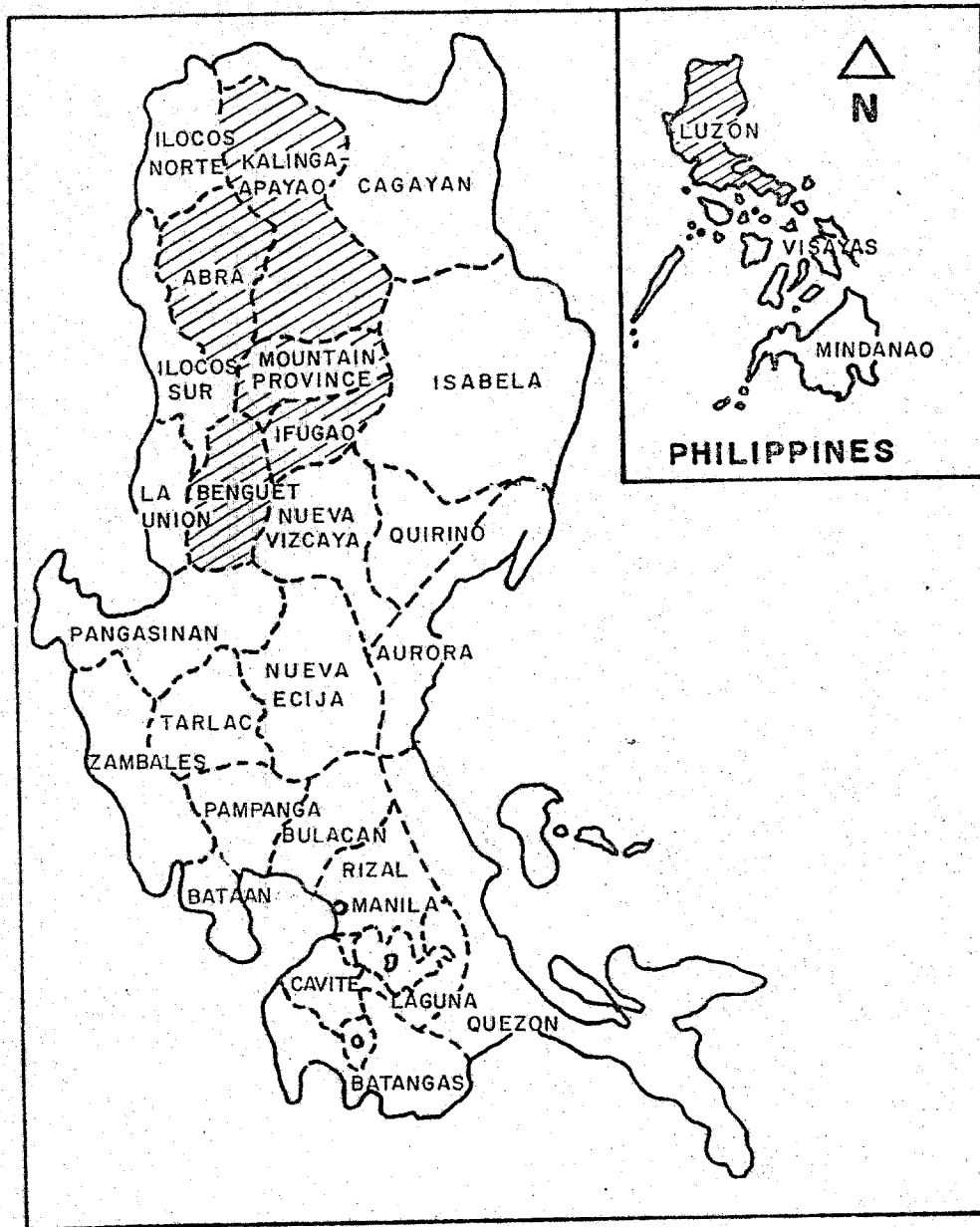
Barangay Haliap is one of seven contiguous barangays (Haliap, Hucab, Panubtuban, Bolog, Pula, Cawayan, Camandag) along the southeastern portion of the municipality predominantly inhabited by the Ayangan sub-ethnic groups in the province .

The people of Barangay Haliap trace their origin to a place called Adyang located within the present municipality of Mayaoyao (Figure 3). It is a major settlement of the Ayangan group and who later spread along the stretch of forested area in the southeastern part of Kiangan. In the 60s migration to nearby provinces started. Today Ayangan settlements could be found in the municipality of Kiangan, Lamut, Lagawe, Banaue and Mayaoyao, all in Ifugao and in the province of Quirino, Isabela, Benguet, and Nueva Vizcaya.

The ancestors of the people in Haliap had been hunters, farmers (terrace builders and swiddeners), and rattan basket weavers. These subsistence practices have since persisted and reflected in the resulting landscape these settlers have carved from the virgin forests they once found in the course of migration from Mayaoyao (Bajracharya, 1992).

Today, the landscape of the barangay has five components based on land use and existing vegetation (AEA, 1991). These are the forests (ala/pinusio), the swidden areas (inuma-an/habal), the settlement/homegardens (fubloy/ketaw-ngilig-chola), the terraced pondfields (payoh), and the very steep, rocky grassland areas (kongo) (Figure 4). The people subsist on the first four components while the last one is considered wasteland. These are key resource areas in Ifugao (Figure 5). Table 1 shows the percent distribution of existing land use in Haliap.

The Ifugao subsistence production system is governed by established integral pattern of mixed farming that include management of private forests, swidden cultivation, pond field cultivation of rice, the multiple intercropping of many secondary domesticates, and the raising of livestock (Conklin, 1980). In Haliap, while rice is the staple food of the people, raising other food and cash-source crops (i.e., coffee) is an indispensable agricultural activity. Most house-



**Figure 3. Location Map of the Cordillera Administrative Region (C.A.R.)**  
 (Source: Cordillera Studies Center, UPB, 1987)

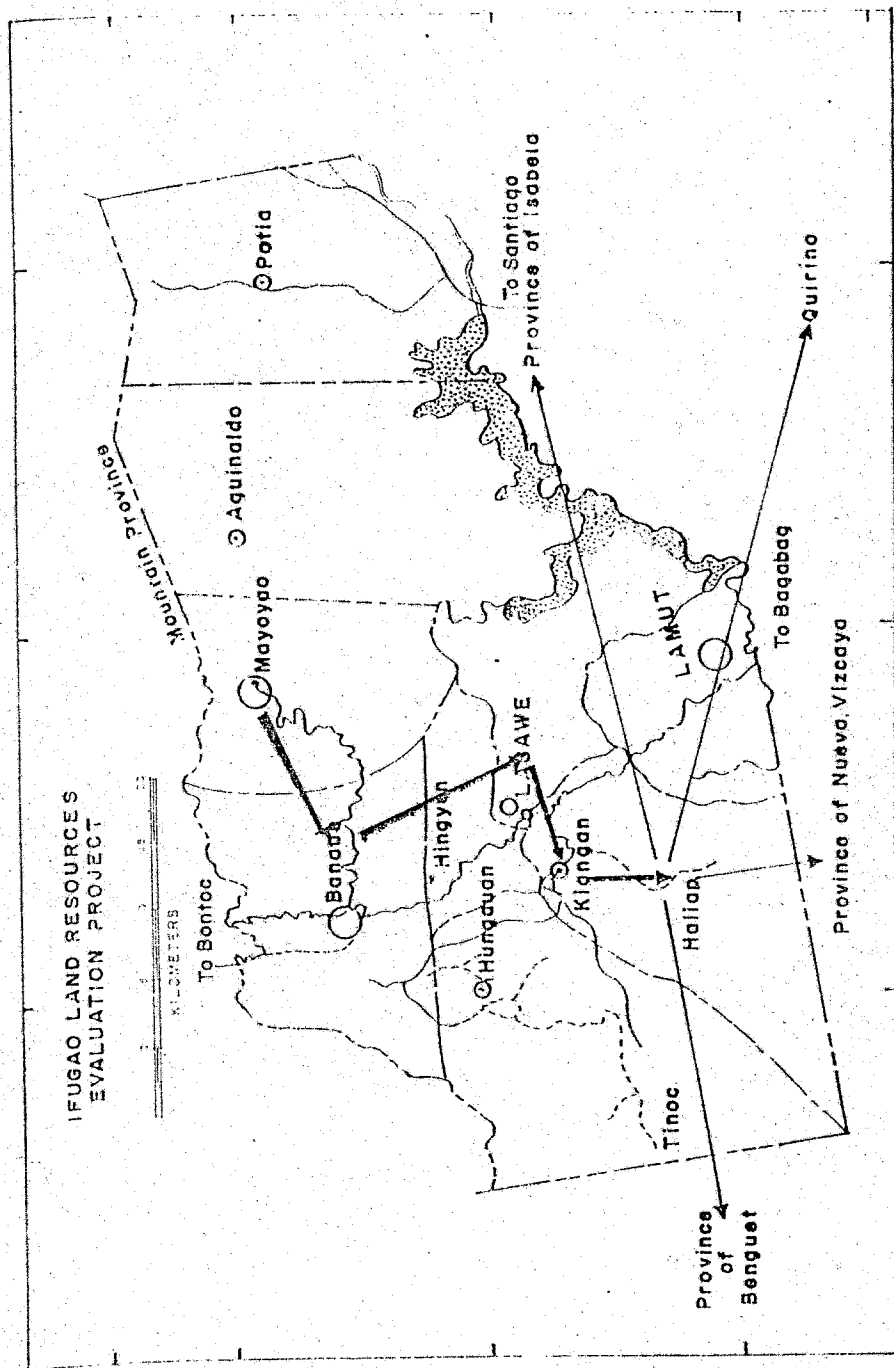


Figure 2A Map of Ifugao Province Showing the Migration Route of the Ayangan Ethnolinguistic Group (Source: Modified from DA / LREP, 1987)

