

The Light

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EDITOR'S PREFACE

This edition of the Light Journal shares multidisciplinary narratives of peacebuilding that contribute to the overall thrust of keeping and sharing peace in Mindanao in relation to the celebration of the quincentenary of the first global circumnavigation which marked the coming of the Spanish colonizers and missionaries. The coming of the Spanish colonizers and missionaries occasioned stories of conflicts and peacebuilding efforts. Given this backdrop, the articles for this edition share historic narratives of conflict transformation and peacebuilding to the present times.

The first article from Atty. Ashyanna Alexine Adia Amira-Labi A. Bangcola and Dr. Ashley A. Bangcola focused on the history of conflict and its chance for conciliation considering the Moro-Filipino interfaith relations. Here, the authors presented an understanding on the historical plight of the Moro people. Through the use of conflict resolution theories, the authors characterized the conflict and conflict resolution strategies of the different peace processes starting from the Tripoli Agreement, followed by the 1996 Peace Agreement, the Memorandum of Agreement on Ancestral Domain (MOA-AD), the Bangsamoro Basic Law (BBL), and culminating in the Bangsamoro Organic Law (BOL).

In the second article, Crina Tañongon, shared a narrative discourse analysis on the construction of peace and development. Using narrative theories that view narrative as a discourse, the author traced and assembled fragments that made up the Peace and Development narrative and explored the dominant construct behind it.

The third article by Dr. Jeane Peracullo and Fr. Leonilo Avenido Dangpin Jr. delved into environmental solidarity following the post-colonial ecological model of solidarity of Bishop Jose Manguiran. The authors paid tribute to the contribution of Bishop Jose, a pastoral leader with a profound and abiding love for God's creation, in the promotion of postcolonial Catholic environmentalism.

The last two articles shared contemporary accounts on peacebuilding to provide conflict transformation solutions to contemporary issues. Dr. Jason Ryan Lam presented the attributes and performance of the Lupong Tagapamayapa aimed at strengthening the Katarungang Pambarangay in the Caraga Region. Moreover, Crisante Gemeniano Jr. discussed the border controls as an emergency mechanism in averting the spread of COVID 19 virus. The efforts resulted in some conflicts, hence, the article tried to explore ways to relegate conflicts while setting regulations on territorial borders.

The studies were thematized on historical narratives on peacebuilding and contemporary narratives on conflict transformation which presented multidisciplinary studies of various fields of specialization in social sciences.

It is hoped that the readers could get meaningful insights while reading this edition of The Light Journal and contribute to the conversation on peacebuilding and conflict transformation.

Shirlene Medori T. Alegre, PhD

Editor in Chief

A History of Conflict, A Chance for Conciliation: Moro-Filipino Interfaith Relations

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Abstract

'Bangsamoro' refers to the collective identity of Muslim Filipinos who currently reside in the Philippines, but most especially in the southernmost island of Mindanao. The Philippines has been the recipient of demands of secession from the Moro people since the 1970s. It is a political struggle but it also has its roots in religion and identity. Until the late 1980s, most wars were fought between nation-states. After the end of the Cold War, conflicts fueled by nationalism and ethnic identity arose within states that led to civil wars. The conflict in the Philippines falls under such a category. This paper is interested in understanding the historical plight of the Moro people. Through the use of conflict resolution theories, it aims to characterize the conflict and conflict resolution strategies of the different peace processes starting from the Tripoli Agreement, followed by the 1996 Peace Agreement, the Memorandum of Agreement on Ancestral Domain (MOA-AD), the Bangsamoro Basic Law (BBL), and finally culminating in the Bangsamoro Organic Law (BOL). The paper is a descriptive-explanatory study that reviewed primary and secondary sources of data to analyze the different peace agreements, determine where they failed, and where the signing of the most recent peace agreement, the BOL, succeeded. Furthermore, it is also interested in the role that interfaith dialogue played in bridging the gap between the two opposing parties. It was concluded from this paper that the main causes of the failure of previous peace agreements include the following: (1) There was a mismatch of the cause of conflict and conflict resolution strategy employed, such as the signing of the MOA-AD; and (2) despite knowledge of the compatible conflict resolution strategy, there was a failure to utilize the same due to outside interference.

Keywords: Bangsamoro; Conflict resolution; Dialogue; Interfaith dialogue; Interreligious dialogue; Peace; Peace processes; Philippines

1. Introduction

The Bangsamoro struggle was one of the main conflict lines the Philippines needed to overcome. According to the CIA World Factbook (2021), the largest ethnic groups in the Philippines are the Tagalogs at 24.4% and the Cebuano at 11.4%. 'Others', which designate other ethnic groups, account for 26.1% of the total population. Christians account for 84 % of the total population while Muslims account for 5.6%. The Muslim groups are also known as Moros. They are further subdivided into fourteen (14) ethnic groups, not counting the Mindanao Lumads. The Moros had the longest history of rebellion in Asia, which lasted for almost 400 years (Gutoc, 2003). According to the 2018 Global Peace Index, among 30 countries in the Asia-Pacific, the Philippines ranked 26th. Attaining just and lasting peace remains one of the Foundations for Sustainable Development under the Updated Philippine Development Plan 2017-2022. This paper is thus interested in exploring in-depth the causes of conflict between the Moros and Filipinos and in determining the conflict resolution strategies employed throughout the various peace agreements negotiated in the Philippines.

2. Historical Development

The history of the Moros is inextricably linked with that of the Filipinos whose history is deeply rooted in their colonizers.

1968 would see a watershed moment in Moro history. Twenty-eight (28) Muslims from Sulu were trained to be sent to Sabah. However, they were massacred by government troops in what later came to be known as the "Jabidah Massacre". This led to the birth of Islamic separatist movements in Mindanao, including the Moro National Liberation Front (MNLFF) helmed by Nur Misuari. There

were hearings in the Senate and Congress, but no one was convicted and held accountable for the Jabidah massacre (Vitug and Gloria, 2000). During the 1970s, Christian migrants gradually settled in Mindanao. There was fierce competition for resources. Land-grabbing was particularly rampant. The infamous Jolo burning in 1974 was among the violent incidents which occurred during that period. Armed forces clashed with rebels, burned mosques, and looted private houses and establishments. It was reported that around 120,000 people in Mindanao died during the Martial Law period (Gutoc, 2003).

There are three (3) major peace agreements negotiated between the Government of the Republic of the Philippines (GRP) and the Moros, to date: (1) The Tripoli Agreement which led to the 1996 Peace Agreement because the Marcos administration was unable to comply with the terms; (2) the Memorandum of Agreement on Ancestral Domain (MOA-AD); and (3) the Comprehensive Agreement on the Bangsamoro (CAB) which led to the eventual passage of the Bangsamoro Organic Law (BOL).

Tripoli Agreement

Libyan leader Muammar Gaddafi mediated a deal in 1976 which resulted to the signing of the Tripoli Agreement, and which established an independent Muslim province in Mindanao. On 1 August 1989, the Philippine Congress passed Republic Act 6734 which authorized the creation of the Autonomous Region in Muslim Mindanao (ARMM), as provided for by the newly promulgated 1987 Constitution. The provinces of Tawi-Tawi, Maguindanao, Sulu, and Lanao del Sur chose to join ARMM out of the thirteen (13) provinces and nine (9) cities which took part in the plebiscite. On 6 November 1990, the ARMM was constituted.

1996 Peace Agreement

The Philippine government signed the Final Peace Agreement with the MNLF in 1996. This was supposed to signal the end of the Moro armed conflict in Mindanao. President Fidel V. Ramos sought the help of the international Muslim community to tackle the crisis. Due to Gaddafi's pivotal participation in the signing of the Tripoli Agreement earlier in 1976, President Ramos pressed for the latter's intervention. Unfortunately, other elements within the MNLF were dissatisfied with the peace agreement and considered it a departure from the Tripoli Agreement's framework. The Moro Islamic Liberation Front (MILF) was thereafter formed because of their desire for complete independence.

MOA-AD

The GRP and the MILF finalized the Memorandum of Agreement on Ancestral Domain (MOA-AD) on 27 July 2009.

However, local leaders in North Cotabato filed a petition before the Supreme Court three (3) days before the scheduled signing of the MOA-AD, requesting that the deal be blocked. The MOA-AD was declared unconstitutional by the Supreme Court on 14 October 2008, in a 9-6 ruling: *"The Constitution does not recognize any state within this country other than the Philippine State, much less does it provide for the possibility of any transitory status to prepare any part of Philippine territory for independence,"* wrote Justice Conchita Carpio Morales in the decision for the landmark case of *North Cotabato vs. The Government of the Philippines (G.R. No. 183591)*.

Ratification of the Bangsamoro Organic Law (BOL)

Republic Act No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao was ratified under the administration of President Rodrigo Roa Duterte on 26 July 2018. The organic law sought to establish an autonomous political entity

that would allow for meaningful self-governance among its people. It later took effect on 10 August 2018.

The BARMM is composed of five (5) provinces which include Sulu, Tawi Tawi, Basilan, Lanao del Sur, and Maguindanao. It includes three component cities: Marawi, Lamitan, and Cotabato City, an independent component city. Although Basilan is part of the BARMM, Isabela City is excluded following the results of the plebiscite. Sixty-three (63) barangays in North Cotabato that voted to be included in the BARMM make up the Special Geographic Area (SGA) and were officially turned over by the North Cotabato Province to the BARMM on 20 November 2019.



Figure 2.1. Map of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

The signing of the BOL commenced the transition period. The law provides for the creation of the Bangsamoro Transition Authority (BTA) which would be the interim government during this time. Of the eighty (80) members provided under the organic law, forty-one (41) members were recommended by the MILF, with thirty-nine (39) having been appointed by the National Government.

The Bangsamoro Government as a regional government, and how it operates in cooperation with the National Government is a

unique one. It follows a parliamentary government that operates synchronously with the presidential form of government of the National Government.

The Bangsamoro Transition Authority was to act as the Bangsamoro Transition Authority Parliament only until the end of the transition period which covered only after the election and qualification of the Bangsamoro Parliament members in the first regularly held elections in 2022.

However, it could not be foreseen that in 2020, a global pandemic would sweep the world and cripple the institutions. The pillars on which the Bangsamoro Peace Process rests are the twin-fold political and normalization track. The success of the political track rests upon the successful setting up of the autonomous government. Meanwhile, the success of the normalization track involves the decommissioning of the former MILF combatants as well as legitimizing them as the police force in the region. The implementation of a transitional justice process also falls under the normalization track.

According to Chief Minister Murad Ebrahim (2021), the Bangsamoro Transition Authority (BTA) has implemented 60% of the political track. Meanwhile, it has only successfully achieved only 30% of the normalization track.

In the Senate, “An Act Resetting the First Regular Elections in the Bangsamoro Autonomous Region in Muslim Mindanao” or Senate Bill 2214 was filed by Senator Francis Tolentino. During the interpellations on the bill last May 2021, Senator Tolentino clarified that the bill would retain the Bangsamoro Transition Authority (BTA) as the interim government beyond the 2022 elections. However, it would still allow the next President to re-appoint the eighty (80) members of the BTA. This proviso was retained in

Republic Act No. 11593 which was signed by President Duterte on 28 October 2021, thereby officially extending the transition period.

3. Theoretical and Conceptual Framework

Competition was defined by Mack and Pease (1973) as “a form of opposition or struggle for securing a reward or goal like a prize, a position, prestige or power.” In different contexts, competition is synonymous with conflict. In the Moro-Filipino context, conflict arises due to competition over resources, reputation, and power.

Each individual has a unique history, character, and personality brought about by their inborn qualities and those that are acquired as they participate in the larger society. These are natural and acquired differences. Natural differences are those that we are born with or are born into such as sex or ethnic grouping. Acquired differences, also known as Achieved Status, are those we accomplish throughout our life, such as power or wealth. These differences motivate people to take certain actions and reject others. When people work and interact with others, they discover that they have different perspectives. Any conflict arising from these differences is not inherently harmful.

As noted by Rubin, et. al. (1990), conflict can bring forth progress. (1) Conflict is the seedbed for social change; (2) Conflict facilitates the reconciliation of people's legitimate interests, as most conflicts end up for the mutual benefit of the parties involved; and (3) By the first two functions, conflict can foster group unity. Tjosvold (1992) lists further benefits of conflict which include increasing psychological maturity by developing awareness of problems, and supporting essential changes.

Unfortunately, the best-case scenario is often not accomplished as illustrated in the case of the Philippines. When competition overturns harmony, or differences cannot be reconciled for the greater good, it leads to havoc in the individual and societal levels. Conflict can become violent.

This paper will employ the use of Conflict Transformation Theory by academics Johan Galtung and John Paul Lederach (2000). The theory asserts that the cause of conflict is the competing economic, social, and cultural frameworks between and among parties as is the case with the Moro-Filipino. Conflict Transformation Theory is also based upon the basic premises of world religions (Galtung, 2000).

This paper further asserts that conflict occurs between the two parties due to their natural differences (ethnic grouping and religion) and acquired differences (socio-economic status and power difference). Moreover, this paper emphasizes that this ongoing conflict is not merely latent nor surface, but it is an open one. According to Fisher (2000), an open conflict may be distinguished from a latent conflict and surface conflict. A surface conflict is visible and shallow while a latent conflict is one that has the potential to emerge. It is also termed as an 'unstable peace.' This happens when differences between groups exist, which serve as the potential spark or trigger. Latent conflict is rooted in economic and political inequity (Brahm, 2003). An open conflict is one that has already become very visible and has deep-rooted causes. Both of these characterize the longstanding Moro-Filipino conflict preceding the ratification of the Bangsamoro Organic Law (BOL).

There are many strategies for conflict resolution. These strategies include the following: 1.) Facilitation 2.) Negotiation 3.) Conciliation 4.) Mediation and 5.) Adjudication. Facilitation is a private procedure in which the parties identify problems to be

solved, tasks to be completed, or contested matters to be resolved with the help of an impartial third person or facilitator.

Negotiation is the most prevalent of conflict resolution processes. It involves an exchange between people to fulfill their needs and to create a “win-win” situation. Conciliation involves preparing and sustaining the groundwork for parties to engage in constructive communication relating to divisive issues and broken relationships. Mediation is generally an informal, private, democratic, and collaborative technique to resolve conflict, with a third party (mediator) in command of the process between the disputants and is in charge of the substance (what will be discussed) and outcomes (what is to be agreed upon). Adjudication is a public, formal, coercive, and adversarial process to determine judicially a case between two parties. The third party resolves the dispute in favor of one of the parties, and thus this type of conflict resolution strategy most often results in a “win-lose” situation.

This paper asserts that the long history behind the relationship between the Moros and their Christian counterparts, in itself filled with hurt and betrayal on both ends, renders it too complex to be resolved with simple negotiation. Conciliation is the most compatible strategy of conflict resolution with the kind of conflict presented in this paper. There are three requirements for conciliation to occur: (1) Befriending or building trust with the conciliator and subsequently taking steps to rebuild trust with the opponent; (2) Changing perceptions or the process of removing psychological barriers that block mutual understanding especially anxieties and fears accumulated from years of history in the conflict; and (3) Changing communication style or the process of creating a new flow of information and messages that provide a more accurate presentation of people’s understandings, concerns,

and intentions. For this paper, these requirements were created to be similar and in line with the rules of dialogue.

These principles have a lot in common with dialogue. There can be no conciliation without dialogue. According to Swindler (1990), in *After the Absolute: the dialogical reflection*, the rules of dialogue include: (1) In dialogue, one must be ready to learn from partners; (2) Dialogue cannot be one-sided, it has to be both sided; (3) Participants must be true to the ideals of dialogue; (4) Participants must come with an open mind; (5) Dialogue must take place only between equals; (6) Dialogue should take place based on mutual trust; (7) Participants must be ready to be self-critical and accept genuine criticisms from others.

A dividend is a business concept that pertains to the income or return derived by shareholders from an enterprise where they have a stake. The Peace Dividend in this context refers to the benefits that will be derived by stakeholders or interested parties in an enterprise or undertaking in which they are involved, in this case, the Bangsamoro enterprise. This paper affirms that through true conciliation, the barriers that act as obstacles to peace will instead be transformed into frameworks which are beneficial. Furthermore, these benefits will not only extend to those parties directly involved but to other stakeholders as well. Other stakeholders identified apart from the Muslim-Filipino, Christian-Filipino, and Indigenous-Filipino communities would be the Government of the Republic of the Philippines (GRP) and the International Community.

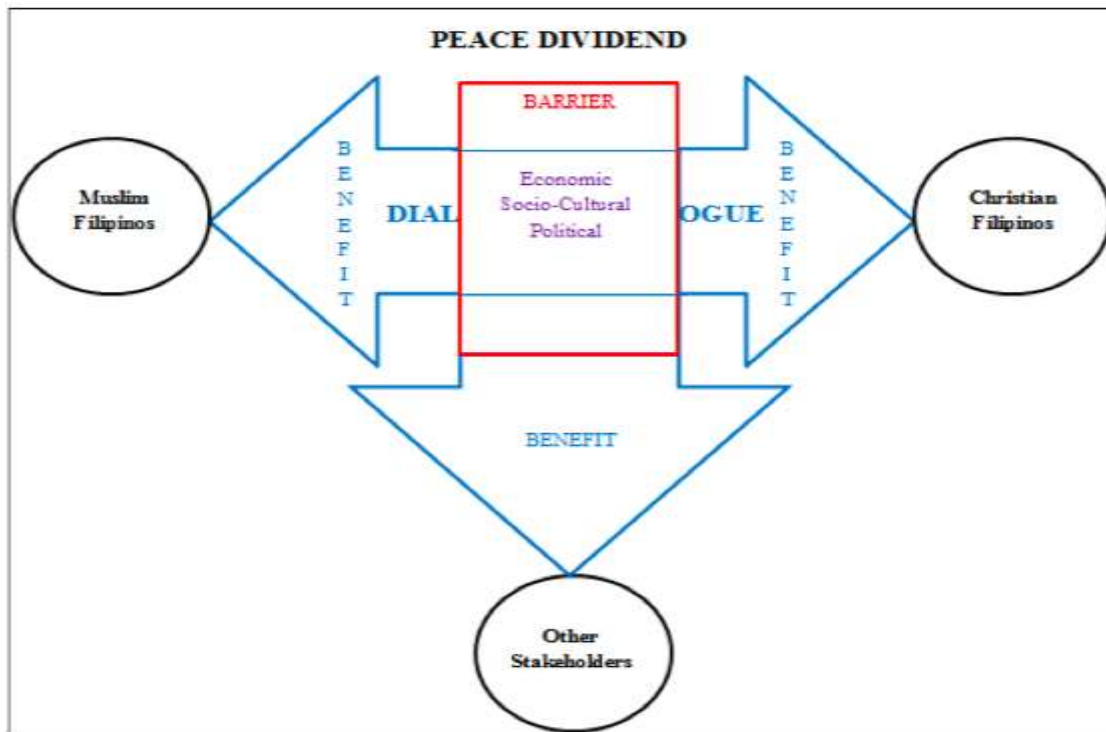


Figure 3.1. Peace Dividend Conceptual Framework

4. Methodology

The study utilized explanatory and descriptive methods to analyze data from primary and secondary sources of data. A descriptive study is one in which information is gathered as it can be readily observed, without altering or initiating any form of interpretative or subjective application. It is not fully experimental and it is conducted to illustrate relationships and associations between distinct objects. It answers the “what” question in the study. On the other hand, an explanatory research design answers the “why” question, and it seeks to obtain a viable rationalization of the observable effects of a specific phenomenon. This paper employs both as part of its research design. The primary method of collecting data would be through the review of existing literature.

5. Results and Discussions

This part of the paper is divided into three sections. The first section discusses the different barriers to Moro-Filipino conciliation. The second part characterizes the different conflict resolution strategies the GRP has employed. The third part is the conclusion.

Economic Barriers

The Marcos Sr. administration was widely regarded as the lowest point in history for the Moros, and also for all Filipinos regardless of ethnicity or religion, due to Martial Law. However, even before its imposition, government neglect and exploitation were already present. Foreign nationals, corporations, miners, and loggers were awarded franchises to exploit the resource-rich Mindanao during the time of Marcos Sr. According to a study by the Senate Committee on National Minorities, there had never been a single irrigation project in any municipality in Mindanao where Muslims were the majority up until that point (Gowing, 1979).

The national government's benign disregard for Mindanaoans' welfare and rights became entrenched in the status quo, to the point where the Autonomous Region of Muslim Mindanao (ARMM) essentially drowned in the weight of its inherited poverty and violence.

In 1991, 11.3 percent of the inhabitants of the ARMM lived below the poverty line. It grew to 25.1 percent in 2012. (Philippine Statistics Authority-National Savings and Consumption Base, 2012). The National Capital Region (NCR), on the other hand, was one of the few regions with the lowest rate of extreme poverty. Meanwhile, the majority of Mindanao's regions have a higher proportion of their

inhabitants living in poverty. (United Nations Development Programme, 2014).

To reiterate one of Swindler's rules of dialogue, the dialogue partners must be equal to each other. If only one learns from another, that is not a dialogue but a mere monologue. There cannot be any meaningful dialogue between one who has an undue advantage over another. The Moros and the Filipinos have been existing in an unequal power vacuum for centuries, and it is only by leveling the playing field that they can have an authentic connection.

Socio-Cultural Barriers

Studies show that one of the causes of the breakdown of goodwill between the Muslims and Christians was the latter's attitude of rejection toward the former on a socio-cultural religious level (Milligan, 2005). The majority of both public and private discourse insist that it is a Muslim problem, hence why are interfaith dialogues and conferences often held in Muslim dominant areas and why do they use the term "the *Mindanao* problem" or worse, "the *Moro* problem" to describe the pitiful situation in the south of the Philippines (Rasul, 1984). The results of the studies made by Locar and Hunt (1972) on the *Attitudes of Christian Students towards Filipino Muslims* support this assertion as it was discovered that in some localities, it is the Filipino Christians who reject the Muslims. According to Judge Rasul (1984), in his paper on Muslim-Christian relations at the grassroots level, he contends that this asymmetrical relationship can be attributed to a majority-minority situation. However, he argues that it is not the crux of the conflict whilst comparing the Philippines to Muslim-majority countries like Malaysia and Indonesia, both of whom have been successful in adapting multiculturalism policies.

There is a wide gap between Christians and Muslims at the socio-cultural level that exists until now. Notwithstanding that both are Abrahamic faiths and share many fundamental truths, ethnocentrism, being a sociological given, causes disunity. Ethnocentricity leads people to cherish what is familiar to them and treat what is not as the 'other' in a claim of obvious cultural superiority.

The goal of interreligious dialogue is understanding. It can only be achieved through communication. Ignorance is an obstacle that can only lead to misunderstanding.

Christian-Filipinos and Muslim-Filipinos may find it hard initially to relate to one another but this can be attributed to a difference in perspectives. Dr. Gowing (1977) in his paper, *Of Different Minds: Contrasting Muslim-Christian Perceptions* asserts that Muslims and Christians look at the problems in their interrelationship with one another through a differing lens. Christians see their relationship with Muslims in political terms. They do not understand their wish for secession thereby threatening territorial integrity. They dichotomize the reasons behind the Mindanao problem and believe that religion has nothing to do with it. For the Muslims, it is different. They see their relationship with their Christian counterparts in religious terms. Having been threatened to abandon their religion, ever since the regime of the Spanish Governor-General Francisco de Sande Picón and the Spanish Conquistadores in 1578, trust in the Philippine government takes long to manifest as they are still suspicious of their objectives.

Enshrined in the Philippine Constitution is the separation of Church and State (Article II, Section 6, 1987). This translates into the mindset of the average Christian Filipino. This is not so for Muslims practicing Islam which makes no distinction between private or

public life. For the Muslims, Islam is a way of life that provides guidelines in all aspects: social, religious, or political. Thus, what is considered 'religious' by Muslims is often divided into 'religious' and 'secular' by Christians. The struggle for self-determination, the Moros believe, is deeply intertwined with their religious identity.

Another presumed barrier that prevented peaceful coexistence and sharing of the national identity between Muslims and Christians is the hesitance of the Moros to be called 'Filipinos'. Because of their bloody history

of fighting with their fellow natives, most Moros do not necessarily feel any emotional kinship to the Philippines. Most Moro ethnic groups, if not all, are clannish due to tradition which they have fervently upheld in defiance and fear of their past colonizers.

The term 'Filipino' initially referred to full-blooded Spaniards who were born in the Philippines. Even Dr. Jose Rizal and his compatriots did not refer to themselves as 'Filipinos'. Their association was named 'Indios Bravos'. Dr. Jose Rizal believed that Filipino Christians should not have been ashamed to call themselves 'Indios' but rather they should have been proud to be identified as such if they were to change the condescending attitude of the Spaniards. Much in the same vein as how the term 'Moro' was embraced by those free inhabitants who remained faithful to Allah and Islam despite the derogatory connotation like 'traitor' imputed onto the term by the Spaniards (Rasul, 1984). Likewise, the term 'Filipino' should also be worn with pride because it is a collective brand of identity fully assimilated by our people. The Filipinos are neither Spanish, American, nor Japanese; they are a patchwork of influences and cultures fully come together to create a unique nationality. The term Moro, too, is uniquely Filipino.

'Muslim' can refer to all Muslims professing belief in Allah (SWT) regardless of nationality. The Moros take pride to be called as 'Moros' and they are similarly proud to be known as Muslim-Filipinos. As such, their fellow Filipinos should not hesitate using the term even with its presumed connotation as a separatist movement. At large, to transform socio-cultural barriers, widespread education is necessary through both government and school channels. This is where the third requirement of conciliation comes in, Changing Communication Style. If this can be accomplished, as well as the other requirements, true conciliation can commence.

Political Barriers

The majority of the Moros have always considered themselves outsiders from the traditional political processes. They rarely become Senators, much less Cabinet Members. There has never been an elected President in the history of the Philippines who hails from Mindanao until the election of President Rodrigo Roa Duterte.

Muslims were entitled to self-rule and political autonomy under the conditions of the Tripoli Agreement, which was signed in 1976 between the Marcos Administration and the Moro National Liberation Front (MNLF) and facilitated by Libya. However, instead of one integrated 'provisional administration,' Marcos formed two 'independent areas' as part of the Tripoli Agreement's implementation. Marcos successfully split and diminished Muslims' desire to be governed by a single Muslim-defined authority. Furthermore, he skillfully leveraged the agreement to split the MNLF ranks and hand control of the 'Autonomous Region' to the Muslim traditional elite, the majority of whom belonged to his political organization, the Kilusan ng Bagong Lipunan or KBL (Buendia, 2006).

The ARMM was never the autonomous region that the Moros envisioned. After Marcos, it took another twenty (20) years and two presidents to come close to fulfilling the deal. The peace deal, and hence ARMM, failed to meet the Moro people's socioeconomic and political goals.

In his paper *Federal Government*, Professor Wheare (1950) wrote that people are bound together and marked off from others by common sympathies which arise usually from the profession of common religion. He did not mean that each religious group was to have its separate states. But he contends that the development of 'national will' is crucial. Conflicting ideals will arise in majority-minority situations, but the eventual goal should be assimilation without obliterating the identity of the minority group. Considering the situation of the Moros, they have consistently been disenfranchised in all areas.

Conflict Resolution Strategies in the Philippines

The Philippines, since the time of Marcos, has tried to re-engage with the Moro community through conflict resolution strategies. The most prominent of these, besides individual interfaith dialogues among the civic community, would be the peace agreements with the freedom fighters in the South. In this part of the paper, each peace agreement will be analyzed as to the kind of conflict resolution strategy it employed.

First, the Tripoli Agreement may be characterized as Conflict Resolution through Facilitation. Libya and the other Organization of Islamic Countries (OIC) acted as facilitators between the Marcos Administration and the MNLF. While they had an interest in the negotiations, they did not have much of a stake compared to the two parties. Initially, it might seem that they would be biased in favor of their Muslim counterparts in the Philippines, but in the end,

they never interfered even when the administration failed to adhere to the terms. The agreement failed largely in part due to political maneuvering on the part of the Marcos administration and a lack of political will to engage in dialogue with the Moro community.

Second, in comparison to its predecessor, the Memorandum of Agreement on Ancestral Domain was more substantive. The planned homeland, also known as the Bangsamoro Juridical Entity (BJE) was to have its own security forces, integrated banking, and finance system, education, civil service, as well as legislative and electoral institutions, and full power over the environment, mineral, and other natural resources, including their utilization and disposal. It was also supposed to have its basic law.

It failed as a conciliation because the parties failed to establish trust and erase preconceptions. The MOA-AD was struck down as unconstitutional due to fear of eventual secession, as under the 1987 Constitution, transitory status for eventual independence from Philippine territory is prohibited. The MOA-AD can be characterized as adjudication, or in other words a win-lose situation. The campaign for the approval of the MOA-AD did not prosper due to the failure to establish effective communication. Dialogue favors inclusivity and listening to everyone's opinion. The Arroyo administration at the time was too hasty in trying to get the approval for the MOA-AD without first consulting the different sectors of society.

Finally, the GRP and the MILF signed the Comprehensive Framework Agreement on the Bangsamoro (CAB), which resulted in the development of the Bangsamoro Basic Law (BBL) and the subsequent passage of the Bangsamoro Organic Law (BOL).

During its first stages, the CAB could be considered a model of conciliation. However, two events derailed the peace process. The Mamasapano incident on 25 January 2015 led to the deaths of Special Armed Forces (SAF) members due to armed conflict with Moro combatants and it instantly vaporized the gradual trust built between the two opposing parties.

The other two requirements of conciliation of Changing Perception and Changing Communication Style were turned on their head. Perceptions worsened, and days after the incident, the media was used as a weapon to pin the blame on the other party. Following that, a lack of quorum hounded the House of Representatives. The CAB at the time can at best only be characterized as mediation, and not conciliation.

Fortunately, the setbacks had only derailed the peace process but had not halted it entirely. Three years later, the Bangsamoro Organic Law (BOL) would be signed. One year after that in 2019, it would be ratified in a two-part plebiscite giving life to the agreements and annexes in the CAB. However, the Bangsamoro and the Philippines are not yet at the post-normalization stage, as it is still currently in transition. Although there is currently an interim government that is running the Bangsamoro, there are new challenges that obstruct the completion of the peace process, the greatest among them being the COVID-19 pandemic.

The pandemic severely affected both the progress of the political, as well as the normalization track. As the BTA Parliament took months to adjust to the restrictions implemented due to the pandemic, this impeded the fast passage of all the priority codes.

The pandemic also slowed down the normalization process. During the Aquino administration, the Phase 1 of the decommissioning procedure involving 145 MILF combatants began

in Sultan Kudarat, Maguindanao. Phase 2 began in September 2019 with 12,000 MILF members in the same town and ended in March 2020. The GRP and MILF peace panels, according to Undersecretary David Diciano (2021) of the Office of the Presidential Adviser on the Peace Process (OPAPP), are attempting to continue normalization initiatives despite the hurdles given by the COVID-19 outbreak.

An exit agreement cannot be signed unless agreements under the CAB have been “fully implemented”. Considering the delays in both tracks, caused largely in part by the unforeseen pandemic, it is no wonder that rallying cries for the extension had been heard from all sectors such as Civil Society Organizations (CSOs), vulnerable sectors, and the international community, among others. The fate and success of the peace process ending the decades-long conflict in the Philippines depended on it.

6. Conclusion

The cause of the Moro people’s isolation from the rest of mainstream society is one deeply rooted in history. Injustices perpetrated against them had tangible outcomes. Unjust wars waged led to the hatred felt by both parties and the creation of prejudices. However, through dialogue, conciliation could occur.

It can also be concluded from this paper that there were two reasons which caused the failure of previous peace agreements. The first is that there was a mismatch between the cause of conflict and the conflict resolution strategy employed, such as with the MOA-AD. The second is that despite knowledge of the compatible conflict resolution strategy, there was still a failure to utilize it due to outside interference. Three types of obstacles can be deduced from their frequency throughout the history of the peace agreements: (a) Political ambitions get in the way of conflict

resolution as was the case during the Marcos administration. Marcos agreed to the agreement as a way to diplomatically neutralize the Moro rebellion without actually having the political will to see it through; (b) Apathy also counts as interference, for though it may be passive, it slows down progress. An example would be the continued absenteeism of certain political figures which only served to delay decisions concerning the BBL; (c) Uncontrollable events of such impact can also serve to derail conciliation, such as the COVID-19 pandemic.

The signing of the BOL is the farthest that any peace agreement in the Philippines has gone. Failure to capitalize on the dividends already gained because of disunity and a repeat of obstacles plaguing past peace agreements would lead to a huge setback that would mar this historic achievement. Worse, it would have repercussions on future generations within the Bangsamoro region and in the Philippines. The extension of the transition period would give more time for legislators in the Bangsamoro Autonomous Region to develop the institutional structures that would carry the region even after the interim government has been dissolved. It is stability that the region currently needs.

It is only when both tracks have been accomplished, and the final exit agreement has been signed can we conclude that true conciliation has been achieved. A truly harmonious relationship free from prejudice, ignorance, and hate can only commence once the foundations have been laid down.

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The Construction of Peace and Development Narrative: A Narrative Discourse Analysis

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Abstract

The study traced and assembled narrative fragments that have made up the Peace and Development narrative. It then examined the dominant construct behind the narrative. The study hinged on narrative theories that view narrative as a discourse. As a colonizing device, narrative sets conditions in how messages should be distributed to deploy a certain ideology and get public assent. From the established relations of narrative and discourse, the paper conceptualized Peace and Development as a narrative discourse. The researcher gathered 87 published materials online that narrate about Peace and Development in Mindanao. Using NVivo coding software, 39 of these materials, each containing at least 20 “Peace and Development” phrases, were subjected to coding. The tracked links of Peace and Development shows that development had emerged first as the main preoccupation of the Commonwealth government in 1935. Its disastrous impacts led to peace insecurity and a series of talks to avert it. It’s not so much that we had a problem with peace that we need to address it with development; rather, there was something wrong with past development so much that we now have a problem with peace. Using NVivo, 14 dominant codes about Peace and Development surfaced and of the 14, Peace and Development as “participatory” is the most alluded to, followed by the view that it is possible “with international assistance” and that it is “economic” in nature. Such narrative, told and retold in various references, has reached its ‘narrative accrual’ so much that attempts to deconstruct it may be difficult. In examining the discursive relation between Peace and Development, the paper was able to emerge the ideological contradiction between the social and historical dimensions of conflict and the economic nature of development.

Keywords: Peace and development; Narrative discourse analysis; Intertextual analysis

1. Introduction

For years, episodes of violence and talks about peace have made up Mindanao's narrative. Peace and Development has then become a buzzword in prints following violent events and peace talks. This paper tracks the origin of the term "Peace and Development" by examining the events that link them together. Further, the study traces the parts that make up the Peace and Development narrative in order to examine the dominant construct or ideology behind it.

The study hinges on narrative theories that view narrative as a discourse. Narrative can be a colonizing device that passes the uncritical eye (Souto-Manning, 2012). When presented through narratives, political events would appear like there is nothing political about them (Chafe, 1980). Discourse is constitutive of power (Foucault 1972, Fairclough, 1989) and shapes social relations and structures (Fairclough, 1992). From the established relations of narrative and discourse, the paper conceptualizes Peace and Development as a narrative discourse.

To examine the discourse fully, the paper first traces and assembles the fragments from multiple settings that coheres the Peace and Development narrative. Hence, the paper applies Bakhtin's (1981/1975) concept of intertextuality which holds that, "in the space of a given text, several utterances, taken from other texts, intersect and neutralize one another" (Kristeva, 1980). The paper then employs a discourse analysis to assess the extent and exercise of power in the construction and maintenance of the Peace and Development narrative.

Using NVivo coding software, thirty-nine (39) of the gathered eighty-seven (87) articles, with at least 20 "Peace and

Development” words, are coded. The tracked links of Peace and Development shows that that Development emerged first as the main preoccupation of the Commonwealth government whose disastrous impacts led to peace insecurity and series of talks to avert it. The use of the term “Development” was traced in the creation of the Southern Philippines Development Authority (SPDA) in 1975 to mitigate the brewing rebellion during the Marcos regime. The coining of two terms “Peace” and “Development” was first spotted in the creation of a Special Zone of Peace and Development (SZOPAD) and the establishment of the Southern Philippines Council for Peace and Development (SPCPD) during the administration of President Fidel Ramos as an offshoot of the 1996 Government of the Republic of the Philippines - Moro Islamic Liberation Front (GRP-MILF) Peace Agreement.

Using NVivo, fourteen (14) dominant codes about Peace and Development surfaced among the thirty-nine (39) articles. They represent the parts that form the coherent whole of the Peace and Development narrative. Of the fourteen (14), Peace and Development as “participatory” is the most alluded to, followed by the view that Peace and Development is possible “with international assistance”. This view is supported by the third code that Peace and Development is “economic” in nature. Together, they cohere the narrative that a multi-stakeholder participation is necessary in realizing the Peace and Development aspiration in the Mindanao conflict areas. The role of international organizations and donor and lending countries is crucial in moving forward the Peace and Development efforts. Investment in peace through economic opportunities and infrastructures in conflict-prone areas also gives promising results.

Such a narrative, told and retold in various references, seems to be closed and durable. It has gained narrative accrual (Bruner, 1991) that makes it difficult to recontextualize and reshape its meaning. Although there are a few references that say otherwise, their numbers are not significant to challenge and reshape the existing narrative. The discussion also shows that mistakes in the past are missing in the current narrative; the dominant narrative obliterates the part that confronts the root cause of the conflict. It would seem that we have not learned from the history of conflict since the current peace building efforts are still linked with market-oriented development goals.

2. Review of Related Literature and Theoretical Grounding

Narrative

Our everyday life is organized in narrative. Understanding narrative as a mental, cognitive construct, Bruner (1991) said “we organize our experience and our memory of human happenings mainly in the form of narrative—stories, excuses, myths, reasons for doing and not doing, and so on”. More than a representational form, Somers viewed narrative as the ontology of our being, constituting our identity. He added that it “is through narrativity that we come to know, understand, and make sense of the social world” (Somers, 1994).

A precipitating event is the starting point of a narrative (Hodges, 2008). When it is followed and sustained by a series of events and experience, a coherent whole is formed and a central plot established (Bruner, 1991). A narrative becomes understandable when we construct and connect its parts — fragments, symbols, stories — into a unified network of relationships (Somers, 1994).

A narrator whose authoritative voice controls the narrative (Boje, 2008) follows a generic frame and appropriates these parts in forming the main plot (Bruner, 1991). This generic frame may be a convention or a formula that is commonly known and relatable, thus, it is easily accepted. Because of its ability to organize human events and experience, a narrative can construct our social reality (Bruner, 1991, Riessman, 1993, Sommers, 1994).

Narrative as Discourse

Narrative is no longer an exclusive domain of literature as other disciplines in social sciences have applied it as either a method to produce, a theory to investigate, or a strategy to analyze social practice. Interests in the various aspects of narrative began to surge in the 90s as more and more scholars paid attention to the presence of narrative in public discourse and used it as an analytical device in examining how narrative structures human's perception of reality (Tomascikova, 2009). Differences in views and exercise of power manifest in language; thus, narrative has been used in examining institutional and power discourses in a given society (Souto-Manning, 2012).