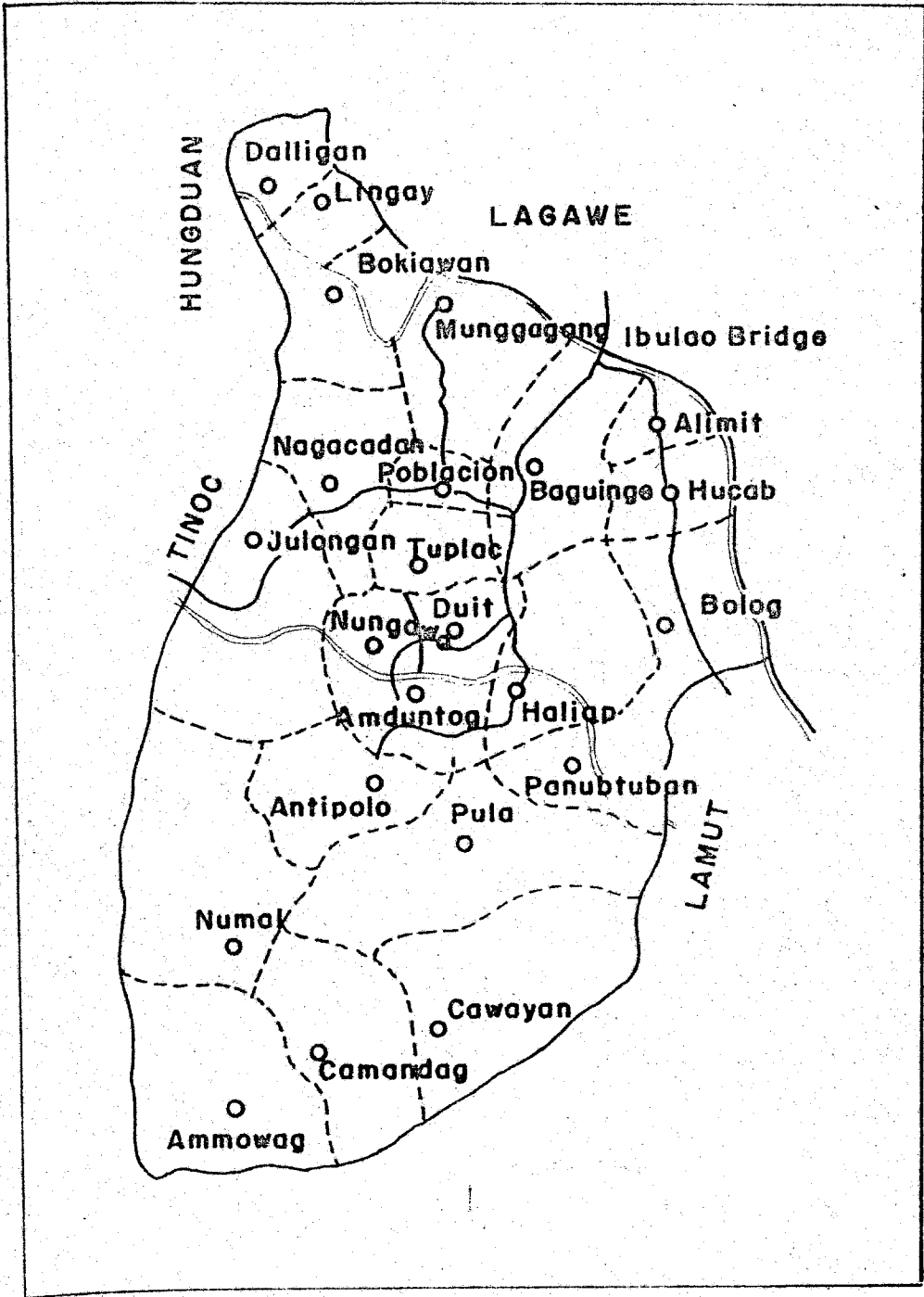


Figure 2-β Map of the Municipality of Kiangán  
 Source: CECAP REPORT, 1990

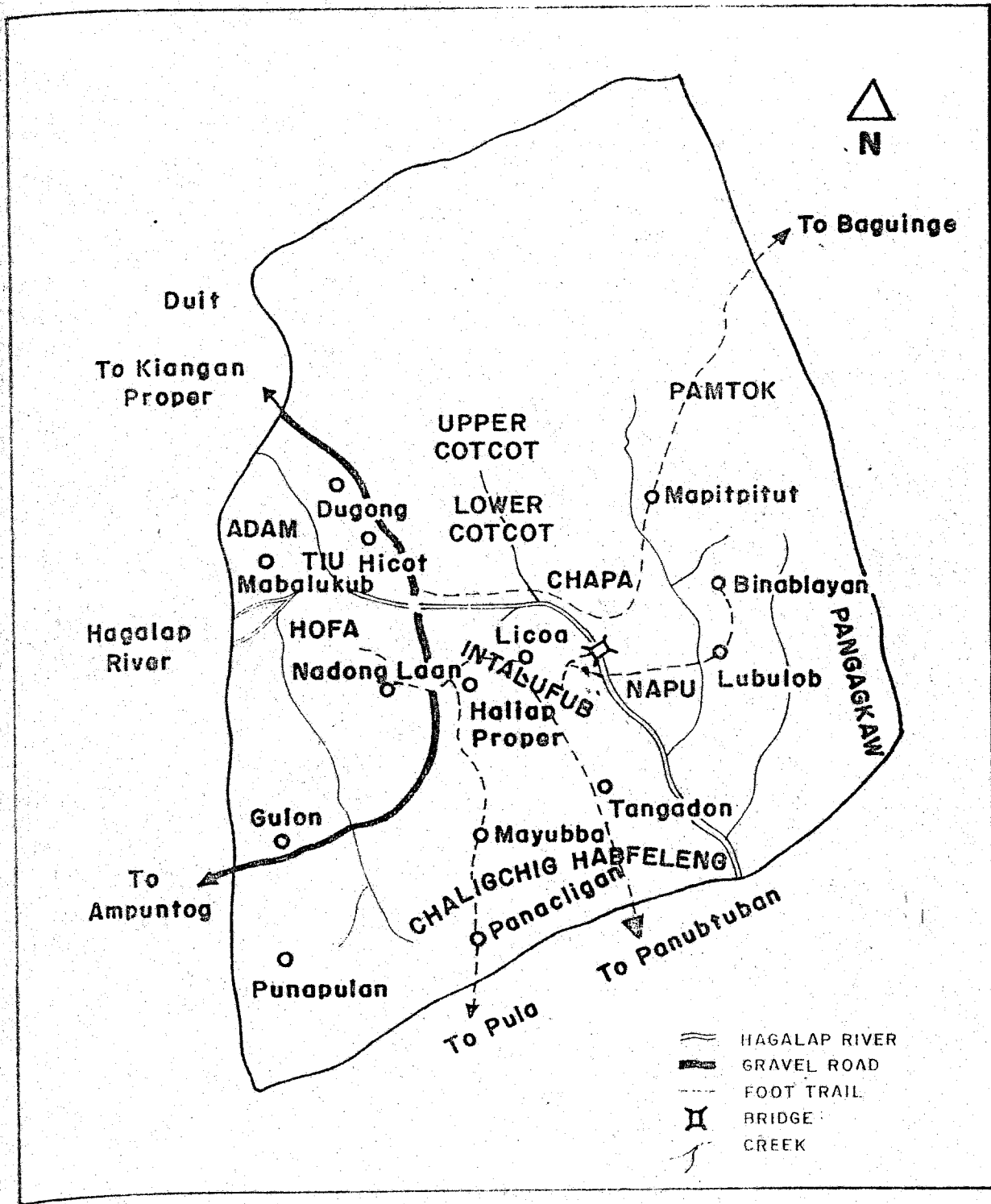


Figure 20 Map of Hallap Showing Its Sites (Settlements) and Vicinities  
 (Source: Hallap AEA, 1991)