As vast and expansive is its scope, narrative is classified into three strands: one understands it as a sequence of events, another considers it as a discourse, and the other sees it as a "complex artefact" whose meaning resided on the receiver (Tomascikova, 2009). Narrative as a discourse was first explored in the works of known narratologists such as Genette (1980/1972), Chatman (1995/1978) and Barthes (1977). Genette classified narrative into three: discourse (narrative), story, and narrating. A discourse refers to the text of a novel or narrative itself. A story refers to the content information recounted in the discourse, thus, containing chronologically organized events. Narrating refers to the action of

producing a narrative by a narrator. From Genette's viewpoint, discourse is a narrative in itself minus the presence of a narrator that is common in fictional narrative. Narrative as a discourse is a way of speaking about real or fictional events with some restraints (conventions, formula) that open discourse does not impose on speakers (Genette, 1980/1972). This view of narrative discourse coincides with that of Chatman (1995/1978) who viewed discourse as a form of narrative, the manner the events are told or presented. On the other hand, a study of narrative within a discourse that explored the participation of narrator and readers in text construction emerged in the works of Barthes (1977). This way of seeing examines the structuration of meaning, as well as the reception and consumption of readers or audience of such meaning.

Embedded into our social and political system, narrative has become the main discourse of everyday life (Aksu-koc & Erciyes, 2018). Discourse is constitutive of power (Foucault 1972, Fairclough, 1989). However, Fairclough (1989, 1992) said that discourse is not limited to power relations alone as language can also shape social practice and in turn be shaped by social relations and structures. When examining a narrative discourse of a real event, all of its components — setting, symbols, and characters — are verifiable. In such a case, meaning making should be contextualized within the social and cultural contexts wherein situations, objects of knowledge, social identities and relations are looked into (Fairclough and Wodak, 1997).

Repeated telling accumulated through time form a narrative (Hodges, 2008). Once shared and passed around, a narrative gain "narrative accrual" whose acceptability is determined by convention and "narrative necessity" (Bruner, 1991). A shared

“cultural scripts” (Bruner, 1991) cohere and solidify a narrative that unsuspectingly sets acceptable behavior and ways of thinking. This confirms what Ricour (1984) said that a narrative is concerned with “cultural legitimacy” to be elevated into secure spaces as norms and conventions. For Laclau and Moufée (1985), these attempts at fixing meaning is “ideology branding”.

As they appear contentious when directly presented to the public, political discourses are packaged as everyday stories and appear closed to be broken into parts (Souto-Manning, 2012). The seemingly neutral stance of narrative may escape the critical eye (Chafe, 1980). Thus, political views delivered through narratives make it look like there is nothing political about it (Chafe, 1980) and imply that the “issues are already settled” (Duranti 1994, p. 120). For Souto-Manning, this makes narrative a colonizing device that passes the uncritical eye.

Peace and Development as narrative discourse

The established relationship between narrative and discourse has provided a basis for conceptualizing Peace and Development narrative as a discourse. For long, episodes of war and violence and talks about peace have made up Mindanao’s narrative. Since the history of Spanish colonization in the Philippines, the whole of Mindanao had been historically mapped as a conflict area. Originally called Mindanao-Sulu with its own organized armies, the region would be often attacked by Spanish forces which repeatedly failed (Rodil, 2009). Moro wars from 1565 to 1898 figured Muslim combatants fighting against Spanish-guided Christian fighters which could partly explain the animosity between Muslim and Christians through the years. This would then be exacerbated by the coming of the Americans in 1898 when they continued the war

against the Moros and made the entire Mindanao-Sulu part of the Philippine Republic (Lingga, 2009).

According to Lingga (2009) the Philippine government had long been dealing with the Bangsamoro people since 1946, but it seemed like it took them too long to come up with a win-win solution for both parties as “the conflict lingers on taking different forms at various stages of history” (p. 36). As if the enmeshment of the issue in ideological standpoints between and among Moros and state forces was not enough, poverty surfaced as a force to be reckoned with which further heightened the risk of conflict. Citing government data, Lingga (2009) stressed that the government failed to deliver basic services and needed development to Bangsamoro communities.

Ironically, Tolentino (n.d.), who was commissioned to assess development projects in Mindanao, recorded that Mindanao had not only been the largest recipient of government programs from 1993-1997, but it had also received the most rural development projects from the World Bank, USAID, AusAID and Asian Development Bank. Tolentino observed that despite several development programs and Mindanao’s agro-industrial potential (main source of agricultural produce, such as coconuts, coffee, bananas, pineapples and rubber), most of its provinces have remained poor, especially those in the Autonomous Region for Muslim Mindanao or the ARMM (CSO-SEED, 2017).

Thinking of how age-old conflict has been affecting everyday life in conflict areas for decades, Peace and Development has since been the aspiration of the Mindanaons, which for White (1980), in the realm of narrative, has “its origin in wishes, daydreams, reveries”. Taking into account narrative promises in fiction, this collective aspiration for Peace and Development could be an “imagined” one

and is given material manifestation in narrative. From the many stories building up the Peace and Development narrative, we wonder how much of them are real and how many are imagined. Real events published in press releases, news, features and opinion pieces have always been presented in straight-forward manner, but they can be examined, compiled and rearranged in the order of narrative to surface a certain set of beliefs, assumptions and expectations that the discourse is trying to work out and maintain. If approached from a critical perspective, a narrative analysis of political discourse can help detect forces working subtly to achieve the desired response and conformity from the engaged public and readers.

3. Methodology

Research subject and data

In the first quarter of 2021, the researcher compiled eighty-seven (87) references that write about peace and development in Mindanao. Seventy-three (73) of these references were searched via Google with the keyword “Peace and Development in Mindanao”. The rest or fourteen (14) references were sourced from the office of Bangsamoro Transition Authority (BTA) parliament member, Atty. Maisara Latiph. To qualify as data, articles that appeared in Google pages were screened if they wrote about “peace”, “development” or “peace and development” in Mindanao. The screened and saved articles were then subjected to NVivo Software for systematic coding. From these materials, the word “Mindanao” generated the highest word count with 4,590 followed by “Peace” 2,560, and “Development” 2,346.

Thirty-nine (39) of the 87 articles, with at least twenty (20) “Peace and Development” words, were selected for coding. Of these materials, 20 are Press Releases from Official Gazette, government agencies, and official websites of embassies and international donor organizations. Four (4) are reports which monitor, evaluate, and assess development projects in Mindanao conflict areas. There are also four academic articles, two forums, two personal commentary, two speeches, and one for each: feature, news, discussion paper, book, and roadmap.

Research method and analytical strategies

In order to comprehend a discourse fully, a tracing of what made it up — the parts, fragments, pieces of narrative — can provide a deeper insight into the examination of a dominant belief, value system, or ideology that is behind it. Hence, this paper applied the concept of intertextuality to link and assemble parts and fragments of Peace and Development narrative gathered from multiple settings. Coined by Kristeva (1980), an intertextuality is “a permutation of texts”. Drawn from Bakhtin (1975), Kristeva said that any “text is constructed as a mosaic of quotations; any text is the absorption and transformation of another”. Thus, a study of a text, an event, or an experience should be viewed as cutting across time and space, not confined within a single frame.

Peace and Development as a narrative discourse is intertextual for accounts about it have been published in various platforms across time and space. We took note of the context (time) during which a narrative fragment or specific event was situated. Hodges (2008) said that meaning can be modified in another interactional context. We adopted Hodges’s recontextualization strategy to be on the lookout for any reshaping of meaning in the text, as well as any resistance or confirmation of the old narrative to

appropriate it to the present context. This is to establish, if there is any, an intertextual relation between and among various accounts (Bauman and Briggs, 1990) or formation of an intertextual series (Hanks, 1986). We also employed Derrida's (1977) iterability and citationality cues to observe any repetition and quotations of terms or descriptive phrases for peace and development from one context to another.

After establishing an intertextual relations and series of narrative fragments that are responsible for building Peace and Development narrative, a discourse analysis was then employed to examine the dominant constructs of the text. Adopting Fairclough's (1992) framework, the discourse analysis underwent the following steps:

1. Coding – labeling of responses or comments;
2. Categorizing – placing of common and repetitive responses into themes;
3. Seeking patterns - establishing of patterns among the comments and responses;
4. Analyzing – identifying the acceptable and dominant way of thinking as well as what it discriminates; and
5. Relating discourse to larger context–situating the dominant way of thinking within the larger socio-political structure.

4. Results and Discussion

The coining of Peace and Development term

How did the term Peace and Development come into being? What were the events that linked them together? Although the materials reviewed are generally new to recount an age-old issue that started as early as the American colonial period in 1898, authors would mention previous texts and quote some sources from the distant past to drive a point, strengthen a claim, or challenge an existing narrative. It was through Fernandez' (2017) article that traced the earliest record of development concept during the Commonwealth government in 1935. Referring to the earliest reference, Fernandez mentioned that Mindanao was named a "land of promise" because of its rich natural resources. Cited by Fernandez, Rodriguez, one of the influential officers of the new government purveyed a view of development in 1938 that was strongly economic in nature. As quoted by Fernandez (2017), the words of Rodriguez captured the earliest view of American-inspired development:

"My idea of the economic development in Mindanao is to populate it as rapidly as we can and to produce wealth out of its rich virgin soil, not only for the purpose of meeting the immediate needs of the settlers there, but also for the purpose of making the boon of that development available to all of us in general in the near future and when we are completely independent. The immediate results of this type of Mindanao development would be: (1) self-sufficiency for the entire Philippines; (2) exploitation of the other natural resources of Mindanao; and (3) an entirely new group of Filipino population made up of aggrupation from

different sections of the country - law-abiding, industrious, and contented."

The passage above implies that economic development cannot proceed without vast areas of land for agribusiness (Concepcion et al., 2003). Item number 2 stresses that economic development requires extraction of the region's natural resources with private sector or multinational companies. Economic pursuits include extractive activities like mining, which unfortunately created a new problem concerning territorial dispute not only with the Moros, but also with the Indigenous Peoples (Concepcion et al., 2003). Item number 3 on the other hand, saw its fruition in the American-sponsored Torrens land system, which institutionalized the land distribution to settlers, a large-scale land grabbing facilitated by the new government (Rodil, 2009). The land system "declared as null and void all land grants made by traditional leaders if done without government consent, thus getting native landholding and land use institutions neatly out of the way" (Rodil, 2009). It was during the Commonwealth period that Mindanao land was offered to Christians from Luzon and Visayas to attract them to settle in the area. By 1970, new settlers outnumbered the Moros and the Lumads (Rodil, 2009). Rodil opined that "the story of resettlement of migrants from Luzon and the Visayas to Mindanao is also the story of the marginalization of the indigenous inhabitants." The marginalization of Moro Filipinos and the indigenous Filipino peoples went beyond control over land and resources; it extended to politics, economic life, and culture. Exploitative in nature, the so-called development activities recounted above triggered resentment among the original inhabitants of the area, which "reached its explosive point in the MIM1-MNLF-MILF uprising in 1968, and the Lumad assertion of their own right to self-determination in 1986" (Rodil, 2009).

Among the thirty-nine (39) articles, that of Russell et al. (2004) recalled the first time the word “Development” was used and institutionalized to address the peace insecurity that it had created in the first place. Russell et al. said that the Marcos regime attempted to mitigate the conflict in Mindanao which included the creation of the Southern Philippines Development Authority (SPDA) in 1975 to provide livelihood opportunities and facilitate economic opportunities in conflict areas. In the recounting of Russell et al. (2004), the linking together of “Peace” and “Development” was spotted when they mentioned about the creation of a Special Zone of Peace and Development (SZOPAD) and the establishment of the Southern Philippines Council for Peace and Development (SPCPD) as an offshoot of the 1996 GRP-MILF Peace Agreement during the administration of President Fidel Ramos. SZOPAD identified Mindanao provinces that would be the “focus of intensive peace and development efforts in the next three years. Investments shall be channeled to this area to spur economic activities and uplift the conditions of the people” (Ramos, 2013, para. 5). SPCPD, on the other hand, served as the “special and transitory body to coordinate and promote the economic and social growth and development of the SZOPAD” (Executive Order No. 371, 5, 1996). While SZOPAD programs were being implemented, and the United Nations Multi-Donor Assistance Programme (UNMDAP) was helping many Peace and Development communities, the conflict continued and worsened when the Estrada Administration declared an all-out-war in 2000 (Russell et al, 2004). As traced in the thirty-nine (39) articles, the coined term “Peace and Development” in 1996 has since been used in succeeding programs and plans such as Mindanao Action for Peace and Development (MAPAD) in 2010 and Mindanao 2020 Peace and Development Framework Plan 2011-2030. Japan used only Development in its Japan–Bangsamoro Initiatives for

Reconstruction and Development (J-BIRD) in December 1996 as immediate support of the 1996 Peace Agreement.

The tracing of the Peace and Development connection tells us that even before Peace became a national concern of the Marcos regime (1965-1976), Development had emerged first as the main preoccupation of the Commonwealth government. Its disastrous impacts on the original inhabitants' ancestral domains, right to self-determination, security, and cultural and religious identities ignited a sporadic and intermittent rebellion in the region. These findings about Development as one of the major factors that ruins peace provide a new way of looking at the long-standing Peace and Development narrative. It is not so much that we have a problem with peace that we need to address it with development. Rather, there was something wrong with past development so much that it caused new problems with peace in our time.

The intertextual building of the Peace and Development narrative

Using NVivo in coding, fourteen (14) dominant codes about Peace and Development emerged as shown in the table below. They represent the parts that form the coherent whole of the Peace and Development narrative. The discussion focuses on the first three dominant codes with a significant number of references.

Table 1. Dominant codes about Peace and Development

Codes	Description	Files	Referenc es
1. Addresses Injustice	Recognizes injustice committed in the past; learns mistakes from the past	5	11
2. Autonomy	Self-govern	5	13
3. Community-driven	Initiative from the bottom up	4	15
4. Complementary	One feeds the other; yin yang	11	19
5. Counter insurgency measure	government strategy	4	12
6. Culture sensitive	Recognizes culture of multi ethnic groups	7	13
7. Economic enterprise development	Intervention is economic in nature support for micro, small businesses	12 3	34 7
8. Empowerment	Education; capability-building	6	12
9. Guided	path is paved by responsible agency	9	21
10. Holistic	integrative; all aspects are considered	8	22
11. Integrated into the mainstream	unitary government	1	4
12. Participatory involvement of women	involves all sectors recognizes role and contribution of women	12 5	47 7
13. Sustainable development	Environmentally conscious	4	6
14. with international assistance	mediated by international organizations; international organizations financed the development projects	22	42

Peace and Development Codes

Of the fourteen (14) codes that emerged from thirty-nine (39) articles, Peace and Development as “participatory” is the most alluded to with forty-seven (47) references. This is followed by the view that Peace and Development is possible “with international assistance” yielding forty-two (42) references. This implies that the involvement of a third party, such as an international organization or a foreign country, is necessary to direct the path to Peace and Development. The third dominant view upholds that Peace and Development is “economic” in nature with thirty-four (34) references attributing it. Under this category is the promotion of “enterprise development” that recognizes the contribution of livelihood opportunity as a path to peace.

The many coded clauses highlight the participatory nature of Peace and Development works. The establishing of intertextual relations of these clauses has turned out two features: the involvement of various sectors and the application of a multi-stakeholder approach that constructs the participatory nature of Peace and Development. Upon linking the forty-seven (47) references for “participation” code, the involvement of a variety of local, formal, informal, and hybrid institutions and organizations in Peace and Development works has been repeatedly emphasized which for Derrida (1977) shows the “iterability” of a text. These institutions and organizations refer to the national government agencies, local government units, the private sector, church organizations, civil society, non-government organizations, and the local community.

The repeated recounting of a clause on active participation of said stakeholders in multiple references have accrued into a popular view that for a Peace and Development to happen, all

stakeholders —government and private institutions and organizations — must actively take part in making decisions and implementing policies and programs.

The coded references have also established the multi-stakeholder approach as one feature of participation which highlights consultation and democratic participation of various sectors in the crafting of policy and programs. The word 'stakeholders' is also often mentioned to refer to actors from all levels of society whose participation is deemed crucial in peace building. Governed by democratic ideals, the Philippine government is expected to embrace what Almeida and Costa e Silva (2017) identified as liberal and democratic approach to participation where the common good is held as the guiding principle, and participation of all sectors is encouraged.

The liberal and democratic form of participation (Almeida and Costa e Silva, 2017) which sits well with the multi-stakeholder approach used in Mindanao organizing is an institutionalized form of participation with the state serving as the facilitating agency. The democratic element in this approach aims to strengthen civil society, diffuse the concentration of power and encourage representation from various sectors, like a party system (Almeida and Costa e Silva, 2017). True to this description, various sectors ranging from the national government, the local government units, the private sector, church organizations, civil society, non-government organizations, among others have repeatedly been mentioned in multiple references and are portrayed as crucial actors in Peace and Development organizing.

Attributions to international assistance — both financial and technical — as crucial in realizing Peace and Development initiatives in Mindanao emerged in twenty-two (22) articles, mostly

from press releases of Official Gazette and websites of donor countries' Foreign Affairs Office. There are forty-two (42) references or clauses in the articles alluding to "international assistance" as necessary to move Peace and Development forward.

The clauses have repeatedly alluded to the idea that "support programs help bring lasting peace and development" (World Bank, 2017). Most of them have echoed this tone: "Government officials and many Mindanawon believe that ODA, both loans and technical assistance, is a major precondition to the attainment of peace and development" (Mindanao Development Authority, 2020). The role of third-party organizations, the foreign development partners, has always been emphasized in the coded articles as vital in peacemaking (Ochiai, 2016). The phrase "dividends of peace" coined by an international aid organization implies the monetary nature of international assistance. The term "dividends" in business jargon refers to the gain or share from investment. From the point of view of benefactors, gains can be calculated from investing in peace through livelihood opportunities and infrastructure projects as sampled in the following line, "launched in December 2006, J-BIRD aims to enable conflict communities in the South to enjoy the dividends of peace through Japanese official development assistance on the basis of human security principles" (OPAPP, 2011).

Mindanao has been a long time recipient of international aid from various countries working in the conflict area (Adriano and Parks, 2013). After the signing of the 1996 government-MNLF peace agreement during the administration of President Fidel Ramos, a Multi-Donor Programme (MDP) was created to accelerate Peace and Development initiatives in Mindanao conflict areas (Internal Displacement Monitoring Centre, 2008). Organizations such as Mindanao Trust Fund for Reconstruction and Development (MTF),

World Bank, J-BIRD, United States Agency for International Development (USAID), and MAPAD financed the development projects in Mindanao (Internal Displacement Monitoring Centre, 2008).

The other popular view that Peace and Development is economic in nature has contributed to the narrative with thirty-four (34) references or clauses attributing to it. Under this theme is the promotion of “enterprise development” that recognizes the contribution of livelihood opportunity as a path to peace. Most or seven (7) references come from the Press Releases of government programs such as MAPAD, SZOPAD, and Mindanao 2020 Peace and Development Roadmap.

Allusions to economic solutions to Peace and Development are repeated in multiple references. Coded clauses have emerged a cause-effect pattern of clues denoting that poverty, lack of livelihood opportunities, and lack of infrastructures in the region have caused or worsened the conflict. Similarly, the view that peace can only be attained through development aid and investment in conflict areas dominated the content of pro economic press releases which are mostly about infrastructure projects aimed at reconstructing and rehabilitating conflict areas. This line of thinking also relates to another popular view that livelihood opportunities are a solution to rebellion. In the articles that advocate this part of the narrative, the voice of investors would emerge echoing the creation of an investment climate even for small enterprises, to generate employment. For example, the livelihood component of MAPAD spearheaded capacity building trainings with the locals

to make them employable or knowledgeable in putting up their cooperatives. SZOPAD, on the other hand, was heavily funded to jumpstart massive economic development.

Peace and Development Narrative as a Discourse

The establishing of intertextual relations of multiple references that denote similar meanings has provided us a glimpse of how the Peace and Development narrative has been constructed. This part discusses the established Peace and Development narrative as a discourse. Discourse is laden with power (Foucault 1972, Fairclough, 1989) and can shape social relations and structures (Fairclough, 1989, 1992). Coming from this assumption, we contextualize Peace and Development narrative within its social and cultural contexts (Fairclough and Wodak, 1997).