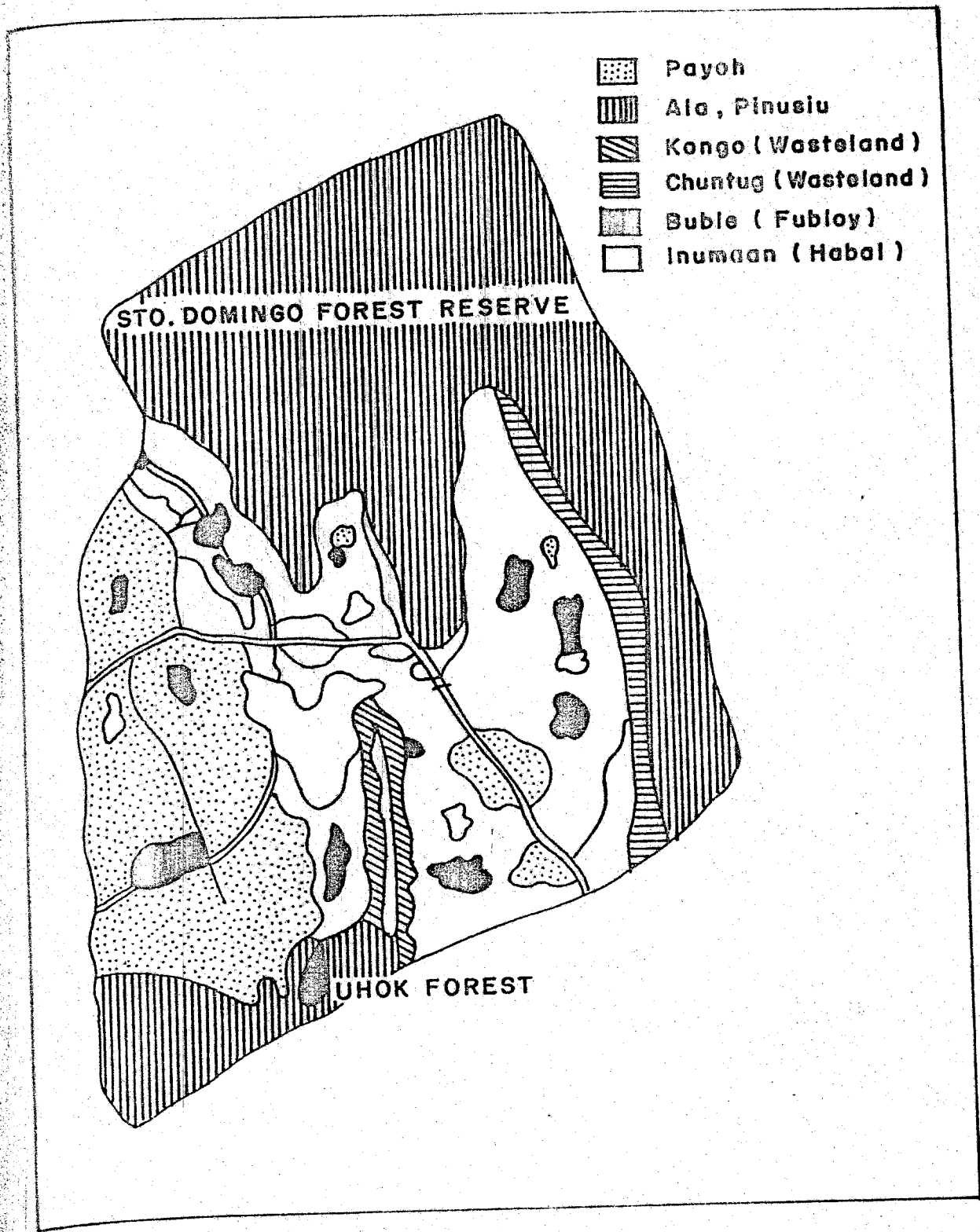


Figure 4 . Resource and Land Use Map of Haliap  
 (Source: Modified from Haliap AEA, 1991)

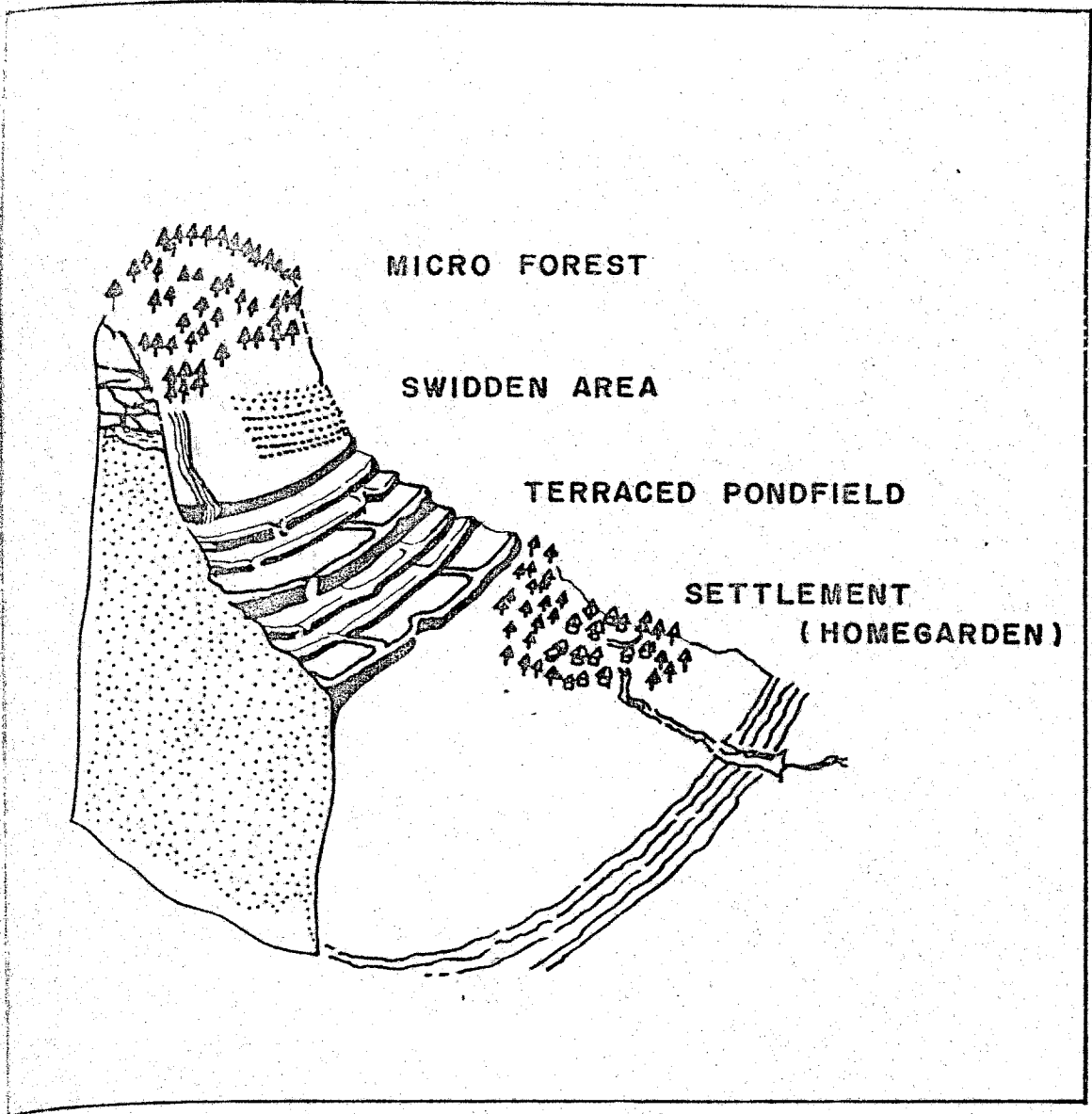


Figure 5 · Key Resource Areas in Ifugao  
( Source : Modified from CECAP, 1989 : 28 )

Table 4  
Existing Land Use in Haliap

Land Use	Area (Has)	Percent
Forest	392	49
Privatized	347	
Communal	45	
Swidden	120	15
Ricefields	182	23
Existing rice lands	120	
Abandoned rice fields	42	
Converted to vegetable garden	20	
Settlement	31	4
Grassland (Wasteland)	75	9
Total	800	100

Source: 1990 CECAP Report

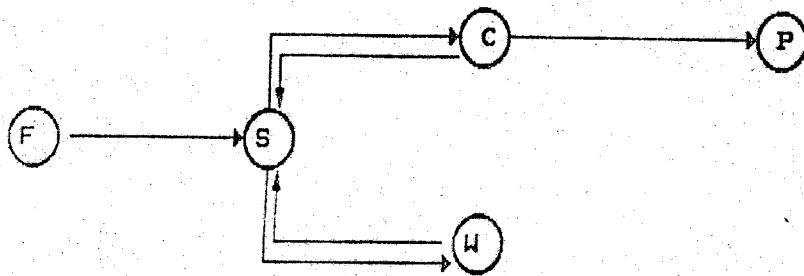
holds use swidden produce to supplement their diet and as insurance against pondfield damage. Also, all families wish to expand, improve, and maximize the use of their woodlot (muyong/pinusio).

The study of Ticsay-Ruscoe (1992) on traditional shifting cultivation in Haliap-Panubtuban indicated the land use conversion pattern in the village as shown in Figure 6. From the key respondents, the early settlers of Haliap converted forest lands into swidden and then converted them back to payoh in places where there is sufficient supply of water, or developed them to muyong/nakopihan. In the case of the conversion of payoh to bean gardening, Ticsay-Ruscoe (1992) and Bajracharya (1992) indicated that the conversion was dictated by both economic (i.e., high market price) and bio-physical factors (i.e., drying of pond fields).

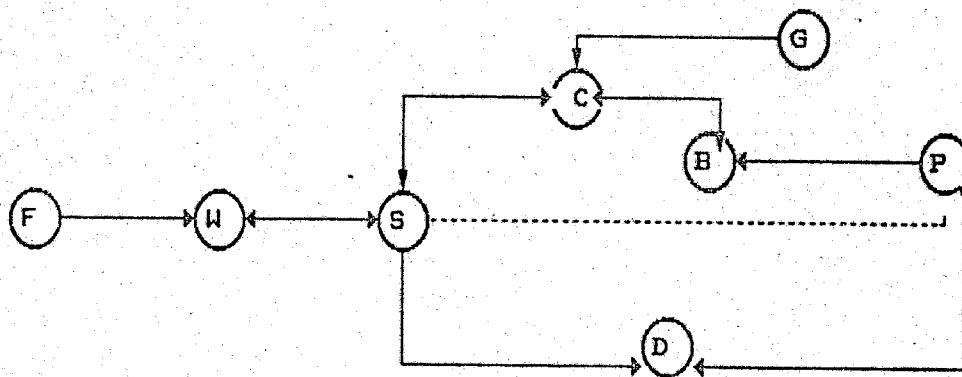
#### 11. Customary Tenurial Arrangements and Forest Management Practices:

Under Ifugao customary laws, there are three types of lands within the home district, namely: the open-access village communal lands, kinship lands and individually owned lands (Figure 7). Open access lands refer to un-owned forest lands which become the property of whoever converts it into family-owned forest lands and/ or rice fields. These lands are open to all district inhabitants within the same drainage system (Conklin, 1980). Actual possession and tilling of the soil provides the natural right (prima occupantis principle) to claim the land. The introduction of permanent improvements to open access lands as the construction of ricefields makes the claim to land permanent. In the case of swidden, the tiller has only transient ownership unless permanent investment are made. The abandonment of swidden lands will revert the land back to open access except those of the trees and perenial crops.