Peace and Development as participatory emerged as the central theme of the narrative. If viewed from a functionalist perspective in organizing, participation is a form of social intervention and public policy (Almeida and Costa e Silva, 2017). In the coded articles, the government is portrayed as operating within the democratic ideals of participation working for the common good and encouraging sectoral participation, cooperation and support from the populace. The long-standing Peace and Development campaign in Mindanao, with the government as the main coordinating agency and whose stakeholders are also organized within their respective sectors, is an institutionalized form of participation.

Through the years, this democratic kind of participation might have been told and retold in various platforms as evident in the forty-seven (47) references that speak about it. This view might have stayed dominant and popular for a while, but would always be

challenged and recontextualized (Hodges, 2008). According to Hodges, recontextualization allows reshaping the narrative which involves resistance or affirmation of the old narrative.

If we are to critically examine the organized and institutionalized form of participation that constitutes the Peace and Development efforts in Mindanao as what the many references have surfaced, we could view it as a form of social control and a cosmetic application of development rhetoric (Cornwall, 2006).

As this participatory approach was common in all development activities globally in the 1990s (Chambers, 2005), international lenders and donors from rich countries also capitalized on this concept in mobilizing all stakeholders of the Peace and Development campaign. In 2000, participation became a popular methodological approach in any development program supported by international organizations (Chambers, 2005).

Peace and Development needing international assistance has also partly constituted the narrative. None of the references has questioned the country's heavy reliance on the financial and technical assistance from foreign donor organizations. As most of the available and accessible materials are press releases from government websites and those of international organizations, institutional power could be sensed working behind the narrative. Powerful institutions set the conditions for the distribution of information and offer dominant opinions and ideologies to achieve public assent and conformity (Lyotard, 1991).

According to Cornwall (2006), big donors who cling to the rhetoric of community participation are motivated to extend their assistance and impose their pre-designed development projects in conflict affected areas to advance their neoliberal reforms in the

affected country. She cited the World Bank's popular campaign for the promotion of participatory development to "countering grassroots resistance to reforms, providing a palliative that served to neutralize popular resistance to liberalizing reforms" (Cornwall, 2006, p. 26). Thinking that participation has been used as a tool to legitimize development interventions in post-colonial countries, Zocher (2010) thought of participation as merely an instrument in organizing, which evades an issue on power relations.

Building peace through livelihood programs and infrastructure projects bring in the equally popular view that Peace and Development is economic in nature. However, this long-standing aspiration could be just "imagined" for it has remained a "narrative promise in fiction" (White, 1980). Despite the development aid for decades, peace has remained elusive and poverty cases are high in Muslim provinces. Fernandez (2017) cited a report from Mindanao Coordinating Council that acknowledged: "Mindanao has been the subject of development efforts which have so far been unsuccessful." Because of the government's obsession with economic development via livelihood programs and infrastructure projects, the root cause of the problem in conflict-prone areas has not been addressed (Tadem, 2010).

Despite being institutionally organized, some aid programs were duplicated and poorly coordinated (Adriano and Parks, 2013). Based on their interviews with the locals, Adriano and Parks said that the development assistance has not addressed the causes of conflict and that there is "little direct effort to address justice and security, which communities in the conflict area consider a major deficiency."

Critiquing the motivation of development projects in Mindanao, Fernandez (2017) also said that conflict was downplayed

as a development challenge, in spite of the economic potential of the land and its teeming natural resources. Sensing the ideological contradiction between peace and development concepts, Mendoza (2017) suggested examining the links between economics and conflict in Mindanao, as the two seem to come from opposing poles: conflict borders on social justice issues, while the other is motivated by profit.

5. Conclusion

Following the traces of “Peace” and “Development” words through intertextuality, Development, pursued by the Commonwealth government in the past, appeared as one of the major factors why there is a problem with Peace at present. It would seem that we have not learned from the lessons of the past since the current Peace building efforts are still linked with market-oriented development goals. While the Peace and Development narrative idealizes the democratic participation of various stakeholders, it appears short in making the participation truly inclusive as voices of the marginalized—those affected by the conflict—are not heard in the dominant narrative.

Despite its potential in bringing people and various sectors together in effecting change, as in Peace and Development efforts in Mindanao, participation remains a muddling process when varying factors intervene and diverse actors converge. Emphasis on financial investments to spur economic growth in conflict-affected areas privileges the voice of the lending and donor international organizations. The current Peace and Development narrative still clings to holding aloft economic solutions as requisites for peace. This has been tried and proven unsuccessful many times.

Common in the established intertextual relations of references is a lean expression of a lasting Peace and Development in Mindanao, which oversimplifies the intricacies of a culturally diverse, historically-wounded, and politically-divided region. The conflict in Mindanao grew from overlapping sociocultural issues that have been built up for decades. Its historical contexts should have provided the setting of the existing narrative that would truly represent the stories of struggles and aspirations of its original characters. Perhaps there is a need to reconstruct the current narrative, this time built on the stories of the Bangsamoro People and the Lumads on the ground.

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Bishop Jose Manguiran's Postcolonial Ecological Model of Solidarity

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Abstract

The paper explores the environmentalism of Bishop Emeritus Jose Manguiran of the Diocese of Dipolog, through his writings, letters, and various acts in support of the environment, indigenous peoples, and Christian praxis. It puts forward a postcolonial ecological model of solidarity which has the following features: 1.) An acknowledgment of the violence of the prevailing ideology to indigenous beliefs and practices; 2.) A recognition of the sacredness of nature; 3.) A deep commitment to ecological justice anchored in the Christian faith. It aims to honor and acknowledge the contribution of Bishop Joe, a pastoral leader with a profound and abiding love for God's creation, to promote postcolonial Catholic environmentalism.

Keywords: Environmentalism; Environmental justice; Mindanao; Nature; Philippine Catholic Church

1. Introduction

On the global economic stage, unabated capitalism provides the impetus for a neoliberal economic model, which upholds the view that natural resources are inexhaustible and that industrialization is the accurate indicator of a community's development and "progress." Moreover, unrelenting wealth extraction can leave the natural world unable to sustain life any longer. The heavy use of fertilizers and pesticides affects the productivity of our remaining agricultural lands. Decades of monoculture eroded the diversity of our food crops. The utilization of land and water resources mainly for the benefit of capitalists contributed significantly to the loss and eventual vanishing of what had been deemed by the communities as sacred spaces.

In particular, the ill effects of large-scale extractive mining on the environment are destructive to the communities. Large-scale mining in the Philippines devastated entire forests, leveled off mountains, polluted rivers and lakes with their mine tailings and chemical wastes. Moreover, these activities were taking place in poor communities where several ethnolinguistic groups live.

Against the background of the massive ecological devastation in the country, the environmentalism of faith communities, indigenous peoples, activist groups, and the clergy stands out. The paper highlights the contribution of Bishop Emeritus Jose Ricare Manguiran of the Diocese of Dipolog in the flourishing of ecological consciousness in the country and the Catholic community. William Holden documented the Philippines' Catholic response to large-scale mining. At the end of his paper, published in *Religions* in 2012, Holden discusses the impact of the ecclesiastical opposition to mining. The global mining industry took note of the Church's

opposition to mining, and an unnamed exploration company president stated, "[In the Philippines], NGOs, peasants and Church groups override [the] government constantly. You can spend millions developing a property in the Philippines, only to have it swept away by peasants, lobby groups [and] churches" (Holden, 2012, p. 851).

The following sections divide the paper. The first section presents a short biography and background of Bishop Joe's environmentalism. The second section offers a focused view of the environmental devastation in Mindanao and the various responses that Bishop Joe led and initiated to address it. The third section discusses Bishop Joe's postcolonial ecological model of solidarity that is informed and framed by liberation theology, postcolonialism, and ecocentrism.

2. Methods

The study used several qualitative methods, such as a literature review of Bishop Joe's published writings as primary literature and relevant academic sources as secondary literature. Pertinent documents that were reviewed and analyzed included news reports, press statements, online information, and documentation of events during the period of the Bishop's active engagements. The researchers extracted relevant information from the official social media account, training modules, and applicable local policies and programs of those events. One of the researchers, a Catholic priest who personally knows Bishop Joe, conducted several phone interviews with him during the pandemic.

3. A Short Biography of Jose Manguiran

The Most Reverend Jose Ricare Manguiran, D.D. was born on August 27, 1936, in Carcar, Cebu City, to Canuto Manguiran and Rosa Ricare (both deceased). He finished his elementary education at Malaybalay Central School and secondary education at San Isidro High School, all in the province of Bukidnon. After high school, he entered the San Jose de Mindanao College Seminary in Cagayan de Oro. He pursued his philosophical and theological studies at San Carlos Seminary, Makati. He was ordained a priest on December 27, 1966, by Bishop Teofilo Camomot. For thirteen years, Bishop Joe worked in different parishes. He became the Vicar General of the Diocese of Malaybalay in 1979. For seven years, he was the Rector of the Pope John XXIII College Seminary in Malaybalay. Pope John Paul II appointed him as the bishop of the Diocese of Dipolog on August 19, 1987. Bishop Joe served as the Catholic Bishops' Conference of the Philippines (CBCP) Episcopal Commission on Culture. Among his many accomplishments, he won third place from the Department of Science and Technology in 1990 for his invention of a self-lubricating motor vehicle.

The Start and Deepening of Environmental Consciousness

Bishop Joe grew up in a family of farmers. His environmental consciousness was already evident when his family resided in Cebu and was further strengthened when the family transferred to Bukidnon. Even to this day, in his retirement, his love for planting trees is undeniable because he proudly said that he had grown all kinds of *Balete* trees since he was an active bishop for twenty-seven years. His deep ecological consciousness inspired the invention of a cap that looked like a giant leaf. In several interviews, he was proud to say that no one in the world yet has made such a design.

Bishop Joe's deep ecological consciousness expanded when he became the bishop of the Diocese of Dipolog. During his term, mining companies were able to establish their places in areas belonging to his ecclesiastical jurisdiction and of the neighboring dioceses. He saw with his own eyes the horrors these large-scale mining companies had brought to the local community. The DIOPIIM Committee on Mining Issues is a non-governmental organization (NGO) based in Dipolog City, Philippines. DIOPIIM is composed of the following dioceses: Dipolog, Iligan, Ozamiz, Pagadian, Iligan, and Marawi. It is a committee spearheaded by the Roman Catholic Church and composed of Social Action Directors, NGOs, and the indigenous people. According to the DIOPIIM Committee on Mining Issues, rivers and rice fields turned into red mud which spoiled their crop. The aquaculture industry was affected because the flora and fauna died due to the heavy presence of toxic waste in the water. Above all, Bp. Joe was hurt knowing that the most bullied at gunpoint were the non-violent indigenous people called the *Subanons*. He empathized with them so much and got so mad at the arrogance of the Canadian-based mining company that he went near the mining site and struck his pastoral staff (crozier) on the ground. Moreover, during the last years of his episcopate, he initiated the sainthood of Fr. Francesco Palliola, S.J.¹ Bishop Joe saw the deep need of having a patron saint of the indigenous peoples in Mindanao, especially since large-scale mining and logging companies constantly harassed them.

¹ An Italian Jesuit priest who lived with the *Subanons*, baptized thousands of them, and was martyred in Ponot, Zamboanga del Norte in 1648. The Diocese of Dipolog is now waiting for the Vatican to approve the submitted documents for the beatification of Fr. Francesco Palliola, S.J.

4. The Environmental Degradation in Mindanao and the Bishop's Response

From 1950 to 1973, large-scale logging in Mindanao led to the rapid loss of forest cover. In 1963, only 40% of the Philippines' total land area was covered in forest (Holden et al., 2017, p. 7). According to Minerva Chaloping-March (2017), from the 1950s to the 1970s, the pinnacle of Philippine mining, there had been virtually no criticism and opposition against mining operations because the catastrophes associated with mining were not yet evident. Hence they were less known. In the late 70s, several environmental activists analyzed the correlation between poverty and the ecological crisis and circulated widely their findings. The Roman Catholic Church in the Philippines forwarded one of the earliest institutional opposition to mining. The 1988 pastoral letter, 'What is Happening to our Beautiful Land?' remains an essential document of the Catholic Bishops' Conference of the Philippines on the environment (Peracullo, 2020).

The background of the said pastoral letter were the two critical environmental concerns that gripped the world back in 1988. One was the looming nuclear war amidst the escalating tensions between the U.S. and the USSR. The other concern was already real and has created untold misery for those concerned in the Philippines, especially the indigenous peoples and the rural communities. The rapid deforestation, alongside the loss of biodiversity, was caused, according to the bishops, by large-scale mining activities. These two interrelated environmental concerns were at the front of the bishops' consciousness. For Holden (2012), the Church implores that issues such as mining must not be seen as a purely environmental issue but also as a human rights issue because mining not only disrupts the biophysical environment but

also degrades the natural resources upon which many poor people rely, resulting to their further impoverishment. In October 1997, the bishops of the Dioceses of Dipolog, Iligan, Ozamiz, Pagadian, and the Prelature of Marawi, collectively wrote to President Ramos articulating their opposition to mining in the Zamboanga Peninsula on the island of Mindanao. They also called for the repeal of the Mining Act of 1995.

In 2000, DIOPIIM organized the Day of Reparation, Reconciliation, and Peace held in Ozamiz on April 14. DIOPIIM issued a statement calling for an intensified interfaith relations to promote reconciliation and peace among the tri-people communities in Mindanao. In 2001, DIOPIIM, through the support of Bishop Joe, participated in the Ipil Mining Dialogue among the *Subanon*, the *Iumad* who live in the areas of Canatuan, Siocon, Zamboanga Del Norte, small-scale miners, and the Canadian mining company, Toronto Ventures Inc. (ESSC, 2008). The opposition to the mining activities in Zamboanga del Norte continued well into the first decade of the 21st century. In 2006, the *Apo Manglang Glupa Pasaka* (*Apo Manglang's Ancestral Land*), together with religious leaders from the Moro, Roman Catholic, and Protestant churches, and local officials, merged to form the People's Response for the Protection of Environment and Natural Resources, a regional alliance opposing large-scale mining. On March 23, the group held an interfaith pilgrimage to Mt. Canatuan. According to the participants, including Bishop Joe, the pilgrimage was a re-consecration of the *Subanon* ancestral land in Mt. Canatuan, which the TVI has desecrated (Velez, 2006). In 2008, the mining company sued Jose Manguiran, the Bishop of Dipolog, for libel, which the Zamboanga City Prosecutor subsequently dismissed. Bishop Manguiran campaigned hard against mining operations in the

Zamboanga area long before 2008. His fervent resistance followed a long-time ecclesial opposition to mining in the country dating back to the 1970s. On January 22, 2011, Bishop Joe led 1,000 protesters who gathered at the Dipolog Cathedral on a Wednesday morning and marched around the city's major streets to protest mining and logging operations in the Zamboanga Peninsula (Gloria, 2011). On July 25, 2014, Bishop Joe retired as the Bishop of the Diocese of Dipolog.

5. Discussion

Figure 5.1. shows the intertwining of liberation theology, postcolonialism, and ecocentrism that influenced Bishop Joe's environmentalism. When intertwined with religion, environmentalism becomes part of religious piety and manifests in the community's commitment to environmental care (Gade, 2019).



Figure 5.1. The Conceptual Framework

The intertwining describes the *Balete* tree (*Ficus Benjamina Linn*), one of Bishop Joe's favorite endemic trees in Mindanao. The *Balete* is a metaphor that illustrates the intertwining of liberation

theology, postcolonialism, and ecocentrism in Bishop Joe's environmentalism. The *Balete's* intertwining roots highlight the contact points (where branches and trunks intertwine) between and among these influences. Since the *Balete* thrives in its niche and where it exists as part of the biotic community, Bishop Joe's environmentalism emphasizes the role of the community in determining the problems and the solutions to some environmental issues they face. The idea of *niche* comes from the ecological sciences. The *sense of place*, which is evoked by the concept of "home," is an essential theme in indigenous cultures in the Philippines. The vulnerability of the *Balete* tree due to deforestation highlights how life is precarious, and the fact of its precariousness makes life worthy of preservation.

The Cry of the Earth is the Cry of the Poor

When he was a seminarian in 2008, Fr. Leo, one of the authors, wrote a poem to sort out his feelings upon reading the news that the Canadian mining company sued Bishop Joe for libel. Fr. Leo reflected on what a *Subanon* child shared with him: *Kon langit ang atong kab-oton, nganong yuta man ang atong kutkuton?* (If we aim for heaven, why do we dig the earth?) According to Latin Theologian Leonardo Boff, the child's cry evokes the cry of the poor. *The Cry of the Earth as the Cry of the Poor* (1997) is a landmark book on the interconnections between the suffering of the poor people worldwide and the global environmental crisis. Its unique feature is its reflection, which grasps that human and nature's salvation are inextricably linked.

Murray Bookchin, the founder of the ecological framework, social ecology parallel with Boff's, declares that many social structures serve to oppress some members of the human societies

that, in turn, influence and reinforce the thinking and living that encourages domination in all forms, including the mastery of nature (Bookchin, 1998). Making the crucial connections between poverty and the environmental crisis expands the Christian praxis grounded in what Boff calls the social ecology, how human social and economic systems interact with the natural ecosystem (Boff 1995). Social ecology underscores that whatever onslaught towards the poor affects the natural world and vice-versa. The ideology of unrelenting, unlimited economic growth underscores the oppressive cycle. To subscribe to this line is to swallow the ideas that label human beings and the natural world as mere "resources" open for use and exploitation. For this reason, analysis of the relationship between the poor and nature concludes that the liberation of the poor and the well-being of nature are not separate issues but two sides of the same coin. The liberation paradigm of social ecology offers the best venue to undertake this shift as it contributes to the global conversation that links humanity with the natural world (McFague, 1997).

Bishop Joe embodied the social-ecological ideology which arose from liberation theology. In the book, *Lugas* (eng. grain) pens a poem, "The poor: at the passive position, the object of development," he writes:

*The poor are the receiver of sympathy—to be pitied.
 The poor are the receiver of grants —to be taken for granted.
 The poor are the receiver of loans—to be indebted.
 The poor are the receiver of employment —to be employed as laborers. (2011, p. 29)*

According to Bishop Joe, the passive position of the poor as a timid receiver of pity and oppressive employment in labor-intensive

mining enterprises reveals the harsh truth that in the models of development, the poor are objects; their rights to self-determination and gainful employment are not recognized, and they are treated as if they are nothing more than "an audience standing by" as local and global capitalists actively exploit their passivity (2011, p. 29).

Bishop Joe used his considerable influence to affect change because he understood why the poor appear passive and timid. Centuries of being silenced and exploited rendered the poor in the Philippines powerless and seemed unable to dismantle the unjust and exploitative structures that actively oppress them .

Postcolonialism

Indigenous peoples in the Philippines are those peoples who have a historical continuity with the pre-Islamic and pre-Hispanic society of that country (Holden, 2005). In the Philippines, Christianity came through colonization. This sobering truth has led to more disquieting reflections in recent years on the many ways religion sustains epistemic violence by those in power. The presence of Christianity in the Philippines is always problematic when viewed through a postcolonial lens. The Philippine Catholic Church has tried to address this problem. In 2010, the Episcopal Commission on Indigenous Peoples issued a statement that essentially asks for forgiveness from the indigenous peoples for the "historical wounds" which were inflicted when "[the Church] entered indigenous communities from a position of power, indifferent to their struggles and pains. We ask forgiveness for moments when we taught Christianity as a religion robbed with colonial cultural superiority, instead of sharing it as a religion that calls for a relationship with God and a way of life" (Gaspar, 2010). Like

the other pastoral letters or messages, the concrete calls to action are localized through the endeavors that directly impact vulnerable communities.

In many ways, Bishop Joe demonstrated through his words and actions that he was keenly aware of the ill effects of colonization. Nonetheless, his mission as a pastor motivated him to reach out to the indigenous groups in his diocese. He was not a missionary who would convert them to Christianity but a Christian who loved and empathized with the *Subanons*. He went to their communities several times, listened to their helpless cries, talked and dialogued with them. Bishop Joe's actions reflected the expanding global movement supporting, affirming, and advocating for indigenous cultures and beliefs. From Latina scholars such as Sylvia Marcos, recognizing the diversity of indigenous religious perspectives is gaining ground. Many indigenous religions share a cosmological vision marked by fluidity, equilibrium, and interconnectedness, highlighting colonial reality as static metaphysics (Peracullo, 2020).

Postcolonialism makes it imperative that culture becomes the *locus theologicus*. In *Lugas* (2011), Bishop Joe expresses his view of the land. In the poem, "The Land: to be Shared," he does not spare a loving eye towards "foreigners."

*The one who invades the entire sacred ground,
The few who grab all the sacred bread
Will incur a desecration; "depart from me...
You have turned this temple into a den of thieves. (p.113)*

In the snippet, Bishop Joe's description of the land as sacred ground, regardless of its usefulness to humans, anticipated what Pope Francis writes:

*In this sense, it is essential to show special care for indigenous communities and their cultural traditions. They are not merely one minority but should be the principal dialogue partners, especially when large projects affecting their land are proposed. For them, the land is not a commodity but a gift from God and their ancestors who rest there, **a sacred space** they need to interact with to maintain their identity and values. (2015, p. 43)*

In the following stanza of the poem, "The Land: to be Shared," Bishop Joe writes:

*The one who shares a space,
The one who breaks bread with others,
Will receive a consecration: when God announces,
"Good and faithful servants...come,
Enter the kingdom I have prepared for you (2011, p. 113)*

In the second excerpt, Bishop Joe commends anyone who shares the sacred space as one who is faithful to God. The sharing of space and breaking bread are the engagement of both the *Subanon* and non-*Subanon* actors to come together as co-equals. It is critical to recognize that the *Subanons'* concept of land ownership is intricately linked with their belief system. They have no idea of private or communal land ownership (Sanz 2019, p. 97). The concept of land ownership then became a focal point of their exploitation by centuries of colonization and decades of neo-liberal economic activities.

Resistance as a Feature of Postcolonialism

Bishop Joe's collections of poems reveal the myriad emotions—from hopeful to indignant—he felt while engaging with the struggle of the indigenous groups in the Zamboanga peninsula. In writing his reflections, Bishop Joe demonstrated that he resisted the longstanding belief that indigenous cultures and religions were antithetical to a Christian worldview. He opposed the prevailing economic and development models that regard the indigenous people as passive bystanders who cannot afford to band together to resist their continued marginalization and exclusion collectively. Postcolonial writing is necessarily a resistance. It is resistance most subtly because while it appears to embrace the colonialist ideologies and even engages in the colonialist discourse through the adoption of its language, it rejects the fundamental logic with which colonialism is hinged upon, and that is, as a colonial subject, a Filipino person is wholly and thoroughly colonized, so resistance is futile. Opposition to and against power is also present in the *Lumad's* continuing assertion of their agency or capacity for action. Penelope Sanz (2019) painstakingly documented the various challenges the *Subanons* went through as those who opposed the mining activities of the TVI found their collective voice and effected changes with the help of the local Roman Catholic Church of Mindanao, non-governmental organizations, and academic institutions.

From Anthropocentrism to Ecocentrism

Before *Laudato Si* was published, Bishop Joe promoted a paradigm shift from anthropocentrism to ecocentrism. One of the more popular narratives on Bishop Joe involves the *Balete* tree. In the Philippines, *Balete* trees have a terrible reputation because

folklore says that mythical creatures such as *kapre* (giant hairy man smoking tobacco) or a "white lady" (female ghost) or *engkanto* (evil spirits) live in the trees at night and reportedly lures victims to their vicious traps. According to the stories that people share, many have heard sounds of wailing coming from the *balete* trees.

Bishop Joe did not take the insult against the *Balete* tree lightly. He dispelled the belief that the *Balete* is home to mythical creatures that terrorize the people. According to science, he explained that *Balete* trees absorb sound from passing vehicles or people talking with each other during the daytime. At night, people would hear spooky sounds because, technically, the sounds that the trees absorbed would reverberate. Secondly, to prove that urban myths wrong, he planted *Balete* trees just about anywhere: around the Dipolog Cathedral, in the diocesan schools, in the seminary, in private gardens of friends, and parishes. He wanted to let everyone know that a *Balete* tree is co-equal with all the other trees and therefore has the right to exist and flourish. Like what he did with the *Subanons*, Bishop Joe lifted the *Balete's* dignity.

In *Lugas*, he outlined a theological shift from anthropocentrism to biocentrism. Anthropocentrism refers to the idea that only human beings possess inherent worth and moral standing. Robyn Eckersley (1992) puts the basic tenets of the ecocentric approach as based on an ecologically informed philosophy of internal relatedness. All organisms are not simply interrelated with their environment but are also constituted by those environmental interrelationships. Biocentrism is a feature or a mark of ecocentrism. Table 1 shows how Bishop Joe's theological shift underscores the importance of a paradigm shift in Theology, which traditionally put humans on top of the Great Chain of Being.

Table 1. The Theological Shift

Shift From	To
Anthropocentrism (Man at the center)	Biocentrism (life is at the center)
Simply Community of persons	To the community of life-forms
Mechanical/utilitarian viewpoint on the Earth as an object	Earth as a vital, organic subject
Ethics as a moral discipline focused only on intrapersonal and interpersonal relationships	Ethics includes [hu] man's actions with other species and the Earth.

Before *Laudato Si*, Catholic environmentalism leaned heavily towards stewardship. Lynn White, in 1967 accused Christianity as the root cause of the environmental crisis primarily due to its reading of Genesis 1: 27 – 28, which states: "So God created human beings, making them be like himself. He created them male and female, blessed them, and said, "Have many children so that your descendants will live all over the Earth and bring it under their control. I am putting you in charge of the fish, the birds, and wild animals." The idea of *stewardship as dominion* emerged from a particular interpretation of this Biblical text. Due to critical commentaries about the above picture, its adherents increasingly regard stewardship as environmental care for the Earth.

It is evident in Bishop Joe's outline that he rejected the idea of stewardship as dominion. He even went beyond the call for environmental care. His radical ecological consciousness was evident early on in his ministry. In an essay, "Connectedness,"

Bishop Joe emphasizes the symbiotic relationship humans have with the natural world (2011):

Fragmented life like ours must, for its wholeness, be connected to something more significant than the fragment. Looking at the human's physical existence, humans must attach themselves to the air by breathing; breathing the air makes them whole physically; to refuse to breathe is to disintegrate. Although humans use air, they cannot consume it; neither can they possess it. Air is not terminal to a human's death; it outlasts humans. (p. 68)

The Ecological Model of Solidarity

The ecological model of solidarity highlights the link shared by individuals or groups around a common goal and who are conscious of their common interests and their moral obligation and responsibility to help others (Jennings, 2015, p. 144). The ecological model of solidarity springs from ecology and conservation sciences (Thompson et al., 2011). Scientists noted various natural processes and observed that ecosystems operate in equilibrium, symbiosis, and interdependence (Thompson et al. 2011, p. 414). Figure 5.2. presents the ecological model of solidarity as gleaned from the writings of Bishop Joe.

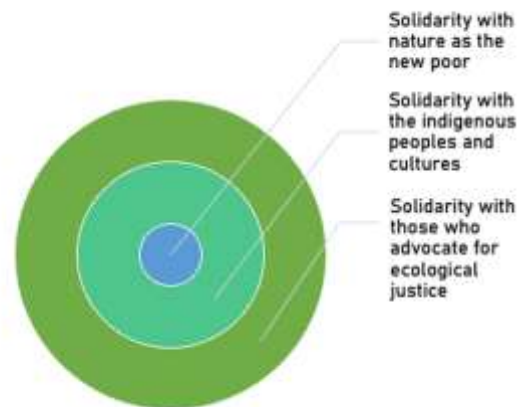


Figure 5.2. Diagram of the Ecological Ethic of Solidarity

With the increasing human footprint in ecosystems, human activities and practices must be considered in the ongoing discourses about biodiversity loss, climate crisis, environmental destruction on the one hand, biodiversity conservation and protection, local ecological knowledge, and environmental care on the other. When we come together to study environmental issues and concerns and work together to find viable and sustainable solutions to the problem, we can support one another. What will emerge from the connection and support is an ecological ethic of solidarity, which mirrors the interconnectivity and reciprocal interdependence of beings in the world (Thompson et al., 2011, 144).

In his beliefs and lived practice, Bishop Joe demonstrated that it takes a community of individuals with deep ecological consciousness to speak for nature. Bishop Joe's environmentalism is how he lives out his Christian praxis, love thy neighbor. But who is thy neighbor? In his writings, sermons, and campaigns, it is very clear that Bishop Joe regarded the *Subanon* and the *Lumad* as his neighbors. They journeyed with him in various campaigns, the

members of environmental groups in Mindanao that oppose large-scale mining and other environmentally-destructive activities.

The ecological model of solidarity rests in recognizing the intrinsic value of the natural world and the indigenous peoples whose ideas of land, community, and life are intimately bound to the rhythms of the more-than-human world. Without this fundamental Gestalt shift, it would be difficult to regard ourselves as part of the more-than-human world. It would be challenging to see its current state and how our actions, individually and collectively, have rendered the Earth unable to sustain life that thrives and flourishes. In one of the anecdotes about Bishop Joe's radical environmentalism, he would get red-hot furious whenever he would see someone burning leaves. This reaction is unusual because burning dried leaves is a common practice! But, he abhorred that because, for him, burning leaves could destroy the ozone layer.

When extended to nature, the Christian praxis is a deep and abiding love towards it so that its well-being and flourishing would be a primary concern and occupy a faithful's heart. The relationship that results from this is symbiotic, wherein each other bestows care and loving attention. In a personal interview, Bishop Joe illustrates this interrelatedness in the analogy of a farmer and the land (2019):

When a farmer uses gloves and rubber boots when they till the soil, they deteriorate as the gloves and boots are worn down because they are foreign and cannot connect to the Earth. So, since they are not related, they cannot help each other grow and develop. But, when a farmer uses their bare feet and hands in tilling the soil, what do we notice? Kalyo or corns on the palms and

soles thicken, which can prevent a farmer's hands and feet from wounds whenever they accidentally grab or step on sharp objects.

For Bishop Joe, ecological solidarity must develop into a community consciousness that regards members as thoroughly embedded in their ecological communities. Such is akin to Eckersley's (1992) ecocentric approach to environmentalism that views creations as formed by environmental interrelatedness. In other words, we need each other. Just as ecological communities nurture and nourish us, they also need our help and respect.

6. Conclusion

The inclusion of Bishop Joe in the list of Philippine environmental heroes recognizes his commitment to advocating for the causes of the indigenous people, the environment, and the Catholic faith communities in Mindanao. *Rappler*, an independent online news journal in the Philippines, hailed Bishop Joe as one of the heroes for the environment in 2015 (Dulce, 2015). The article highlights Bishop Joe's decades-long resistance to mining and deforestation in the Zamboanga Peninsula:

Once in an interfaith pilgrimage to Mt Canatuan, Bishop Manguiran laid himself prostrate on the ground for a minute of silence and planted his Bishop's staff on the ground afterward. He said this was his prophetic plea for God's intervention in the attacks against Zamboanga's lands and people. (Dulce, 2015)

Bishop Joe created a legacy of deep environmentalism for the new generations of the Catholic clergy to emulate. The Social

Action, Justice, and Peace Ministry of the Diocese of Dipolog continues the work that Bishop Joe started. At present, the ministry members are in the far-flung barrios in the diocese, giving seminars and training to farmers on the use of organic farming and fertilizers. Fr. Leo shares a part of his telephone conversation with Bishop Joe recently: "When he proudly and excitedly told me to go to Bukidnon so that he could show me all his forty-three (43) species of the *Balete*. We continued talking and laughing, and he said these exact words: Care for the environment is not an option but an obligation" (Dagpin, 2021, personal communication). These words capture Bishop Joe's postcolonial ecological model of solidarity because the activity of caring springs forth naturally from those whose deepening ecological consciousness enabled them to work for the flourishing of life and communities.

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Attributes and Performance of Lupong Tagapamayapa towards Strengthening the Katarungang Pambarangay Operations in the Caraga Region

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Abstract

The study talks about the Katarungang Pambarangay or KP and its implementing arm, the Lupong Tagapamayapa in the Caraga Region. According to Republic Act 7160 (Local Government Code of 1991), it is one of the basic services and peacekeeping mechanisms of the barangay which operates through the execution of restorative justice, a type of criminal justice that focuses on the harmful effects of offenders' actions and actively involves victims, offenders, and the community in the process of repair, reconciliation, and rehabilitation (Van Ness and Strong, 2010). The KP serves as a quasi-judicial court that caters to cases that are punishable by imprisonment not exceeding one year or a fine not exceeding five thousand pesos, and subject to an amicable settlement (Silliman, 1985). It promotes speedy administration of justice that decongests the courts from cases and preserves and promotes the Filipino culture of resolving disputes (Ombudsman, 2017). It settles disputes at the local level before they can escalate to a higher level and create more conflicts in the community. By implementing such a mechanism, the KP helps in the maintenance of peace and order in the locality by way of restorative justice which contributes to much larger peacebuilding efforts of the government and the community. The study utilized a combination of quantitative and qualitative research designs. Likewise, it employed both multi-stage and purposive non-probability sampling techniques. Its findings revealed that the Lupons of the Caraga Region have good attributes. They value their significance to the community. Most of them are compliant with the mandates of the law. However, some mandated processes and functions need further strengthening and compliance. And as an output of the study, there is a proposed Strengthening Framework for the Lupons that will serve as a guide for them to adequately perform their mandated functions and processes.

Keywords: Restorative justice; Peace and order; Local Government Code; Amicable settlement; Baranga

1. Introduction

The barangay is the fundamental political and primary unit of the Philippine Government. One of its essential services is the maintenance of the Katarungang Pambarangay or KP (Santiago, 2015) which applies the traditional methods of conciliation at the barangay level (Silliman, 1985). In the delivery of this government service, the Lupong Tagapamayapa (Lupon) serves as the implementing arm that administers the operations of the KP according to Republic Act 7160 or the Local Government Code of 1991 (LGC of 1991). Hence, by all means, the barangay with its Lupon, adhere to the principles of restorative justice where its primary goal is to hold the offender accountable for the harm that he/she has caused, and also to focus on accepting responsibility making reparations, answering questions, and finding peace and order (Van Ness and Strong, 2010). Therefore, the study was basically anchored on the principles of restorative justice theory.

The LGC of 1991 stipulated that each barangay shall create a Lupong Tagapamayapa composed of the Punong Barangay as the Chairperson, ten (10) to twenty (20) members coming from the community, and the Barangay Secretary concurrently acts as the Lupon Secretary. They are the first-hand initiator of restorative justice. On the other hand, the two parties involved in the case are called complainant/s and respondent/s. At their level, they apply restorative justice theory by emphasizing to the two conflicting parties that the goal of the Katarungang Pambarangay in the reparation of the harm caused or revealed by criminal behavior shall employ the restorative justice principles. This means that the settlements of cases shall be amicable and shall restore the original relationship and harmony of the two conflicting parties of the community. The Lupon sees to it that the two parties shall come up

with a mutual resolution/agreement to the case filed before them. Further, the Lupon shall also emphasize that the settlement of cases at the KP level is much different from the higher courts which employ the retributive justice principle which is based on punishment (Van Ness and Strong, 2010).

Moreover, a Lupon member can be any person who is residing or working in the barangay, not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, and a sense of fairness. The constitution of the Lupon is changed every three (3) years (Santiago, 2015).

The Lupons in the Caraga Region experienced problems regarding the implementation of restorative justice which affects their performance. According to the DILG-Caraga Functionality of Lupon Tagapamayapa Report (2017), there were concerns on Lupon functionality that connote their performance despite the capacity development activities, awards, and incentives provided to these Lupons. Out of 1,311 Lupons, there were 182 that were non-functional and 408 semi-functional per criteria on the functionality set forth by the DILG under Republic Act 7160. Furthermore, among the common issues and concerns raised during the Lupon-related training and seminars conducted were on Lupon performance and their adherence to the KL Law in handling and resolving cases (DILG Activity Report, 2015).

The lack of familiarity with KP Law had driven the residents to immediately file cases in the regular courts and other government offices without passing through the barangay first (Ombudsman, 2017) which contributed to the issues on the Lupons. Likewise, recurrence of resolved Lupon cases and non-compliance of the settlements form part of the problems on Lupon performance (DILG LTIA Annual Entries, 2017). Thus, there was a disparity in the

KP performance and the support on capability development as discovered by the researcher.

Henceforth, the study focused on selected Lupong Tagapamayapa in the Caraga Region. It covered the four (4) LGU classifications, namely Highly Urbanized Cities (HUC), Component Cities (CC), 1st to 3rd Class Municipalities, and 4th to 6th Class Municipalities where restorative justice is best applied and as such, the existence of Lupons in every barangay is deemed necessary considering the three fundamental principles governing the implementation of restorative justice in the processes and systematic reform (Van Ness and Strong, 2010).

Furthermore, the researcher has not come across a study that dealt with the attributes and performance of the Lupons in adherence to the KP Law which promotes restorative justice in the entire Caraga Region. This study is one of a kind in that it will craft a framework for Katarungang Pambarangay operations in the region in such a way that the Lupon can become a strong force towards the implementation of restorative justice. Besides, the study can provide a picture of the contribution of the Lupong Tagapamayapa to the settlement of cases. The filing of cases should be at the municipal or Regional Trial Courts. This causes so many burdens to a minimal number of presiding judges and government prosecutors. Likewise, this research was also envisioned to generate a framework that aims to serve as the basis and guide in strengthening the Lupons, increasing competitiveness in getting local, regional, and national commendations, and sustaining the operation of the KP in the Caraga Region.

It also hopes to share its output which is the “Proposed Strengthening Framework for Katarungang Pambarangay Operations in the Caraga Region” to all the Lupons not only in Caraga but also in other parts of Mindanao, to those who would like

to become a Lupon member, to those who would like to support the Lupons, and to all peace advocates who continuously support and advocate the keeping of peace and order in their localities through restorative justice.

2. Methodology

The study is guided by a research paradigm (please see Figure 1). The paradigm contained the key factors and variables related to the study, namely, the Attributes of the Lupons; Support and Capability Development; Performance of the Lupons; their Problems Encountered and their Best Practices which encompass the maintenance of peace and order through restorative justice. The results of the study opted to produce a proposed framework to strengthen KP operations in the Caraga Region.

The LGC of 1991 stipulates the mandatory processes, functions, and roles of the Lupon in the operation of the Katarungang Pambarangay. The law specifies that the basis for the performance of the Lupon shall be on resolved cases either through mediation, conciliation or arbitration which are all anchored to restorative justice theory. Wherein the results of these resolved cases could either be executed by the Lupon or repudiated by any of the concerned parties (Santiago, 2015).

The framework highlights the provisions of the said law, specifically the Lupon attributes, the support and capability development provided to them by different sectors and the performance of the Lupon towards handling and resolving of cases. All of these factors would lead to the expected outcome of the Katarungang Pambarangay which is the maintenance of peace and order at the local level by repairing the relationship of the people through the execution of modalities of settlement anchored

on restorative justice principle. It is by coming up with an amicable settlement of cases filed before the Lupon by the concerned parties (Santiago, 2015).

The various attributes of the Lupon Tagapamayapa are stipulated in the LGC of 1991. The study explored the profile, processes, strategies, functions, and self-ascription of the Lurons in the Caraga Region. Specifically, it investigated the profile of the Lupon in terms of membership and educational attainment, number of years functioning as Lupon Tagapamayapa, and their funding and incentives (Santiago, 2015).

Moreover, the Lurons are clothed by the law with processes and strategies to carry out their functions. These processes and strategies include filing and recording of cases, resolution of cases filed between the concerned parties using the modalities of the settlement, and the execution of settled cases or if unsettled or repudiated, there shall be an issuance of certification in filing the case to the proper court. The Theory on Restorative Justice served as the guiding principle in the execution of these mandated functions considering that the goal of the Katarungang Pambarangay is amicable settlement (Mosquito, 2011). This simply means that the KP shall settle the cases filed before the Lupon by way of restoring the relationship of the two aggrieved parties through coming up with a resolution mutually agreed upon by the concerned parties. Henceforth, the KP Law, which created the Lupon, anchors on the concept of Restorative Justice Theory. The theory gives the connection between the Lupon and the performance of their mandated functions particularly the amicable settlement of cases filed under their jurisdiction.