Kinship and individual lands, on the other hand, refer to family-owned foests lands, rice fields and homegarden. Although only one person is the recognized owner of such property, the owner's blood relatives have some permanent rights to that property (Lambrecht, 1964). The present holders possess only transient and fleeting possession or occupation (usufruct of kinship property); their possession is more of the nature of a trust rather than the property of one man (Barton, 1969). Forest lands which lie along the borders of the Ifugao home districts are regarded neutral territory. The lands maybe used subject to certain rules agreed upon between districts or groups of districts (Barton, 1969).



Source: Conklin, 1970 in Bagninan, Banaue, Ifugao



Source : Ticsay-Ruscoe, 1992 in Waliap-Panubtuban, Kiangan, Ifugao

**Legend:**

- |                         |                       |
|-------------------------|-----------------------|
| F : Forest              | W : Woodlot/nakopihan |
| S : Swidden             | C : caneland          |
| P : Payoh               | G : Grassland         |
| D : Dry terraced fields | B : Bean Garden       |
- \* broken lines indicate prolonged time interval

Figure 4. Resource Utilization and Land Use Conversion in Ifugao, Northern Philippines

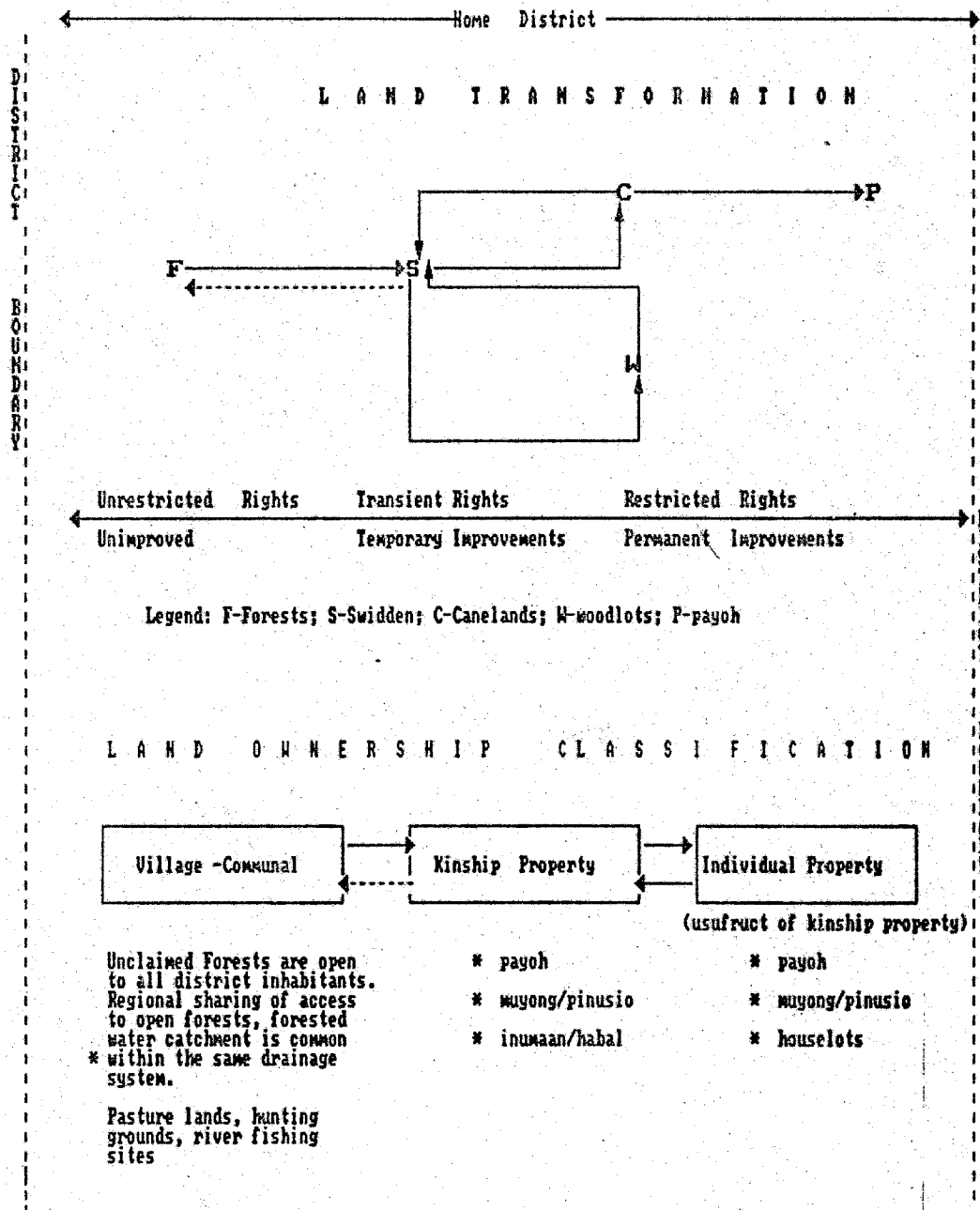


Figure 7. General Traditional Ifugao Land Forms and Land Ownership Classification

Source: Barton (1922), Lambrecht (1964), Dumia (1979) and Conklin (1980)

(Framework modified from Prill-Brett, 1985)

Customarily, the people of Haliap could access and acquire lands through:

(1) pioneering activity by clearing and cleaning areas in the open access forests as in the case of the early settlers;

(2) transfer of right through purchase, mortgage, payment of rent or finds;

(3) inheritance;

(4) borrowing (mi`jamm) the land for crop production with or without rent depending on the previous state of the land;

(5) lately, forest lands in Haliap could be acquired through tax declarations.

Individually, family or village owned land and forest resources are for the exclusive use of the individual owners, kinship and village, respectively. Violations of these customary norms are sanctioned by the village collectively.

In the case of muyong/pinusio, it is a closely guarded and recycled forest from which an endless supply of fuelwood and lumber, aside from the annual production of coffee, is obtained. The boundaries of muyong/nakopihan are clearly demarcated for all the people in the village to see. When the trees die or cut down, a seedling is planted to replace it for coffee shading requirement. The muyong/nakopihan is maintained as a family project and is passed down through generations. All people in the settlement respect the exclusive rights of the owner over his/her forests. If somebody attempts to cut down trees or gather forest products without the permission of the owner, then he/she has violated the local custom and would be sanctioned by the community accordingly. By custom, actual occupation and the introduction of improvements provides the natural right and claim of the residents to their land.

#### Forest Uses:

The residents of Haliap exploit two types of forests, namely: (1) the open access public forests, and (2) the family-owned protected forests. The open access public forests, which constitute 5.6% of the total land area of Haliap, are not planted with coffee trees and have less agricultural potential due to their distant location, terrain and rocky conditions. These forests are usually located near the village/barangay's boundaries.

The family-owned forests, on the other hand, are mostly nakopihan (coffee plantations). There had been a small number of coffee plantation in Haliap at the turn of century but this number increase in the 60s when prices of coffee soared.

A survey was conducted among 64 households in Haliap to obtain a profile of forest products source and utilization. Table 2 shows forest products (e.g., firewood, runo, cogon, lumber, coffee, etc.) and their sources. Among the forest-based products, coffee, lumber, fruit trees (pomelo, mango, citrus, etc.), lituco, and betel nut, were the one sold in the market. The rest were intended for household consumption.

The market for Haliap's products include Kiangnan proper, Baguinge, Lagawe, and Banaue in Ifugao and Solano, Nueva Vizcaya. Woodcarvings on the other hand, are brought to Manila and sometimes exported to other countries (i.e., USA and Japan) (Figures 8 & 9).

The slump in coffee prices and the increased demand for wood and lumber products in the area resulted to a shift to lumbering/logging activities. With the growing demand for lumber at present, many have began to exploit the forests of Haliap. Among these are the loggers who are operating in the southern Kiangnan area (Figure 10). The first is located in the northern part of Baguinge which serves as the logging grounds of the people from Baguinge, Poblacion Kiangnan, Banaue and lately, some residents of Haliap. The other is a triangular area with Panubtuban as its peak, and expand downward to the border barangays in the south. There are two routes for the felled logs: (1) via the Haliap river traversing the forests area to Lamut; and (2) through the Camandag and Cauayan cluster where logs pass directly over the boundary into Nueva Vizcaya.

### 111. The Statutory Laws and the Incorporation Process:

Ifugao came under the Spanish colonial administrative government when the southern region of the province (Kiangnan and its vicinity) was incorporated with the Isinai territory in northern Nueva Vizcaya to form a politico-military unit under the politico military province of Nueva Vizcaya through the Royal Decree of April 10, 1841 (Dumia, 1979). During their brief stay from 1841 to 1900, the Spaniards were able to organize the pueblos (town) headed by an alcalde municipal and the barangay (barrio) headed by the cabeza de barangay, in some strategic areas like Kiangnan and Mayaoyao (PDO, 1990).