The study also explores the different support and capability development provided by the national and local governments, non-government organizations and other private individuals. Notably, it

looked into the support offered by the government considering that it was a mandate of the law (Santiago, 2015).

According to Santiago (2015), the settlement of cases filed under the Lupon could be in three modalities, namely: mediation, conciliation, and arbitration and it takes a lot of wisdom, patience, and understanding in the execution of these modalities (Cuy, 2017). The application of these modalities of settlement is already a concrete example of the application of restorative justice theory in the operations of the Lupon. Corollary to this, mediation takes place at the level of the Punong Barangay as the Chairperson of the Lupon. He is given fifteen (15) days to mediate the case. In the instance that the Lupon Chairperson fails to settle the case, he shall then form the Pangkat to perform the second mode of settlement which is the conciliation. The Pangkat is composed of three (3) members out of the regular Lupon composition, and they have another fifteen (15) days to resolve the case. If the case is still not yet settled after the lapse of the fifteen (15) days, the Pangkat has an extension of another fifteen (15) days to work on the matter.

Lastly, the application of arbitration as the third mode of the settlement could be at any stage of the proceedings as to agreement by both parties that they shall abide by the arbitration award/decision of either the Lupon Chairperson or the Pangkat. The Lupon is given a maximum of sixty (60) days to resolve the case filed before them, utilizing the three modes of settlement, and when there is a failure to do so, the case could be elevated to the court by the concerned party.

Further, the law also provides that the cases settled in any of the three modes of the settlement could result in two ways, and it could be either execution or repudiation. According to Santiago (2015), the enforcement of amicable settlement may be implemented by the Lupon within six (6) months from the date of

the agreement. After the expiration of such a period, the enforcement of settlement may be done by the appropriate court. On the other hand, any party to the case may, within ten (10) days from the date of settlement, repudiate the same by filing within the Lupon Chairperson a statement to that effect sworn to before him stating that such an agreement is with fraud, violence, or intimidation. Such repudiation shall be a basis for the issuance of the Lupon of certification for filing the complaint to the proper court.

The concept of Performance Management Theory of Cokins (2004) was utilized to determine the factors on Lupon performance towards the execution of their mandated functions as well as the attainment of their desired goal which is the promotion of peace and reconciliation in the barangay through restorative justice (Mosquito, 2011). The theory takes into account that the performance management of the Lupons correlates to the quality of services they provide in handling and resolving of cases in their localities. Hence, the theory gives the study the guidance and direction in the assessment of the attributes and performance of the Lupons as well as on the attainment of the desired outcome of the law.

Just like any government or non-government organizations, there could always be a possibility of having a problem along its operations. Thus, this study also studied the difficulties encountered by the Lupons in the exercise of their functions as well as their ways and means of handling and resolving such problems. In like manner, the Lupons experienced difficulties in the discharge of their duties and responsibilities. They also serve to the best interest of the public as they have rendered their best practices.

Henceforth, the attributes and performance of Lupong Tagapamayapa towards strengthening the Katarungang

Pambarangay operations in the Caraga Region include all the variables as to attributes of the Lupon, support and capability development and performance of the Lupon. It also determined the problems as well as its best practices which are contributory factors towards the attainment of the desired outcome which is peace and order through restorative justice (Mosquito, 2011). The achievement of the said outcome can be possible through community partnership and cooperation which are elements of restorative justice theory.

The desired outcome which is peace and order in the paradigm of the study can be found in the lower part of the funnel as this has been sanitized considering all factors attributed to the Lupons as mentioned above. The cases are properly sanitized first at the barangay level before reaching the proper court. This mechanism helps in reducing the problem of clogging of cases at the court that resulted in the delay of case resolution (Mosquito, 2010). These variables are determinants for the possible development of the proposed Strengthening Framework for the Katarungang Pambarangay operations in the Caraga Region.

The following part shows the diagram that illustrates the research paradigm of the study.

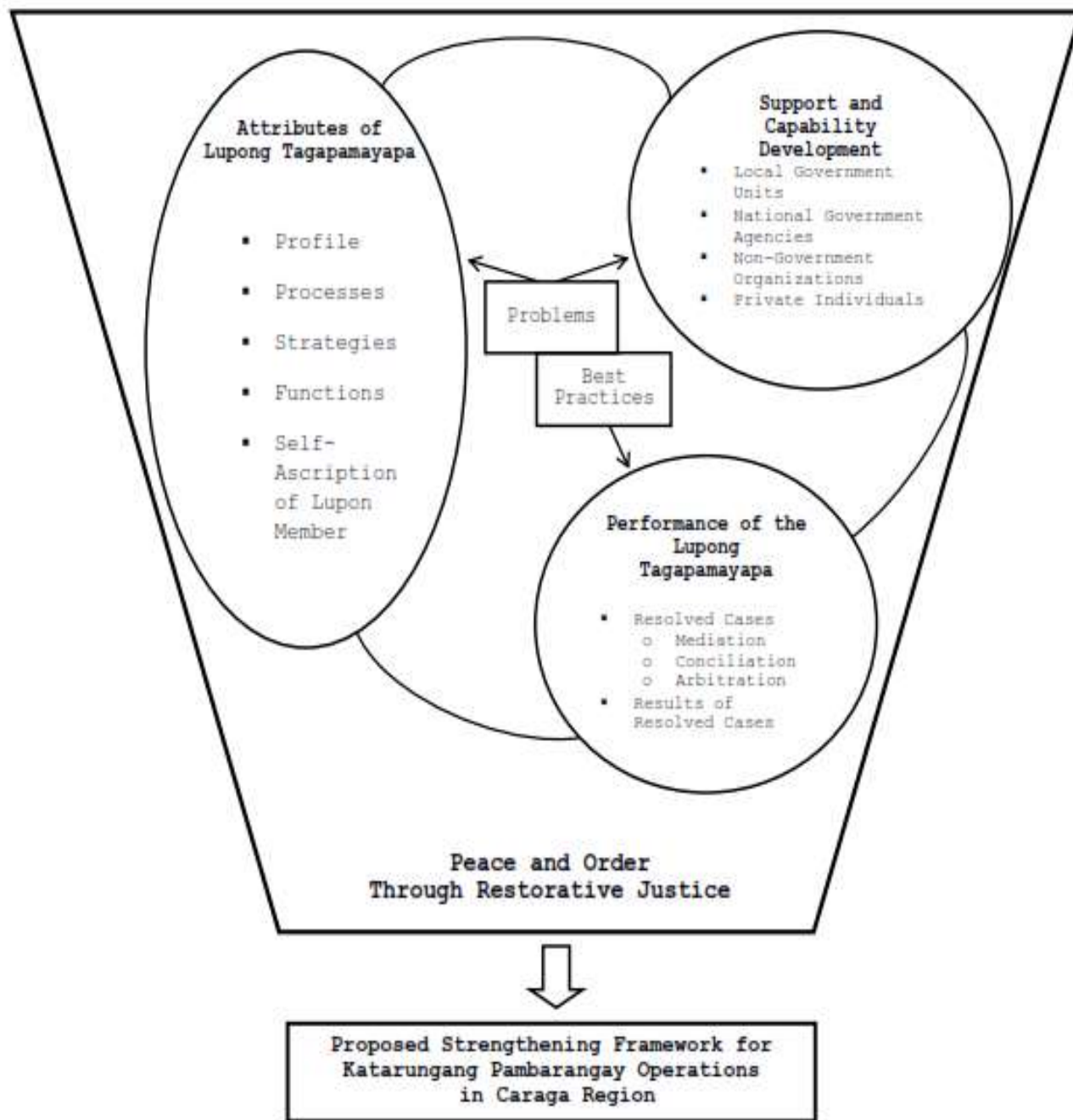


Figure 2.1. Research Paradigm

The Research Instrument is a six-part self-made and structured questionnaire validated by a retired City Prosecutor/Vice-Chairperson of the Lupong Tagapamayapa Incentives Awards (LTIA) of Butuan City, and DILG-13 Regional Director/Chairperson of the LTIA Caraga Region. It is also pretested to a Lupon in Butuan City. It yielded a result of 0.88 which showed that the instrument is reliable. It contained quantitative and qualitative parts that captured the necessary data for the study.

The study determined the attributes and performance of the Lupong Tagapamayapa of the Caraga Region in the implementation of the Katarungang Pambarangay Law. Specifically, it sought answers to the following:

1. What is the attribute of the Lupong Tagapamayapa in the Caraga Region in terms of profile, compliance with mandated processes, implementation of self-formulated strategies, and conformity to mandated functions?
2. How do Lupon members describe themselves in the discharge of their functions?
3. What are the support and capability development received by the Lupong Tagapamayapa from the Local Government Units (LGUs), National Government Agencies (NGAs), Non-Government Organizations (NGOs), and Private Individuals?
4. What is the performance of the Lupong Tagapamayapa in terms of resolved cases through mediation, conciliation, and arbitration, and the results of these resolved cases?

5. What are the problems encountered by the Lupong Tagapamayapa in the operation of the Katarungang Pambarangay?
6. What are the best practices in the settlement of cases through restorative justice?
7. What framework may be developed to strengthen the Katarungang Pambarangay operations in the Caraga Region?

The research environment was in selected barangays in the different municipalities of the five provinces and in six cities of the Caraga Region. It adhered to the research protocol of identifying an adequate sample of a minimum size of at least 10% of its population. The Lupon Chairpersons, members, and secretaries are the respondents since they are the persons in authority that could provide the necessary information and data. A total of 130 Lurons were selected as the respondents and participants of the study (please see Table 1).

Table 1. Profile of Respondent Lupons in Caraga Region

Province/ Highly Urbanized City	Lupong Tagapamayapa						Total
	In terms of Barangay Classification (based on PSA Records)		Total	In terms of Functionality (based on DILG Criteria)			
	No. of Rural Brgys.	No. of Urban Brgys.		No. of Brgys. with Functional Lupon	No. of Brgys. with Semi-Functional Lupon	No. of Brgys. with Non-Functional Lupon	
Agusan del Norte: 1 component city 6 municipalities	16	9	25	25	0	0	25
Agusan del Sur: 1 component city 6 municipalities	16	9	25	8	12	5	25
Dinagat Islands: 6 municipalities	16	8	24	7	13	4	24
Surigao del Norte: 1 component city 6 municipalities	17	8	25	22	3	0	25
Surigao del Sur: 2 component cities 6 municipalities	17	9	26	10	10	6	26
Butuan City: 1 highly urbanized city	0	5	5	3	1	1	5
GRAND TOTAL							130

The study employed multi-stage and purposive sampling techniques. It is multi-stage sampling because it considered all the provinces, cities, municipalities, and barangays of the Caraga

Region in the selection of the samples. It also utilized a non-probability purposive sampling technique considering that the researcher applied the criteria as the purpose of determining the samples. The criteria which served as the purpose were income classification of local government units and categorization of barangay either rural or urban based on the data from the Philippine Statistics Authority (PSA), and the functionality of the Lupons based on data from the Department of the Interior and Local Government (DILG). Likewise, the proximity of the area also served as one of the determining factors in deciding the number of participants to be included.

The study utilized a mix of quantitative and qualitative research designs. The quantitative part dealt with the attributes of the Lupons while the qualitative portion dealt with their self-ascription, problems, best practices, Lupons' perspective about themselves, the problems encountered during the discharge of their duties and responsibilities, and the best practices in the settlement of cases.

For the goal to have both qualitative and quantitative form of research, the first step was to craft a questionnaire based on the identified problems of the study and about the provisions of Republic Act 7160 (LGC of 1991). Next, the researcher sent a request letter to the Regional Director of the DILG Region XIII (Caraga) indicating the purpose of the study. The attachment of the questionnaire was for the advance copy and reference. After the approval of the letter, there was the conduct of focus group discussions (FGD) and interviews with the selected respondents in their respective localities. During the FGD, there was a brief orientation first, and then the answering of the questionnaire and the discussion proper followed.

After the conduct of the FGDs was the transcription of the recorded information. If there was a need for follow-up interviews, this was done accordingly. Finally, the last part of the data gathering is the tabulation and encoding of the reviewed information/data.

The study obtained the percentage of the different categories over the total members to facilitate the analysis of the data for the profile of Lupon membership and educational attainment. The establishment of the mean range was to measure the Lupon compliance to the mandated processes and functions and implementation of self-formulated strategies (Table 2).

Table 2. Metric to measure the Lupon compliance to self-formulated strategies

<u>Rating Scale</u>	<u>Mean Range</u>	<u>Verbal Description</u>	<u>Interpretation</u>
			All the necessary processes and functions have complied, and all the essential self-formulated strategies have implemented the following:
4	3.26 – 4.00	Very Good (VG)	Within 15 days upon filing of the case.
3	2.51 – 3.25	Good (G)	Within 30 days upon filing of the case.
2	1.76 – 2.50	Fair (F)	Within 45 days upon filing of the case.
1	1.00 – 1.75	Poor (P)	Beyond 45 days upon filing of the case.

For the open-ended questions, responses were tallied and considered those frequencies of 500 and above as common concerns among the Lupons in the region. The qualitative data were analyzed and processed based on the discussions and reflections as well as the experiences shared.

Moreover, the study adhered to and considered some ethical considerations as one of the conventional protocols and procedures of conducting research. The respondents and other concerned stakeholders were adequately informed on the purpose of the study through formal communication as well as "informed consent". The confidentiality of the data and information was respected and kept for academic purposes only. The study also adhered to Republic Act No. 10173 otherwise known as Data Privacy Act, an act protecting individual personal information and communications systems in the government and the private sector. It utilized weighted mean, frequency, and percentage as statistical tools.

3. Results and Analyses

The Attributes of the Lupong Tagapamayapa in the Caraga Region.

As to the attributes of the subject Lupons of Caraga Region (please see Table 3), most of the Lupon members were members of the Lupong Tagapamayapa for more than three (3) years. They are predominantly high school and college graduates with regards to their educational attainment. All these Lupon groups existed for more than ten (10) years with an annual budget from P20,000 to P100,000 and above. Most of them are receiving a monthly honorarium between P100 to P3,000, and the primary source of their funds is the barangay government.

As to mandatory processes, the majority of the Lupons had very good compliance. However, some procedures require further compliance. As to Lupon strategies, the majority of the Lupons had a very good implementation of various strategies that helped them in reaching an amicable settlement of the filed cases. Lastly, as to Lupon functions, the majority of the respondents had very good compliance with the mandated functions except for the regular conduct of the meeting of which some of them complied minimally.

Point of View of Lupon Members in the Discharge of their Functions in the Lulong Tagapamayapa.

The Lupon members in the Caraga Region view themselves in the discharge of their functions as Mediator/Conciliator, Peacemaker/ Peace Promoter, Person of Good Moral Character, and Public Servant (please see Figure 3.1). These things connote their significance in peacebuilding.

Table 3. Distribution of Lupon Members in Caraga Region in terms of Membership and Education Attainment

Number of Years as Lupon Member														
Years	ADN		ADS		PDI		SDN		SDS		BXU		Total	%
	f	%	f	%	f	%	f	%	F	%	f	%		
< 3 yrs	85	34	30	12	67	28	43	17	52	20	13	26	290	22
3-6 yrs	103	41	108	43	113	47	157	63	86	33	24	48	591	46
7 yrs & above	62	25	112	45	60	25	50	20	122	47	13	26	419	32
Grand Total	250	100	250	100	240	100	250	100	260	100	50	100	1,300	100
Highest Educational Attainment														
Level	AND		ADS		PDI		SDN		SDS		BXU		Total	%
	f	%	f	%	f	%	f	%	f	%	f	%		
Elem. Grad	40	16	0	0	0	0	17	7	0	0	0	0	57	4
High Sch. Level	25	10	32	13	43	18	62	25	39	15	17	34	218	17
High Sch. Grad	110	44	70	28	63	26	25	10	65	25	4	8	337	26
College Level	42	17	80	32	38	16	70	28	44	17	5	10	279	21
College Grad	22	9	63	25	84	35	63	25	99	38	16	32	347	27
MA Level	3	1	0	0	0	0	7	3	0	0	2	4	12	1
MA Grad	3	1	5	2	7	3	3	1	0	0	5	10	23	2
Other Degrees	5	2	0	0	5	2	3	1	13	5	1	2	27	2
Grand Total	250	100	250	100	240	100	250	100	260	100	50	100	1,300	100

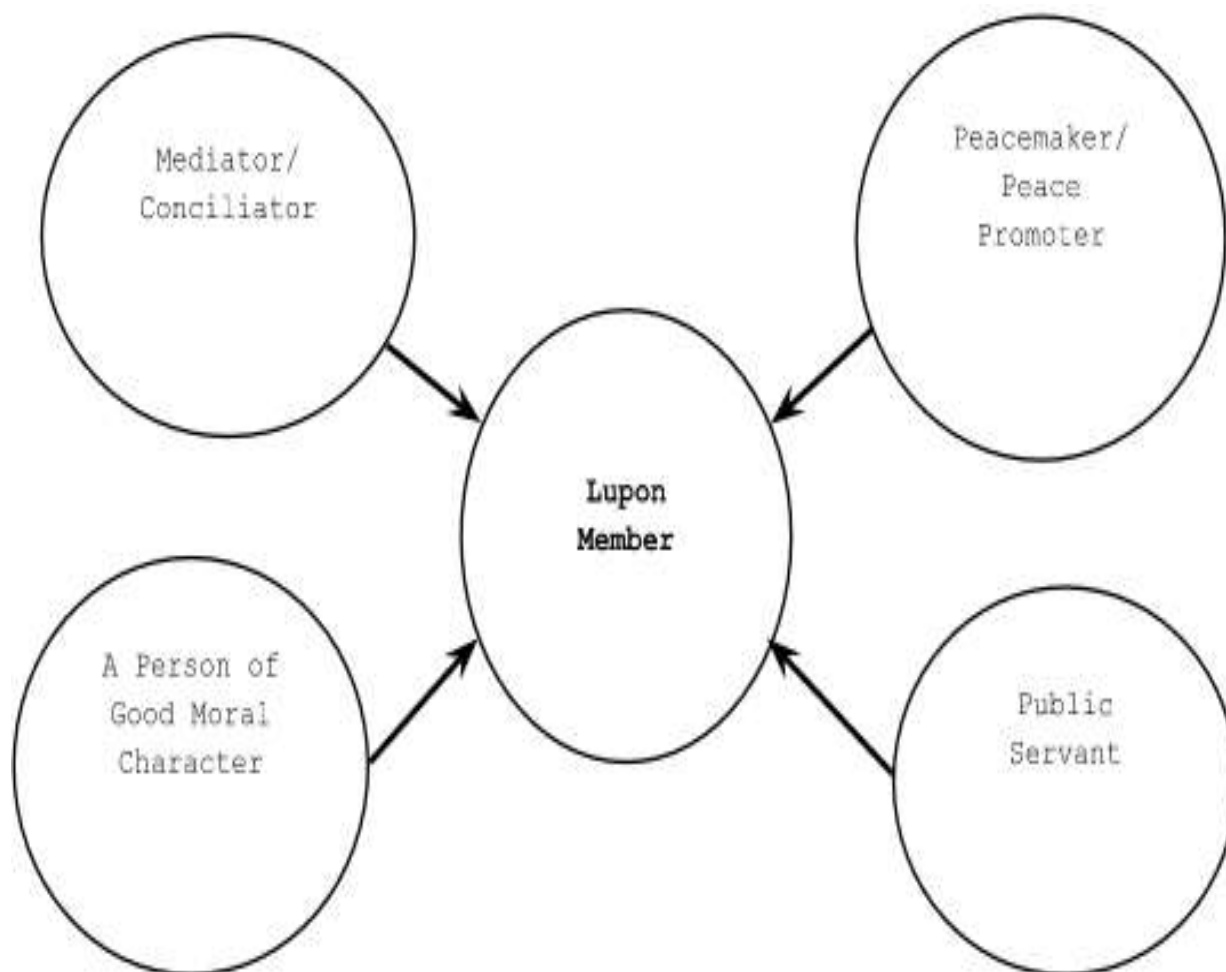


Figure 3.1. Thematized Point of View of Lupon Members on the Discharge of their Functions

Support and Capability Development Received by the Lupon Tagapamayapa.

The barangay government mainly provides the Lurons of the Caraga Region with different types of support, namely: financial/monetary, training/seminars, office facilities and supplies, and support to Katarungang Pambarangay related programs and projects of the barangay government.

On the Performance of the Lupong Tagapamayapa

The performance of the Lupons in terms of case settlement for the past three years (2015-2017) was very good considering that more or less 90% of the cases were settled amicably and only 10% were filed in court. The difficult cases to resolve mostly involved land conflict as mentioned by the Lupons. Majority of the resolution of cases was through mediation (please see Table 4). There is the execution of all the resolved cases, and no repudiation occurred. At the level of the Lupons, restorative justice theory is applied since it emphasized the reparation of the harm caused or revealed by criminal behavior, and restored the relationship among community members.

Further, as to the said theory, it is through cooperative processes that included all stakeholders like the complainants, respondents and the community members represented by the Lupon (Van Ness and Strong, 2010). Likewise, the two conflicted parties were able to settle their cases amicably and won each other's heart and restored their relationship over their conflicts as reflected in the agreements they signed at the end of the proceedings. This connotes the achievement of restorative justice theory in the operations of the Lupon. Most cases did not reach the higher courts, hence the achievement of the KP objective.

Table 4. Number of Cases From Selected Lupons of Caraga Region in the Past Three Years (CYs 2015-217)

P/ HUC	Total Number of Cases filed				Total Number of Settled Cases										%
	CR	CV	O	Total	M			C			A			Total	
					CR	CV	O	CR	CV	O	C R	C V	O		
CY 2015															
ADN	225	158	16	399	127	103	11	79	45	0	0	0	0	365	91.48%
ADS	117	155	15	287	72	77	9	30	63	0	0	0	0	251	87.46%
PDI	69	83	6	158	63	62	4	0	14	0	0	0	0	143	90.51%
SDN	122	79	9	210	81	48	9	34	28	0	0	0	0	200	95.24%
SDS	142	167	13	322	129	117	12	32	29	0	0	0	0	319	99.07%
BXU	334	273	0	607	269	217	0	49	35	0	0	0	0	570	93.90%
GT:	1,009	915	59	1,983	741	624	45	224	214	0	0	0	0	1,848	93.19%
CY 2016															
ADN	163	152	16	331	113	106	14	36	32	0	0	0	0	301	90.94%
ADS	119	106	8	233	85	74	5	20	20	0	0	0	0	204	87.55%
PDI	75	96	5	176	63	76	5	3	1	0	0	0	0	148	84.09%
SDN	106	85	7	198	86	75	5	16	8	0	0	0	0	190	95.96%
SDS	130	185	9	324	99	131	3	14	40	0	0	0	0	287	88.58%
BXU	304	249	0	553	232	184	0	54	36	0	0	0	0	506	91.50%
GT:	897	873	45	1,815	678	646	32	143	137	0	0	0	0	1,636	90.14%
CY 2017															
ADN	141	140	7	288	101	99	6	28	35	0	0	0	0	269	93.40%
ADS	89	111	11	211	71	79	7	5	20	0	0	0	0	182	86.26%
PDI	96	75	9	180	76	51	5	9	8	0	0	0	0	149	82.78%
SDN	113	75	8	196	85	59	8	17	15	0	0	0	0	184	93.88%
SDS	109	184	9	302	95	137	9	10	33	0	0	0	0	284	94.04%
BXU	462	202	10	674	344	145	0	77	49	0	0	0	0	615	91.25%
GT:	1,010	787	54	1,851	772	570	35	146	160	0	0	0	0	1,683	90.92%
GRAND TOTAL FOR 3 YEARS				5,649										5,167	91.47%

***Legend:**

P/HUC – Province/Highly Urbanized City

ADN – Province of Agusan del Norte

ADS – Province of Agusan del Sur

PDI – Province of Dinagat Islands

SDN – Province of Surigao del Norte

SDS – Province of Surigao del Sur

BXU – City of Butuan

M – Mediation

C – Conciliation

A – Arbitration

CR – Criminal

CV – Civil

O – Others

GT – Grand Total

Problems Encountered by the Lupong Tagapamayapa in the Maintenance of the Katarungang Pambarangay.

The common problems encountered by the Lupons in the operation of the Katarungang Pambarangay are lack of skills training, lack of awareness on laws and knowledge on nature of cases, absenteeism of Lupon members during the hearing of cases, absent parties during the hearing of cases, improper archiving of cases/ maintenance of records, and lack of funds.

The best practices of Lupong Tagapamayapa in the settlement of the case through restorative justice.

The Lupong Tagapamayapa participants mentioned during the focus group discussion some of the best practices they have exercised as part of their discharge of duties and functions. They voluntarily conduct home visitation of both parties of the case before the actual date of hearing. According to them, this will be done for purposes of orienting both parties on the Katarungang Pambarangay and at the same time, of finding ways for amicable settlement. The conduct of home visitation is for them to promote peace to both parties, which as they all agreed, is one of their roles as peace promoters. They also mentioned that the community participates in the conduct of conflict resolution. The community, however, ensures the proper administration of procedures and processes entailed in settling conflicts and amicable solutions and compromises.

Other Lupons organized themselves as an association with the President, Vice President, Secretary, Treasurer, and Public Information Officer as governing officers. With this set of officers, the facilitation of pitching in and socialization can be timely and smooth. Usually, the Punong Barangay, who under the law is

mandated to act as the Chairperson of the Lupon, is already tied up with his other official duties and responsibilities, often barring him from attending to the needs of Lupon members. With the association, the President can immediately call for a meeting to address pressing issues and concerns encountered by the Lupon members.

The best practices help resolve cases according to the Lupon Tagapamayapa experience. They said they would continue doing the same for a more peaceful barangay and a more peaceful community to live in.

The Proposed Strengthening Framework for Katarungang Pambarangay Operations in Caraga Region.

The proposed strengthening or operational framework for Katarungang Pambarangay operations in the Caraga Region is based on the responses, shared experiences, information, and data from the selected Punong Barangays, Barangay Secretaries, and Lupon Members that comprised the 130 respondent Lupons in the Caraga Region (please see Figure 3.2.). It aims to serve as a basis and guide for the Lupon Tagapamayapa in strengthening the KP operations in the region towards the attainment of peace and order through restorative justice as its outcome (R.A. 7160/Local Government Code of 1991). The proposed framework will henceforth serve as a concrete basis and guide for sustainability of operations and provision of quality service of the Lupons. Compared to the old one, this framework captured the best practices and remedies on the actual problems encountered by the Lupons, and it emphasized that restorative justice is the fundamental principle for Katarungang Pambarangay.

The proposed framework describes that for the Lupons to

adequately perform and discharge their mandated functions and processes provided for by the law, they must have internal attributes. These attributes are appreciation of restorative justice, primary education, commitment to serve, skills and strategies, and external factors to include financial and non-financial support, capability development, and cooperation and support from the community. Specifically, the appreciation of restorative justice refers to the understanding of the Lupons on the significance of restorative justice towards the attainment and maintenance of peace and order in the community. Moreover, primary education refers to the minimum requirement of being at least an elementary graduate for them to have a better comprehension of the nature of cases filed before them and its underlying circumstances. According to the experience of the Lupons, those with higher educational attainment are most likely to be chosen by the complainant of the case to settle their disputes. Also, the commitment of the Lupon members in rendering services to the community was considered by the respondents as one of the best factors that strengthens the Lupon Tagapamayapa and sustains the maintenance of the Katarungang Pambarangay (KP). Commitment is critical because the Local Government Code of 1991 does not specify any compensation for Lupon services.

Moreover, the Lupons must acquire knowledge and skills on case settlement that utilizes the different forms of agreement, namely, mediation, conciliation, and arbitration. As such, they gain the trust and confidence from their clients. Likewise, they also need to have knowledge and skills in the execution of special laws that relate to the Lupon operations like mainstreaming policies on child-friendliness, gender-responsiveness, and culture and conflict sensitivity.

They Lupons should have strategies that could help them in

the resolution of the case provided for by Republic Act 7160 that stated that they shall exhaust all means to come up with an amicable settlement. One of the strategies is to conduct a brief KP Orientation before the hearing to ensure that the complainant and respondent know the purpose and significance of the KP. Home Visitation to both parties of the case is another strategy. The Lupon members visit the parties before the actual date of hearing to have an initial and casual talk about the case and the possible resolution of such matters. It could also serve as another venue for the Lurons to discuss to the parties the significance of KP. Another suggested strategy is the provision of a service vehicle to the parties (both the complainant and the respondent) to fetch them from their home to the Lupon Office and vice versa. It will help in ensuring that the parties can attend the hearing within the prescribed period of settlement most especially those with a problem in transportation. Another one is the call for recess or break during a heated argument during the hearing of the case. It is done to cool down the situation and the feelings of the parties as well as to prevent further disputes. Lastly, the inclusion of these strategies must be included in one of the agenda during Lupon meetings in order to have assessment and updates on the applicability and effectiveness of such approaches. It is likewise suggested to brainstorm for new innovative strategies that are suitable to Lupon operations.

The consideration of financial and non-financial support and capability development provided by the barangay government, city/municipal government, and the DILG is an essential factor that help the Lurons in the discharge of their functions and processes. This financial support could be in the form of honoraria, incentives, or a budget for the Katarungang Pambarangay related programs. It can either come from the barangay, the city/municipal government, or the DILG while the non-financial supports are office

facilities and supplies which can either be sourced from the barangay or the city/municipal government.

The capability development that the Lupons needed were continuous training, lakbay-aral (educational tour), and team-building activities coming from the three sectors (barangay, city/municipal government, and DILG). Similarly, the cooperation and support from the community in any form is the best factor in sustaining Lupon operations in the barangay because it can serve as an advocacy for Lupon's significant role in the settlement of cases. It is also a gesture of respect by the people to the Lupons as persons in authority.

By and large, there shall be regular monitoring and assessment by the DILG, the city/municipal, and the barangay government on the compliance of the Lupons to their mandated functions and processes. It is to ensure adherence to the provisions of the law and the achievement of the desired outcome which is peace and order through restorative justice. Monitoring and assessment can be done quarterly, semi-annually, or annually whenever it is practical as long as the objective is adequately achieved. The assessment can be in the form of incentive programs like the existing Lupon Tagapamayapa Incentives Award or the LTIA program of the DILG.

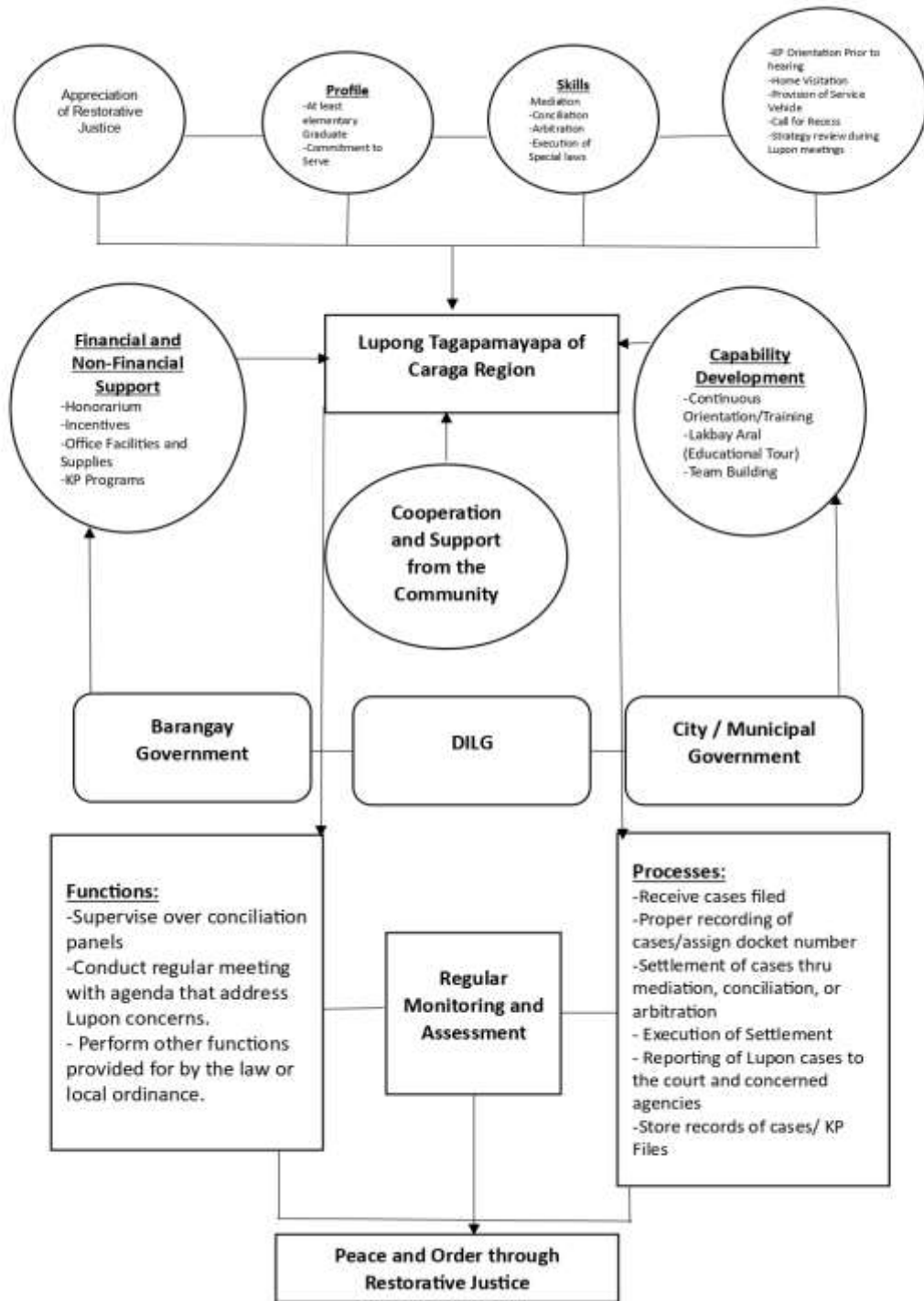


Figure 3.2. Proposed Strengthening Framework for Katarungang Pambarangay Operations in Caraga Region

4. Conclusion

The very good attributes of the members of the Lupong Tagapamayapa in the Caraga Region are a manifestation of the responsible constitution of the Lupon members by the Punong Barangay. It is a reflection on the proper guidance of the Department of the Interior and Local Government, and a depiction of the commitment of those appointed as Lupon members. They follow procedures, promote restorative justice by amicable settlement of filed cases, and serve to the best of their ability for the sake of peace and order through a climate of harmonious relationships among community folks.

The Lupon members understand their role in the Katarungang Pambarangay operation and find meaning in helping the barangay officials in the maintenance of peace and order in the community through restorative justice as a mechanism. As such, they view themselves as peacemakers/peace promoters, public servants, among others. They are able to understand that the entire operations of the Katarungang Pambarangay anchor on the restorative justice theory in action at the community level. Hence, the restoration of community relationship among its people through amicable settlement of disputes among aggrieved parties is a manifestation that restorative justice works at the barangay level.

The provision of monetary and non-monetary support by the barangay government unit, the DILG, and other sectors is a manifestation of adherence to guidelines by the offices concerned. Besides, their adherence is an acknowledgment that Katarungang Pambarangay plays a vital role in the maintenance of peace and order in the community. Hence, allocation of budget and other needs of the Lupon become spontaneous and a standard operating procedure for governing bodies.

The very good performance of the Lupons in terms of settlement of cases through restorative justice is an offshoot of the very good constitution of the Lupon, provision of support from different sectors, and understanding of the Lupon members of their role in the maintenance of peace and order in the barangay as well as collaboration with the community.

Due to limitations in budget and other logistical requirements for the efficient and effective operation of the Katarungang Pambarangay, the occurrence of problems becomes inevitable. But with optimism, joy, and fulfillment nurtured by the Lupon members and the strong sense of contribution to their respective barangays, the Katarungang Pambarangay operation will continue to exist. The Lupon will find means to strengthen their operation since they are convinced that they are rendering public service.

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Border controls as emergency measure against COVID-19: How can conflicts in the region be eased?

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Abstract

This paper looks into the disaster-conflict dynamics arising from the imposition of emergency measures in the Caraga Region against COVID-19. Specifically, it studies the relationship between disaster and conflict arising from the imposition of tightened regional border controls through lockdown between April-October 2020, as a means to prevent and contain the spread of the virus. This undertaking is unique in terms of its contribution to the existing literature on the legal aspects of disaster management, considering that the emergence of COVID-19 is a novel phenomenon not just in Caraga Region's context but on the national level as well.

The analysis on subject, regional border controls is grounded on the inherent police power of local governments to implement actions essential to the promotion of general welfare, as contemplated in Section 16 of the Local Government Code of 1992 (Republic Act No. 7160). This study then largely employs the grievances-opportunities-feasibility model used by Harris et al. (2013) in identifying and understanding the development of conflict in disaster contexts. It applies the said framework to Caraga's case to ascertain the nature of the conflicts that arose in the imposition of tightened regional border controls against COVID-19, and determine potential means as to how these conflicts can be eased in the event that similar disasters arise in the future.

Results of the study indicate that the implementation of said border controls as a means to contain the spread of COVID-19 in the region gave rise to conflicts, largely through the development of grievances on the part of negatively affected parties. Among others, the study recommends that in consideration of future disasters or pandemics, policymakers may need to consider deliberately establishing accessible channels where critical information may be conveyed to the public, and venues where conflicts resulting from grievances may be properly handled and addressed.

Keywords: COVID-19, Border Control, Local Governance, Pandemic Response

1. Introduction

Overview on borders

A border is a real or artificial line that separates geographic areas. Borders are political boundaries. They separate countries, states, provinces, counties, cities, and towns. A border outlines the area that a particular governing body controls. The government of a region can only create and enforce laws within its borders (Border, 2020).

Governments implement and protect their borders for several reasons. According to the Department of Homeland Security, the agency mandated to protect the United States' border integrity, cites that protecting borders is essential to security, economic prosperity, and national sovereignty (Border Security, 2020). In several international contexts, borders keep aliens from entering or citizens from leaving a country. For instance, countries such as North Korea, Myanmar, and Cuba rarely allow their residents to cross their borders.

Among others, borders also serve to protect resources. They provide the mechanism to allow entry into a certain jurisdiction particular specific goods and people who provide services that are either beneficial, not inimical, and lawful to the interests of those in the receiving area. Taking into account that there are three methods of entering a particular area, by land, sea, or air, and considering the number of people, vehicles and cargo entering the same, one will see the magnitude of the task of maintaining borders (Coleman, 2005).

Borders bring with them certain natural implications in times of disasters and calamities. In cases involving multiple countries, the Asia-Pacific Disaster Report 2015 released by the United Nations Economic and Social Commission for Asia and the Pacific

(UNESCAP) acknowledges that the impact of natural disasters often extends beyond the boundaries of a single country. This is explained further by McLean and Bas (2020) by citing that natural disasters such as cyclones, droughts, earthquakes, floods, landslides, volcanoes, or pandemics routinely have cross-border implications.

They further said that disasters with seemingly localized impacts contained within the borders of a given state may have indirect short-term or long-term effects on other countries through refugee flows, conflict spillovers, volatility of global commodity prices, disruption of trade relations, financial flows, or global supply chains (Conflict and Cooperation, 2020). Consequently, borders have the natural tendency to set conflicts into motion, or exacerbate existing ones, as people and movement flows are severely affected in times of disasters.