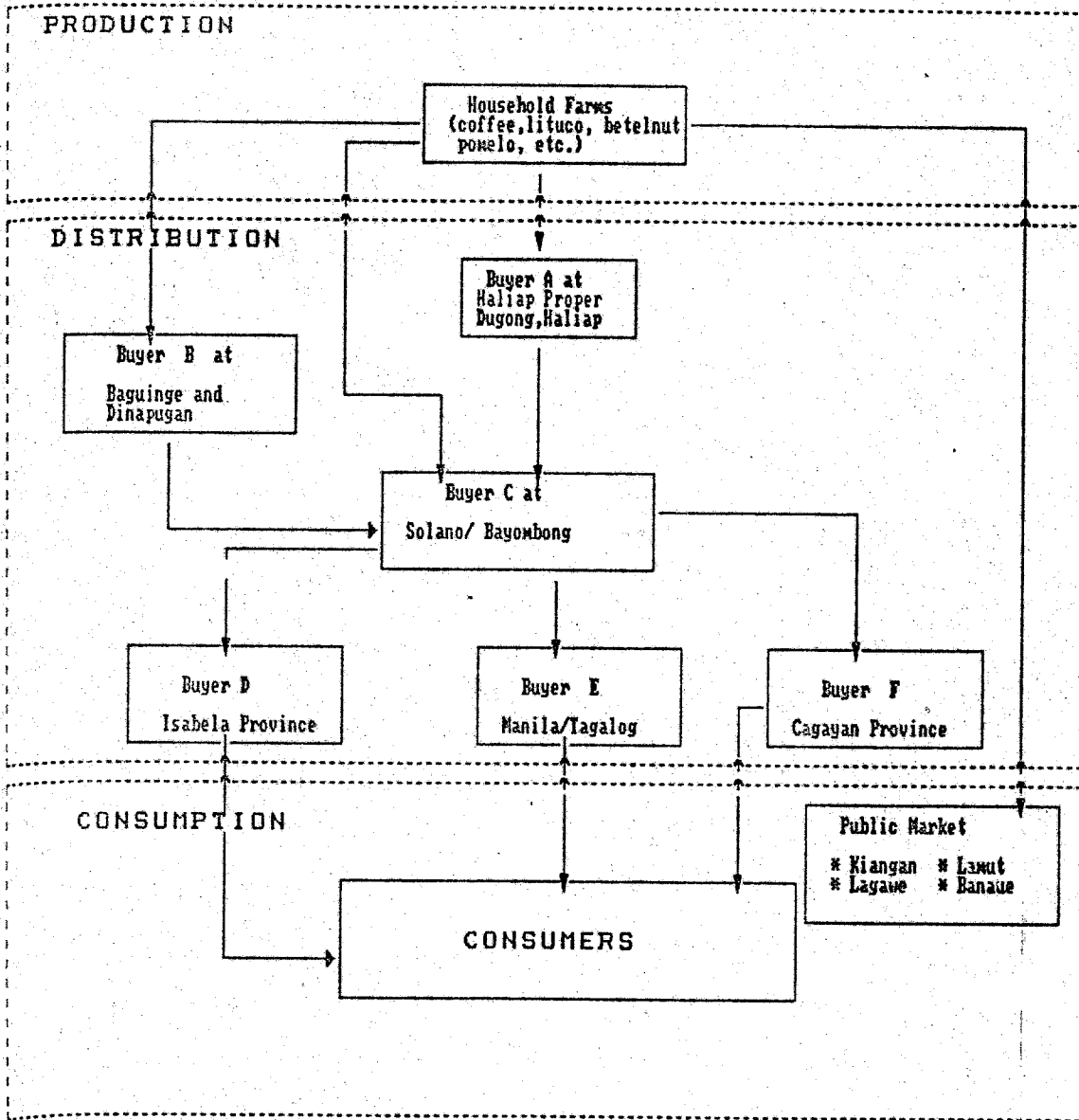
Table 2A Sources of forest products, Haliap, 1992.

PRODUCTS	No. of Answers/Respondents			
	SOURCES			
	Surrounding (Ngilig)	Family Muyong	Other Muyong	Public Ala
Firewood	54	5	11	12
Runo	21	1	5	6
Cogon	1	-	-	-
Betel Nut	20	3	-	-
Lumber	-	33	11	21

Note: Lituco and fruit trees (pomelo) are also usually taken from their muyong.

Table 2B Utilization of forest products, Haliap, 1992.

PRODUCTS	No. of Answers/Respondents	
	USES	
	Home	Market
Firewood	64	-
Runo	29	-
Cogon	1	-
Betel Nut	19	13
Lumber	11	11



Source: Modified from Bajracharya, 1992

Figure 8. Marketing System in Haliap for Agroforestry Products (Coffee, pomelo, lituco, etc.) Barangay Haliap, Kiangan, Ifugao, 1992

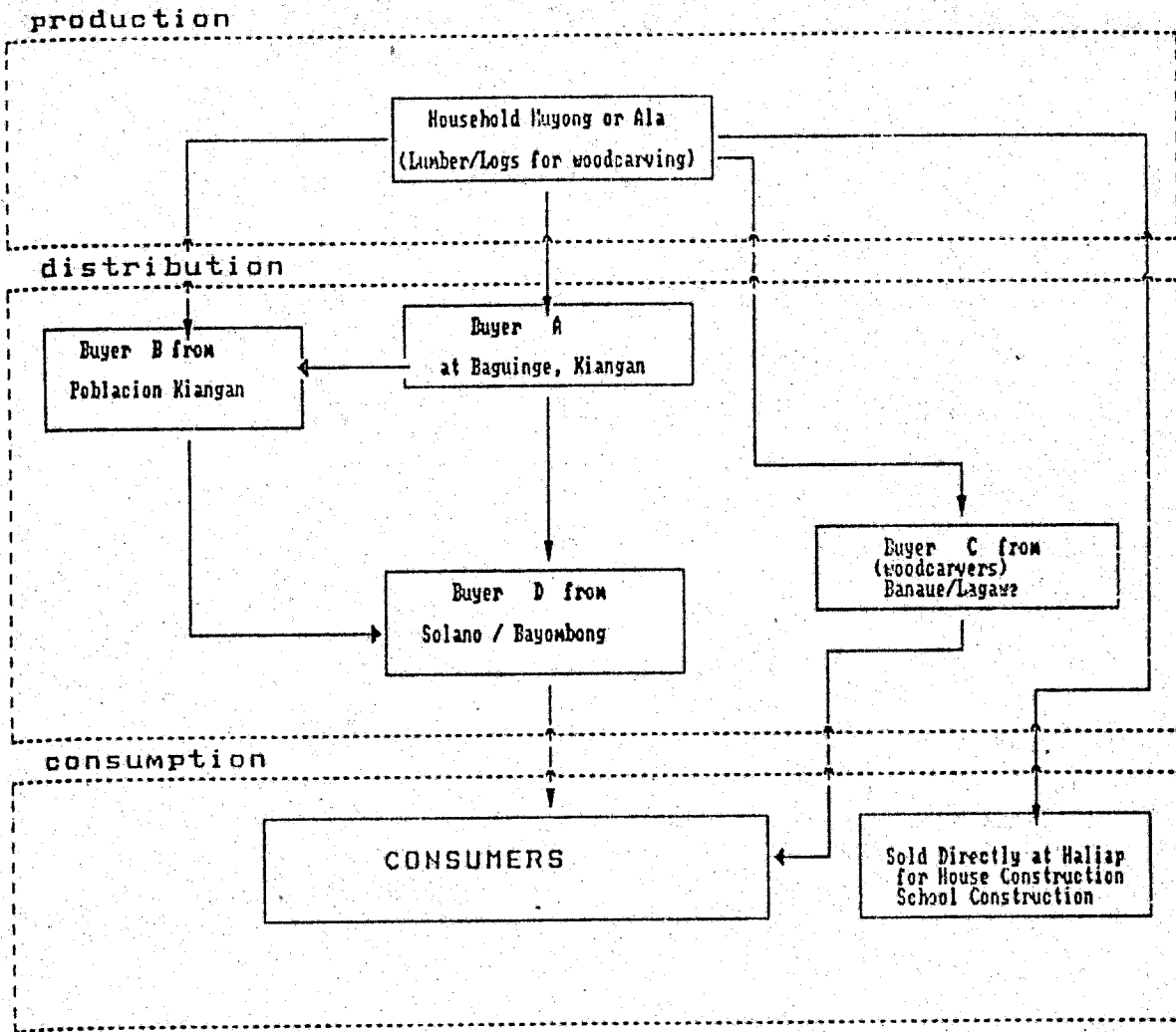
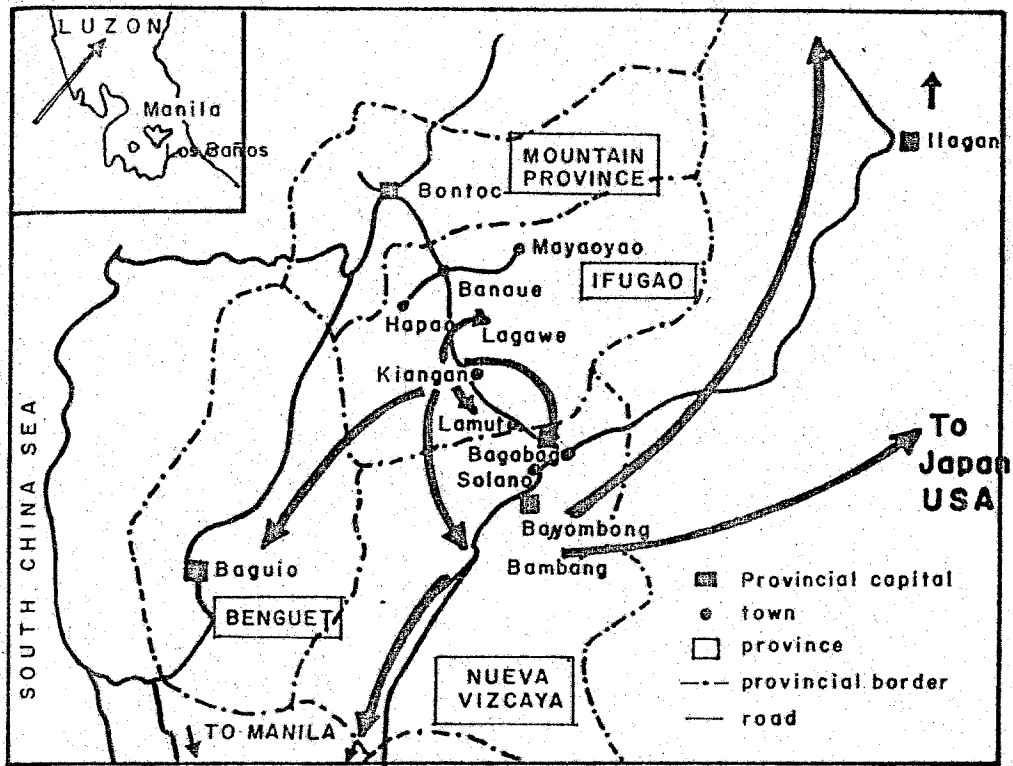


Figure 2. Marketing System of Lumber/Logs in Barangay Haliap, Kiangan, Ifugao Province, 1992



**Figure 24. Movement of Lumber / woodcarving from Haliap**  
**Source : Modified from De Boef , 1989 : 11**

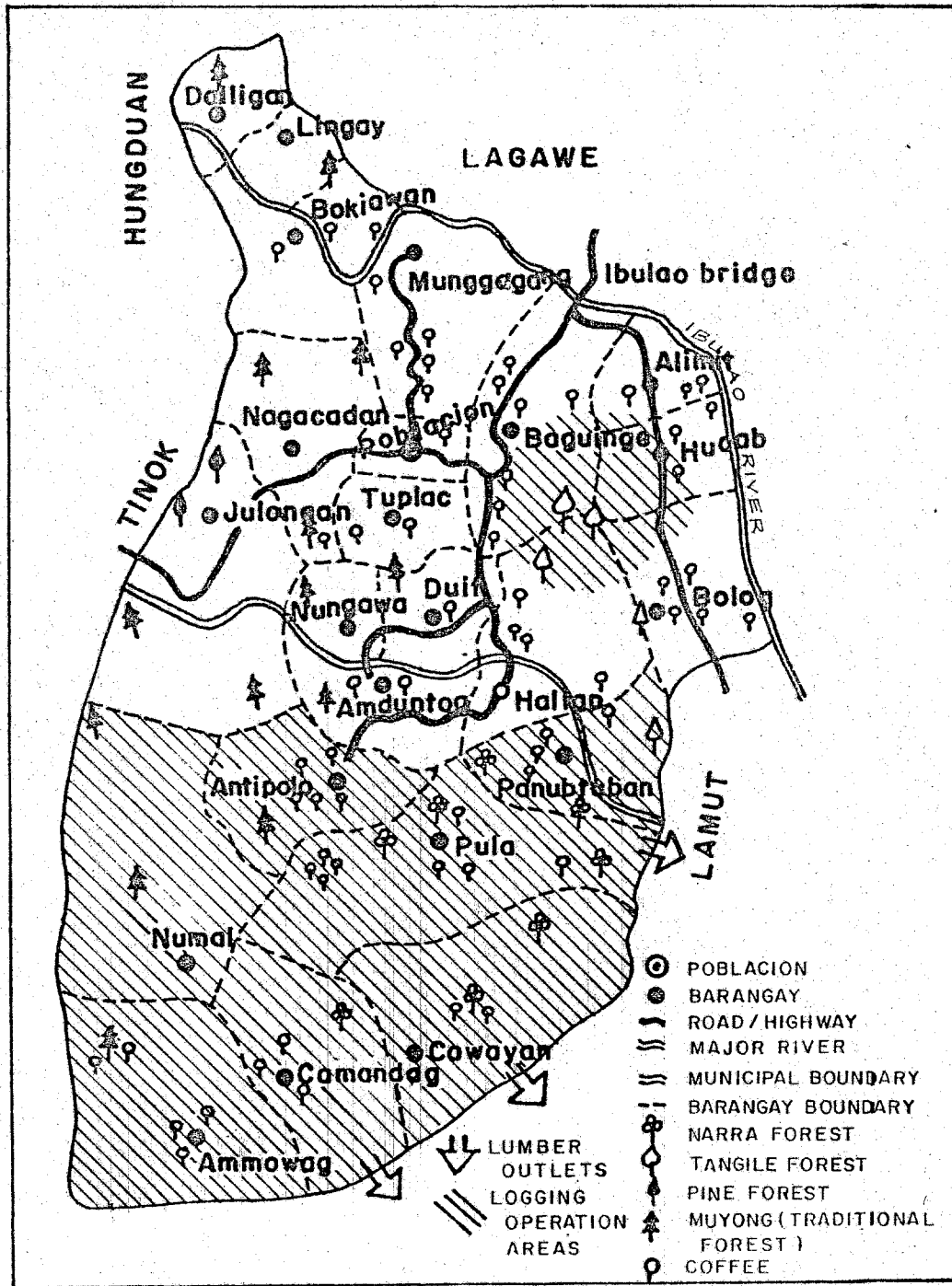


Figure 20. Map of the Municipality of Kiangnan Showing the Forest Resources Area and Major Logging Operations, 1992

Source: CECAP Report, 1990

Before the incorporation, the basic traditional organizing mechanism of the people was kinship (Prill-Brett, 1987) usually occupying a certain agricultural district or settlement (Conklin, 1980). According to Dumia (1979), no political system existed among the Ifugaos during the past centuries. Ethnologically, they may be said to constitute a tribe, but politically they do not (Dumia, 1979). Governmentally, no man is recognized as chieftain. Nor is there a tribal district or village council. Politically, in each district or settlement, the most important person is the go-between or the middlemen. Transaction of importance of any sort between persons of different families like buying and selling properties, marriage proposals, and collecting debts, is facilitated with the interventions of the go-between. The customs governing human relations especially with respect to resources were respected by everyone and reinforced by the whole community through the interventions of the go-between. Violators of the norms are subjected to community sanctions, and disputes among the settlers used to be settled through chau-u, bultong and dart throwing.

By virtue of its being incorporated to the Philippine government, laws and policies promulgated by the state governing the manner by and the extent to which resources are used and utilized are de facto operative in the region. Likewise, the manner and the process by which the rights and responsibilities of the citizen of the state are protected and reinforced are in place. In short, the legal and bureaucratic ramifications of social relations of the Philippine state are in place and de facto operative in the Cordillera region, at least in the point of view of the government. At the wider Philippine context, by virtue of conquest, all lands were assumed to be owned by the Spanish King regardless of whether the land were already previously occupied (Regalian Doctrine). Although, there were royal decrees recognizing the "native rights" over their land and properties, the Spanish colonial government continued not to recognize in one way or another these rights. The Spanish political influence however at the turn of century was limited only to the laying of the bureaucratic foundations of the colonial civil government (i.e., organization of pueblos). At the turn of the century, the Americans, the next colonizer by virtue of the Treaty of Paris in 1898, strengthened and expanded the colonial civil bureaucratic structures in Ifugao as more settlements were organized and established. At the national level, the colonial American government upheld the Spanish laws on land and resource through Philippine Bill in 1902. The American colonial government also required the the aquisition of Torrens Title for all land properties as proof of Land ownership (Land Registration Act of 1902). All lands which were unregistered under the Spanish colonial government and without Torrens Title, were declared as public lands, under the ownership and administration of the state (Public Land Act of 1905). Thirteen years later, a free patent system was instituted ( Public Land Act of 1918). This law re-

quired the people to apply for land titles, and exempted the metal and mineral deposits which remained government property.

Casas et. al (1987) and Lynch (1983) reviewed the laws and policies of land use and tenure in the Philippine since the Spanish regime. As shown in Table 3, they classified these laws and policies into the following:

1. Laws and Policies that define the bases of state's claim on land and resources;
2. State's recognition of the native rights and other rights, benefits, or restrictions provided to them through the law;
3. Operative mechanism delineating lands owned by the state and the communities and mechanisms that define operation providing those rights or neglecting those rights by the people; and
4. General laws and decrees that have general bearing on indigenous land uses and ownership.

They also identified the sets of laws and policies that characterize the shift of orientation with regards to handling the upland communities and the creation of institutional framework that attempts to integrate state claim to the land and the claim of the tribal Filipino on their land. These are the land use intensification and tenure policy (Bennagen, 1983; Scott, 1979) coupled with technological upgrading and upland resource management practices (Fujisaka and Capistrano, 1984). Tenurial policy of the government includes the Integrated Social Forestry (ISF).

Table 4 contains state policies and laws that have direct bearing on Ifugao resources.

Tensions between the statutory and the customary laws are expected. The customary and statutory laws operate under contradictory, if not opposing principle and theories. They are driven apart by entirely different historical origin and economic basis (Serrano, 1983). The following section attempts to illustrate this case.

#### IV. The Interface of Statutory and Customary Laws: The Case of Haliap, Kiangan, Ifugao.

The interface of the statutory and customary laws is manifested through the interactions of the different users of forests in the barangay as shown in the case study.

Table 3 Review of policies on land use and tenure, Philippines, 1992.

	SPANISH PERIOD (1521 - 1898)	AMERICAN PERIOD (1898 - 1945)	POSTWAR TO PRESENT (1945 - 1990)
1. State Legal Basis	Regalian Doctrine	Treaty of Paris of 1898	1935, 1973 and 1986 Constitutions
2. State's Recognition of Native Rights	Royal Decree of October 15, 1754 Royal Cedula Circular of March 3, 1798 Decrees of 1574, 1594 and 1609 under the law of Indies	Land Registration Act of 1902 First Public Land Act of 1902 Philippine Bill of 1902 Second Public Land Act (Act No. 2874 of 1919) Third Public Land Act (Commonwealth Act No. 141 of 1936 sec. 44)	Ancestral Decree of 1974 (PD 410) Property Registration Decree (PD 1529) Forestry Administration Order No. 11 of 1970 RA Act No. 3872 of 1964 (Amendments to Public Land Act) Bureau of Forestry Administrative Order No. 11 of 1970 Phil. Constitution article XII
3. State's Non-Recognition		Act No. 718 of 1903 Act No. 1148 Third Public Land Act (Commonwealth Act No. 141 of 1936 sec. 57)	PD No. 705 of 1975 sec. 15
4. Mechanism Evaluating Lands Owned by State/ By the Natives	Royal Decree of June 25, 1880 Royal Decree of Feb. 13, 1894 (Maura Law)	Phil. Bill of 1902 Commission Act 496 Public Act No. 2259 of 1913 (Cadastral Act) Public Land Act Third Public Land Act of 1936	Forest Administrative Order of 1970 PD 1150 of 1977 PD 1529 of 1978 PD 1073 of 1977 (Amendment to Public Land Act) EO No. 87 of 1977 DENR Department Circular No. 32 (Creation of a Special Task Force for Ancestral Claim of 1990)
5. Decrees with Bearing on Land Use and Ownership of Indigenous people (Cordillera)		Act No. 48, 2590 and 2711 Commission Act 274 of 1901 Act No. 2711 (Forest Law of 1917) Proclamation No. 634 of 1940 Mining act of 1905 Mining Act of 1935 Forest Law of 1917 Forest Act of 1904 (Act No. 1148)	Proclamation 120 of 1966 EO 180 of 1956 PD 705 of 1975 PD 1073 in 1977 Proclamation 548 in 1969 PD 217 PD 209 of 1973 (Communal Tree Farm Project) Ancestral Land Decree of 1974 L.OI No. 1260 of 1982 and Ministry of Natural Resources Administrative Order No. 48 (ISFP)

Source: Casas et. al. (1987), Lynch (1983), and CECAP ODS File)



Table 4 Policies that have direct bearing on Ifugao resources, 1990.

YEAR	TYPE OF POLICIES	SUBJECT
1929	Proc. No. 217	Setting aside as Forest Reserve the tract of land designated as "Central Cordillera", provinces of Abra, Ilocos Norte, Pangasinan, Nueva Vizcaya, and sub-provinces of Apayao, Benguet, Bontok, Ifugao, and Kalinga of Mountain Province
1940	Proc. No. 636	Establishing as Bontoc-Ifugao Forest Reserve for Forest Protection, Timber Production and Aesthetic Purposes parcels of the Public Domain situated in the municipal districts of Banaue and Burnay subprovince of Ifugao, and municipal district of Bontok, sub-province of Bontok, Mountain Province
1966	Proc. No. 73	Establishing as Mount Santo Domingo Forest Reserve for Wood Production, Watershed, Soil Protection and other Forest Uses, the parcel of Public Domain known as Timberland, Ifugao Land Classification Project #1-C per BF Map LC-2382
1969	Proc. No. 548	Reserving for Watershed and Hydroelectric of the National Power Corporation as a certain parcel of land of the Public Domain situated in the municipalities of Atok, Bukod, Buguias Itogon, Kabayan, La Trinidad and Tublay, province of Benguet, municipality of Hunduan and Kiangan, province of Ifugao, and municipality of Kayappa, province of Nueva Ecija
1986	Ministry Order No. 2	Total Ban of all logging operations in the provinces of Nueva Ecija, Nueva Vizcaya, Quirino, and Ifugao
1987	Proc. No. 75	Declaring as Mount Pulog National Park certain parcels of lands of the Public Domain embraced and situated in the municipality of Buguias and Kabayan in Benguet, Kiangan in Ifugao and Kayapa in Nueva Ecija
1990	Department Circular No. 3	Rules on the Acceptance, Identification Evaluation and Delineation of Ancestral Land Claims by the Special Task Force created by virtue of DENR Special Order Nos. 31 and 31-A, both series of 1990.
1990	Department Circular No. 3-A	Addendum to Department Circular No. 3, series of 1990.

Source: DENR Data Base on Forest Policies/Policy Issuance, 1990.

There are five different users of Haliap forests (Figure 11), namely:

- (a) The State (Republic of the Philippines (S));
- (b) Haliap residents who primarily rely on Haliap's key resources for subsistence (H);  
1
- (c) Former Haliap residents who no longer rely on Haliap Key Resources for subsistence (H);  
2
- (d) Non-Haliap residents who were able to tax declare some forest lands in Haliap (H); and  
3
- (e) The outsiders and speculators who are involved in logging (O).

The state's claim to the forest areas in Haliap is based on legal laws and policies which have been discussed in the earlier section. By customary arrangements, labor inputs in the form of improvements to the un-owned lands provide ownership rights to these resources. Non-Haliap residents on the other hand, got access to Haliap's forests through tax declarations. Loggers have no formal basis of their claim to the village forest resources.

There seem to be two tenurial arrangements governing the utilization of forest resources in the village: the customary and the statutory arrangements. Their syncretic co-existence can be gleaned from the results of the survey on tenurial claim, official documents and the different cases cited regarding settlement of resource conflicts in the village.

The survey conducted by the researcher showed that out of 64 respondents, 46 claimed that tax-declaration was their basis for their resources. Only a handful from the respondents who claim that they still rely on customary norm to legitimize claim and ownership of the resources (Table 5). The 1984 revised copy of Tax Declaration of Property of Barangay Haliap attest these results (Table 6).

Triangulating this information with case studies, the residents of Haliap are operating actually in two systems depending on the given circumstances. In cases that involved residents of Haliap, the customs are used to settle the dispute. Parties who came from the village were thus more likely to observe the village custom. Furthermore, the customary institutional leadership (elders) have had the clout to enforce the village custom.

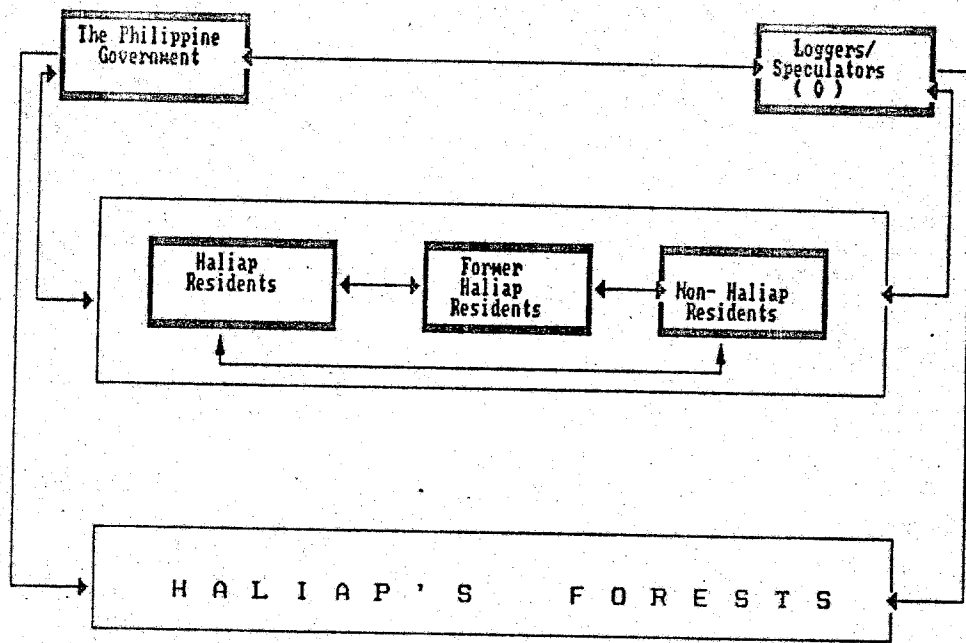


Figure 11 Barangay Haliap Forests Resource Users Interaction  
Haliap, Kiangnan, Ifugao, 1992

Table 5 Basis of respondents' claim to their key resource holdings, Haliap, 1992.

BASIS OF CLAIM	NO. OF RESPONDENTS			
	Payoh	Uma	Muyong	Garden
Tax declaration	46	12	29	31
Customary law (primary occupantis principle)	5	17	20	2

Table 6 Number of persons who have registered their landholdings, Haliap, 1992.

TYPE OF LANDS	NUMBER OF PERSONS
Rice lands, unirrigated	208
Rice lands, irrigated	217
Cogon lands	30
Pasture lands	12
Coffee	73
Rootlands	48
Banana	1
Residential lots	11
Uncleared lands	12

Source: 1984 Revised Copy of Tax Declaration of Property  
 Barangay Haliap, Kiangan, Ifugao  
 Kiangan Assessory Office  
 Kiangan Municipal Hall, Kiangan, Ifugao

The interactions of the residents of Haliap with non-Haliap residents on the other hand follow an interesting pattern. In the case of the former Haliap residents who now reside somewhere else and usually who are educated and have access to the state process and systems, the settlement of conflicting claims is settled first at the village level. However, if the non-Haliap residents are not satisfied with the results or favorable to him, he usually sought the state ways and mechanisms to settle the dispute. Raising the settlement to the municipal courts is time consuming and costly, and disadvantageous to the local residents who can not afford such proceedings. In most cases there is stalemate unless the former Haliap resident invoked the state legal powers to enforce his claim to the land. On the part of the residents, they now employ the state instruments though pseudo (tax declarations) in protecting also their rights.

In the case of non-Haliap residents, the only forum for settling the disputes is the state systems. Securing tax declarations papers from the state has become a necessity for the local residents in protecting their rights. The past experiences of the village has taught them to secure tax declarations as a means in protecting their rights. In the 60s when the village forest was declared as forest reserve by the government (Proc. No. 73), the people were barred from exploiting their communal or family owned forests. When Paredes (former governor of Ifugao) got the concession rights over the village forests, the people were also barred from utilizing their forest resources.

The settlement of conflicting claims over the resources among the residents and non-Haliap residents is within the statutory framework rather than the customary. There is forum/venue for the settlement and the use of any of the mechanisms depends on the nature of the claimants and the circumstances around them.

In the case of the speculators/loggers, there is no institutional venue/mechanisms that provide ways of settling the dispute. The loggers do not respect the de-facto ownership of the people by virtue of planting coffee and possessing tax declaration papers. Helpless with the intrusion of the loggers in their forests, the villagers through the barangay council passed a resolution in 1987 seeking the help of the government particularly the Department of Environment and Natural Resources (DENR) through the CENRO at Lamut, Ifugao to stop the logging operations in the area. Unfortunately until now, the government has not facilitated the stopping of the logging activities of the outsiders nor facilitate the strengthening of the claim of the people over their resources. There was however, a moratorium of outsiders' logging activities for one year when the NPA intervened through the request of the elders and the barangay council.

## V. Conclusion and Recommendations:

The people's and the community's response at large to the tension indicates the evolvement of syncretic mixtures of tenurial arrangements that define and legitimize access and property rights over forest resources in Barangay Haliap (Table 7). The type of resource conflicts and the socio-demographic profile of the disputants determine what mix of tenurial arrangements are used in settling the disputes (Table 8). In resource conflicts cases that involve people who actually reside in the area and who largely depend on other forms of village social arrangements, the customary norms and procedure are employed. The community, through the barangay council and the elders, exercise its authority over the involved parties in the observance of the customary laws.

When the resource conflict however involve parties who are not bound to observe the customary laws of the village and in some ways the barangay council and elders can not impose the observance of the laws, the people from Haliap resort to the tenurial arrangement prescribed by the state: in the case of the uplands, the acceptance of pseudo titles, the tax declarations, as basis of ownership over the resources. This is the major factor for Haliap resident's application for tax declarations. Those who failed to register their land lose their claim when others, who are not residents of the community, register these pieces of lands as their own and enforce their claim through the bureaucratic and legal system of the state. These tax-declarations serve as protection and means for users who operate within the state system in so far as settlement of resource conflicts is concerned. Among locals though, tax declarations are not necessary because they know who among themselves are the real owners of the property.

The relation of the village social organization represented by the barangay council and the elders vis-a-vis the bigger system of the state as far as legitimizing and reinforcing the claim and access rights of the villagers over their property are concerned has been shown in the case study. The capacity of the village social organization to enforce the customary property rights of the villagers over their resources had been vitiated when one of the parties involved in the resource conflict had the means to resort to the state system when the result at the village level was not favorable to them. This dynamics lessens the integrity and autonomy of the village political organization and the customary laws of the people in general. The state continues to act as the mediating agent between the local community of Haliap and the outsiders. This recognition of the state by the community as the legitimizing institution is made manifest when the whole barangay sought the help of the government through the office of the mayor and CENRO at Lamut, Ifugao to stop the logging operations of the outsiders in their forests.

Table 7A The Interface of Customary and Statutory Laws in Barangay Haliap, Kiangan, Ifugao, 1992

TYPES OF LAND ACCORDING TO CUSTOMARY LAW	TYPES OF LAND ACCORDING TO STATE'S LAW			
	Private		Public	
	Torrens Title	Tax - Decl. <sup>3</sup>	A & D <sup>1</sup>	non A & D
Open Access Land	none	none	XX <sup>2</sup>	XX
Common Land	none	none	XX	XX
Individually Owned Land	none	XX	XX	XX

Source of Framework: Malayang, 1992

Notes:

1. In Haliap-Panubtuban area, there are 562 ha which are declared as alienable and disposable by the state. (Proclamation No. 73 of 1966)
2. XX- indicates the point of interface between the state's and customary tenurial arrangements of the people.
3. The Tax Declaration provides informal recognition from the state of the property rights of tax declarant

Table 7B Relation of Tenure and Land Uses in Haliap,  
Kiangon, Ifugao, 1992

KEY LAND FORMS & LAND TYPES	TENURIAL MIXTURES						
	Individually owned lands by custom			Communal lands		Open access lands	
	Tax Decl.	A & D	non A & D	A & D	non A & D	A & D	non A & D
PAYOH	1	1	1	0	0	0	0
UMA	1	1	1	0	0	0	0
MUYONG	1	1	1	0	0	0	0
HOME- GARDEN	1	1	1	0	0	0	0
GRASS- LAND	0	1	1	1	1	1	1
OPEN ACCESS FOREST LANDS	0	1	1	1	1	1	1

Notes:

1 - indicates the possible tenurial mixtures in each resources in Barangay Haliap, Kiangon, Ifugao

0 - indicates the non-existence of key resources in Haliap with the possible tenurial mixture



Table 7c Bases of Claim of Different Forests Users in Haliap  
Barangay Haliap, Kiangan, Ifugao, 1992

BASIS OF CLAIM

FORESTS USERS	CUSTOMARY LAW	STATUTORY LAWS
H <sub>1</sub>	Yes →	→ Yes (By virtue of Tax Declaration)
H <sub>2</sub>	Yes →	→ Yes (By virtue of Tax Declaration)
H <sub>3</sub>		Yes (By virtue of Tax Declaration)
O	← No Moral, Legal Basis →	
S		Regalian Doctrine Statutes/Policies

Table 8A Summary of Cases Showing the Ways and Mechanics of Settling Disputes in Barangay Haliap, Kiangan, Ifugao, 1992

TYPES OF RESOURCE CONFLICTS (USES/TENURE)	ISSUES AND PROBLEMS	CASES CITED (#)	MEANS OF SETTLING CONFLICT	
			CUSTOMARY METHOD	STATUTORY/COURTS
H <sub>1</sub> vs. H <sub>1</sub>	boundary disputes	Panacligan Case (Case # 4)	conflict was resolved at the community with the help of elders and the council	
H <sub>1</sub> vs. H <sub>2</sub>	boundary disputes cutting of trees	Cases # 8 and 9	conflict was addressed first at the village but H <sub>2</sub> had the option to raise the case	municipal courts
H <sub>1</sub> vs. H <sub>3</sub>	cutting of trees for lumber opening swidden	Paredes Concession Case # 10	no formal case but H <sub>3</sub> employed security force land was idle; no formal conflict at the moment	
H <sub>2</sub> vs. H <sub>3</sub>	No recorded cases	yet		
(H <sub>1</sub> , H <sub>2</sub> , H <sub>3</sub> ) vs. D	intrusion to individually owned forests (by custom both); cutting trees in muyong/nakopihan	Case # 10 See Workshop's Proceedings (Appendix B)		The barangay passed a resolution asking the government to intervene
(H <sub>1</sub> , H <sub>2</sub> , H <sub>3</sub> ) vs. S	potential conflict on forest uses and bases of claim  * conflict on state and custom laws * conflict on state laws (tax-dec vs. Proc. No. 73)	The establishment of Mt. Sto. Domingo Forest Reserve.	no formal conflict yet; the state does not enforce its claim. The people continue to do subsistence activities.	From time to time, confiscation of logs
S vs. D	illegal logging	Appendix B		From time to time, confiscation of logs

Table 8B Summary of Cases and Their Implications to Tenurial Arrangements and Forest Utilization  
Barangay Haliap, Kiangan, Ifugao, 1992

GENERAL SELECTED CONFLICTS	CASES/ ISSUES	STATUS OF THE CASE/ISSUE	VILLAGE RESPONSES: TENURIAL	VILLAGE RESPONSES FOREST UTILIZATION
H <sub>1</sub> , H <sub>2</sub> , H <sub>3</sub> vs. The State	The establishment of Mt. Sto. Domingo * conflicting claim	no formalized conflict; gov't does not enforce potential conflict	* among H <sub>1</sub> , enforce the customary laws, * adopt Tax-decl.	* permanent culti- vation sites * intensive use of public forests
H <sub>1</sub> vs. H <sub>2</sub> H <sub>3</sub>	Boundary conflicts Use of Forests Trees		* Adoption of the the state's basis of claims and the right to enforce it	* privatization of forests
H <sub>1</sub> H <sub>2</sub> vs. O H <sub>3</sub>	Illegal logging activities of O to customarily owned or privatized (Tax) Haliap Forests	Unresolved Conflict	Sought the protec- tion and help from the government	Some are forced to join O in logging activi- ties Commons Dilemma

The different bases of claim and the manner and mechanisms by which these claims are enforced have brought the interplay of different customary and statutory tenurial arrangements. In the case of the people of Haliap, they adopt a more pragmatic way of relating to different users of their forests. Majority of the residents resort to the accepted legal process by adopting tax declarations when dealing with users not socio-culturally and economically bound to observe the customary arrangements of the community. The residents shift between two different tenurial arrangements depending on the nature of the case and the disputants. In this way, institutions are still operative in so far as resource utilization is concerned. The rules are still observed except on public forests.

In dealing however with the loggers who come from outside locality, the problem stems from two things: (1) the community is not capable legally, politically and militarily to enforce their customary rights over their forest resources; and (2) the villagers dilemma regarding tenure vis-a-vis the legal system. The tenure of the people is not legitimate as far as the state is concerned although tax declaration papers may serve as indicator of property ownership.

The failure of the government (at least at the local level) to intervene and to stop the intrusion of the loggers, and the inability of the local people to enforce their prior rights over their forests, have made the management of *muyong/nakopihan* ineffective. The people who establish *muyong/nakopihan* at the boundaries which render them difficult to guard and protect, have been lately cooperating with the loggers by allowing them to log out trees within their *muyong* for some share of lumber. Others have turned loggers themselves. This may be seen as an optimizing alternative by some *muyong/nakopihan* owners considering that logger-thieves are occasionally present in the area.

If the community of users in Haliap is unable to work through existing arrangements to respond to changes, this will result to destructive competition among conflicting users as one tries to maximize his/her use over the resources. This will result to resource depletion (Oakerson, 1985).

With this, the study proposes the strengthening of property rights/claim of the local people over their resources (i.e., through Ancestral Domain Act) which provide an overall framework for the utilization of resources of indigenous people. The laying of acceptable (both the state and the indigenous communities), workable foundations that define the rights and responsibilities of the state and the people regarding the utilization of resources is a political, economic and historical necessity. Both at the local and national level, Forest laws and policies should be enforced. As far as the communities are concerned, it is suggested that there will be an introduction of the Philippine nation-state bureaucracy through paralegal training. This would hopefully cushion the furtherance of the negative impacts of the interface of the statutory and customary laws.

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