Conflict in general

Different groups of people often come into conflict when a problem cannot be solved, when values clash, or when there is ambiguity over ownership of land and resources. In their study on the effect of disasters on conflict, Harris et al. (2013) analyzed the various literature on the complex relationship between the two concepts. Aside from presenting that a significantly large majority of studies suggest that natural disasters ignite or exacerbate conflict, the study also concluded that conflict arises or is intensified in times of disaster due to the interplay of these three factors: grievances, economic opportunities, feasibility.

Under Harris et al.'s framework, grievances arise as resources become scarce, or imbalances between areas of scarcity and abundance become more pronounced. Meanwhile, disasters can also affect the distribution of economic resources, encourage the

appropriation of resources by some groups, and present opportunities for criminal activities which can lead to violence. Lastly, disasters may make insurrection easier by weakening or distracting the government apparatus or strengthening the legitimacy of rebel groups more feasible.

Not surprisingly, the Harris et al. study cited that the impact natural disasters have on conflict and stability can depend on the way a government responds to it.

Use of borders in the time of COVID-19

The onslaught of the Coronavirus disease 2019 (COVID-19) prompted governments to use borders as their means to control the spread of the virus. No less than United Nations Secretary General António Guterres highlighted in his speech on March 2, 2020 that states have closed their borders in order to suppress the destructive effects of the pandemic. Relatedly, the United Nations Commission on Human Rights called out to governments that while they have tightened controls at their borders in an effort to contain the spread of COVID-19, it is critical that such measures be implemented in a non-discriminatory manner, in line with international law, and prioritizing the protection of the most vulnerable (UN Commission on Human Rights, 2020).

In response to President Rodrigo R. Duterte's release of Proclamation No. 922, S. 2020, dated 08 March 2020, entitled "Declaring a State of Public Health Emergency Throughout the Philippines" and Proclamation No. 929, S. 2020, dated 17 March 2020, entitled "Declaring a State of Calamity Throughout the Philippines Due to Corona Virus Disease 2019", regional bodies in Caraga responded thereto through various means such as the establishment of border controls, among others. The said controls were contemplated to complement the general and enhanced

community quarantines (G/ECQ) implemented by the local government units (LGUs) in the region.

Recognizing that regional boundaries, being the primary regional entry and exit points, are the first line of geographical defenses against the threat of COVID-19, the Caraga Regional Task Force for COVID-19 One Caraga Shield (RTF-COCS)¹ issued the following resolutions:

1. Resolution No. 03, S. 2020, dated 25 March 2020, entitled "A Resolution Strengthening Caraga's Entrance and Exit Points Against Covid-19 through the Set-Up of Regional Boundary Checkpoints and Establishing Funds from the Local Government Units (LGUs) for the Implementation Thereof";
2. Resolution No. 08, S. 2020, dated 01 April 2020, entitled "A Resolution Establishing Total Lockdown Along the Regional Borders of Caraga Region While Maintaining Modified Community Quarantine Within the Region Effective Immediately"; and
3. Resolution No. 22, Series of 2020, "A Resolution Implementing General Community Quarantine (GCQ) Within Caraga Region, Lockdown Along its Regional Borders, While Extending the Enhanced Community Quarantine (ECQ) in Butuan City for the Period May 1 to 15, 2020."

¹ In a meeting held last March 25, 2020, by virtue of Resolution No. 01, S. 2020, "*A Resolution Creating the Regional Task Force Corona Virus Disease 2019 (COVID-19) to be Known as 'One Caraga Shield' and Instituting its Membership and Functions Thereof*", the Caraga Regional Development Council (RDC), Regional Peace and Order Council (RPOC) and the Regional Disaster Risk Reduction and Management Council (RDRRMC), as represented by their respective Chairpersons and key principal members, agreed to create the RTF-COCS to implement a region-wide, unified effort across LGUs against COVID-19.

The general intent of the abovementioned resolutions, the last two in particular, was to protect the Caraga Region from high-risk neighboring regions which have already recorded positive cases by the hundreds. At the time the said resolutions were passed, the region then registered zero confirmed cases of COVID-19. Notwithstanding, the said issuances considered the then prevailing Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) resolutions which classified certain categories of people, goods, and services into basic and essential, and thus should be allowed for movement across Caraga.

In effect, the rise of the COVID-19 pandemic prompted the region to place its borders on lockdown as a means for safety and precaution.

2. Statement of the problem

With the COVID-19 pandemic being novel in nature, the Caraga Region implemented various emergency responses in place. The list below enumerates the various methods through which the region countered the adverse effects of the health crisis, among others:

1. Implementation of general and modified community quarantines (G/MECQ) by LGUs;
2. Reduction or outright suspension in the operations of certain establishments;
3. Cancellation and suspension of various land, sea, and air transportation;
4. Restrictions in the movements of people related to their regular outdoor and work-related activities;

5. Cancellation of scheduled tourism-supported celebrations and related activities;
6. Establishment of minimum safety and health protocols;
7. Institutionalization of alternative work-from-home arrangements;
8. Implementation of the Social Amelioration Program (SAP) by the DSWD; and
9. Establishment of regional boundary checkpoints and tightening of the same.

Considering the region's putting in place various emergency measures to respond to the challenges brought about by COVID-19, this paper focuses on the tightening of Caraga Region's borders via lockdown from April 2020 until October 2020 as a means to prevent the spread of COVID-19. In particular, this paper attempts to shed light on the following questions:

1. Was the establishment of regional border controls and the tightening relative thereto a valid exercise of police power?
2. What were the nature of the conflicts that arose and how did they emerge?
3. How can these conflicts be eased in the event of future disasters?

The paper, in the course of answering these questions, also intends to classify the reported conflicts arising from the said regional border lockdown according to their attributes, and identify policy implications in preparation for future disasters.

The above-listed questions that this paper intends to answer are significant in that they will form part of literature in responding to potential conflicts arising from local disasters. According to the International Institute of Social Studies under the Erasmus University in Rotterdam, responses to disasters have changed considerably in recent decades. The same has moved away from reactive responses to disasters and towards more proactive attention to risk reduction². In doing so, this paper ambitions to contribute to existing literature in building the region's resilience against disasters.

Furthermore, this paper aims to add unique value to the existing written work on the legal aspects of disaster management. The emergence of COVID-19 pandemic is a unique and novel phenomenon in the Caraga Region's context. At present, there is a plethora of references for the region when it comes to crises resulting from typhoons, earthquakes, landslides but there is a remarkable scarcity of the same when it comes to pandemic or outbreaks.

To accomplish the above tasks, the paper adopts the all-inclusive definition of "disaster" as articulated by the International Federation of Red Cross and Red Crescent Societies (2020), such as: "A disaster is a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources."

3. Theoretical and Conceptual Framework

² International Institute of Social Studies (2020). *When disaster meets conflict*. Erasmus University (Rotterdam). Retrieved on 02 November 2020 from <https://www.iss.nl/en/research/research-projects/when-disaster-meets-conflict>.

The descriptive and qualitative approach employed to analyze the conflict dynamics arising from the region's establishment of regional border controls and its subsequent tightening largely relies on the integration of the following legal and research frameworks:

Legal framework

Section 13 of Article X in the 1987 Constitution provides that LGUs may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law. Relating such provision to the case at hand, the LGUs in the region as represented by their respective Provincial Governors and the Mayor of the Highly Urbanized City (HUC) of Butuan unanimously agreed that there was an urgent need to intensify measures to effectively safeguard the health and safety of Caraganons against COVID-19. At the time, the same was to be achieved by means of controlling the ingress and egress of both people and goods at the regional boundaries, through the set-up of border controls (i.e., checkpoints). In principle, the LGUs in the region saw the benefit of consolidating and coordinating their efforts to halt the potential spread of the virus right at their doorstep.

Accordingly, the said LCEs also invoked the General Welfare Clause enshrined in the Republic Act No. 7160 or the Local Government Code of 1991 to justify the actions taken by the RTF-COCS on the region's borders, to wit:

Section 16. General Welfare. – Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to

the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. (Emphasis by the author)

Taking altogether the constitutional and statutory provisions above, Caraga Region's implementation of tightened border controls through the agreement by and between the Provincial Governors and the Butuan City Mayor in order to promote the health and safety of Caraganons during the COVID-19 crisis is well within the autonomy of LGUs envisaged by the 1987 Constitution and RA 7160.

In view of the foregoing, it may be asserted that the said LGUs were exercising their police power as municipal corporations. In the case of *United States vs. Salaveria* (G.R. No. 13678, 12 November 1918), it was cited that not only does the State achieve its purposes through the exercise of the police power, but the municipality does the same. Like the State, the police power of a municipal corporation extends to all matters affecting the peace, order, health, morals, convenience, comfort, and safety of its citizens - the best and highest interests of the municipality.

Meanwhile, Richards and Rathbun (1999) discussed in their seminal paper the role of police power in attaining the desired outcomes in 21st century public health. They argued that the bargain that makes public health possible is that an individual must give up some personal freedom in exchange for the benefits of being in a civilized society. They also pointed out that for a disease control program that includes personal restrictions to survive a legal challenge, it must meet the following standards:

1. Address a real problem that poses a direct threat to third parties;
2. Develop a scientific control strategy;
3. Implement that strategy in the most effective way, with the least restrictions consistent with the resources available;
4. Evaluate the program periodically to show that it is working; and
5. Phase out the program when it is no longer epidemiologically sound.

Indeed, even the 1987 Constitution acknowledges that there are certain rights that may be derogated in the rightful exercise of police power. One of these is the right to travel which had been largely impinged by the region's set-up of tightened border controls³. Section 6 of Article III provides that "xxx Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law."

Research framework

³ Upon the implementation of the regional border lockdown, the region adopted the Philippine National Police's (PNP) list of authorized persons outside of residence (APOR), released on 17 April 2020, in identifying individuals who may be allowed to travel during the quarantine period.

According to a study conducted by the United Nations Development Programme (UNDP) in 2011, disasters and conflicts do not follow a simple logic of “disaster X leads to conflict Y” or vice versa. Each interface is a complex phenomenon in its own right and may present several different and potentially contradictory relationships between conflict and disasters. Furthermore, the case studies which the said UNDP paper assessed have shown that in specific contexts, disasters and conflicts were linked through common causes including poor governance, environmental mismanagement, migration/displacement and disaster/conflict-blind crisis responses (UN Development Programme, 2011).

Nevertheless, there is widely available literature linking disasters as a precursor of conflict. Peters et. al (2019) cited that generally, disasters have been found to increase the risk of civil conflict in the short and medium term in low- and middle-income countries. Xu et. al (2016) agrees to this observation by remarking that indirectly, disasters can result in social grievances and resource scarcities which can trigger social conflicts.

Border closures and travel restrictions were among the first measures most governments took to suppress the ill effects of the CoVID-19 pandemic. Within those borders, governments have introduced radical and sometimes costly measures to halt the spread of the virus, shutting down their economies, closing many areas of public life, and limiting domestic mobility (Rosert, 2020). In view of this, the region’s response by locking down its borders was in pace with those developments at the global stage.

In a study conducted by Wood et. al (2007), they investigated the capacity of internal border control to limit influenza spread in an emergent pandemic in the context of Australia. In particular, their study looked into simulating the effect of restrictions on internal travel, overseas travel, and economic imports to the spread

of influenza. Their results revealed that if combined with restrictions on overseas travel, restrictions on internal travel may have a role in pandemic control, even for major centers. However, the economic impact of restrictions in major centers could be enormous, with severe consequences for service and travel industries. As such, Woods et al. recommended that for policymaking purposes, the situation in which said restrictions might be most applicable for extended use is in the protection of small, relatively isolated centers. Interestingly, the interventions described in the study were very similar to those deployed in the Caraga Region throughout the duration of border lockdown only that the same were implemented over a large, contiguous area instead of small, relatively isolated areas.

Potential conflicts may also be creatively circumvented amidst the imposition of border lockdowns. In a case study featured by the Centers for Disease Control and Prevention, Namibia helped manage the potential conflict with its neighboring country Angola arising from the non-delivery of HIV medicines into the latter as a result of the former's border lockdown. Namibia, like many other countries, closed its borders to help prevent the spread of COVID-19 into communities. This caused many challenges, including preventing people with HIV in Angola from getting the care and treatment they would have usually accessed in Namibia. Healthcare teams in the regions bordering Angola quickly came up with a solution: to work with officials from the Ministry of Safety and Security at border posts to move medicines to the borders when patients could not get through. As a result, healthcare workers from the nearby clinics have been regularly visiting the official border crossing points and other newly established temporary sites. With the help of the police officers at the post, they collect the health passports from the Angolan patients and provide the necessary medicines (Centers for Disease Control and Prevention, 2020).

In 2013, Harris et al. (2013) looked into the risks associated with the nexus of natural disasters and conflict, among others. Their study found out that the weighing of available evidence suggests that natural disasters instigate or exacerbate pre-existing conflicts. In particular, the presence of the following factors, namely *grievances*, *economic opportunities*, and *feasibility*⁴, give rise or aggravate potential conflicts in an area in the following

Grievances can be deepened by natural disasters that increase resource scarcity or cause more acute imbalances between areas of scarcity and abundance. Grievances can also increase with the unequal distribution of ex-post humanitarian aid or ex-ante preventative/protective measures by governments or other agencies. Weak government responses to natural disasters can also contribute to conflict.

The disruption caused by natural disasters can present economic opportunities for criminal activity, while their impact on livelihoods can lead individuals to join armed groups. In some cases, though, good access to reconstruction aid can increase the opportunity cost of conflict.

The feasibility of conflict can also be changed by natural disasters, either by strengthening or weakening one side in a conflict directly or through the appropriation of aid. For instance, disasters may make insurrection easier by weakening or distracting the government's efforts or strengthening the legitimacy of rebel groups.

Taking into account the said factors for the purposes of policy making, Harris et al. assert that interventions aimed at reducing

⁴ The said study also finds that political opportunities for engaging in conflict can arise when disasters create a smokescreen for advancing political or military objectives (such as increasing military spending, deploying troops to sensitive areas, or manipulating aid to some groups over others).

natural disaster risk can have positive or negative effects on the dynamics of conflict. Conversely, interventions aimed at preventing conflict can have positive or negative effects on the likelihood and impact of natural disasters. The ideal scenario, therefore, is to have interventions that reduce the likelihood of natural disasters and conflict.

4. Research Paradigm

This paper considers the following frameworks in order to obtain answers to the questions identified in the study:

Police Power

Of the three fundamental powers of the State, the exercise of police power has been characterized as the most essential, insistent, and the least limitable of powers, extending as it does to all the great public needs. It may be exercised as long as the activity or the property sought to be regulated has some relevance to public welfare⁵.

Nevertheless, as cited in *National Development Company vs. Philippine Veterans Bank* (G.R. Nos. 84132-33, 10 December 1990) and *Planters Products, Inc. vs. Fertiphil Corporation* (G.R. No. 166006, 14 March 2008), police power must be exercised within the limits set by the Constitution, which requires the concurrence of a lawful subject and a lawful method. Thus, our courts have laid down the test to determine the validity of a police measure as follows: (1) the interests of the public in general, as distinguished from those of a particular class, requires its exercise; and (2) the means employed are reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals.

⁵ Cruz, I. (2007). *Constitutional Law*. Central Lawbook Publishers.

For the purposes of this study, this paper employs the above criteria in determining whether actions of local government units are a valid exercise of police power.

Disaster-Conflict Dynamics

In order to sift through the disaster-conflict dynamics at play upon the implementation and the tightening of the region's border controls amidst the health crisis, this paper largely undertakes the grievances-opportunities-feasibility model used by Harris et al. (2013) in identifying and understanding the development of conflict in disaster contexts. In their model, they assert that grievances, opportunities, and feasibility are the three main drivers of conflict during times of disasters. Furthermore, disasters may have a significant impact

on each of these possible causes of conflict, which in turn may encourage further conflict or peace.

Grievances are widely seen as contributing to conflict. Relevant grievances may be economic inequalities or inequalities in access to political power. Grievances may be fueled by government actions and inactions – exploitation, neglect, corruption and so on. Grievances may exist among state and non-state actors.

Meanwhile, opportunities include both economic and political opportunities. Disasters can affect the distribution of economic resources, encourage the appropriation of resources by some groups, and present opportunities for criminal activities which can lead to violence. Similarly, a disaster, and the response relative thereto can create political opportunities which may lead to increased conflict.

Feasibility centers on the ability of various groups to conduct violence. For example, where a central government and its security forces are relatively weak, the feasibility of rebellion is likely to be greater. Nevertheless, among the three drivers of conflict in disaster contexts, feasibility provides the most ambiguous outcomes. Insurgents and governments can use natural disasters to strengthen their own position and this can lead to an escalation of violence or to its diminution and cessation. For example, natural disasters can speed up or slow down a war depending on the overarching trajectory of conflict. If rebels are losing and are further weakened by a natural disaster, then the war is likely to be shortened (Enia, 2008).

Statement of Hypotheses

Considering the foregoing frameworks on police power and disaster conflict dynamics, this paper then assumes the following hypotheses:

1. The establishment of regional border controls and the tightening relative thereto is a valid exercise of police power.
2. In the implementation of the said border controls as an exercise of police power, conflicts emerged in the form of grievances experienced by those negatively affected by the said controls.
3. In the event of future disasters, conflicts may be eased by providing mechanisms to address those grievances.

5. Research Methodology

This paper undertakes a deductive and qualitative approach in analyzing cross-sectional information arising from the implementation of tightened border controls in the Caraga Region during the height of the COVID-19 threat.

Data analyzed in the study were retrieved from the records of the Regional Task Force for COVID-19 One Caraga Shield (RTF-COCS) between April-October 2020, the period during which the said regional border controls were made effective⁶. The RTF-COCS, being the highest policy-making body in the region with regard to responding to the pandemic⁷, is ultimately responsible for resolving issues and concerns arising from regional measures formulated against COVID-19. Its Secretariat is responsible for providing information to the RTF-COCS. Included in the said information are the specific concerns and issues arising from the decisions handed down by the said Task Force for region n-wide implementation, among which is the set-up of the subject region-wide border controls.

Data obtained from the RTF-COCS records⁸ were then evaluated and examined based on the attributes of the issues and concerns reported by various stakeholders in the region. The study intentionally focused on written records to ensure traceability and authenticity of the reported issues and concerns. Nevertheless, the study also consciously adopted an all-inclusive approach in terms

⁶ The author is part of the RTF-COCS Secretariat which allowed him access to critical information for purposes of preparing this paper.

⁷ The RTF-COCS currently acts as the regional counterpart of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID). The RTF-COCS was created on 25 March 2020 by the Caraga Regional Development Council (RDC), Caraga Regional Peace and Order Council (RPOC) and Caraga Regional Disaster Risk Reduction and Management Council (RDRRMC) to develop a region-wide and unified approach in combating the threat of COVID-19 in the region.

⁸ Among others, RTF-COCS records analyzed included the original written complaints from the general public which were received by the Secretariat, agreements reached during the RTF-COCS meetings conducted, and resolutions passed by the RTF-COCS.

of permitting different sources of said issues and concerns not only to obtain an acceptable number of samples for purposes of analysis but also to facilitate a comprehensive capture of recurring themes among the identified conflicts. For instance, the study did not only consider written complaints against the subject border restrictions which were generated from the private sector but also included in its analysis those raised by national government agencies (NGAs).

To determine the manifestation of conflict in the issues and concerns reported to the RTF-COCS Secretariat, the grievances-opportunities-feasibility model by Harris et al. (2013) was used. Specifically, conflict is deemed to be present if any of the following criteria were satisfied, viz:

1. Whether the reported issue or concern describes the presence of scarcity or restriction of access to particular resources (grievance);
2. Whether the reported issue or concern describes shifts in the distribution of economic resources thereby favoring certain groups over others (opportunity); and
3. Whether the reported issue or concern refers to “weakened state capacity and legitimacy, creating opportunities for the disgruntled to engage in violent resistance” (feasibility).

Using the forecited criteria, the conflicts deemed present were subsequently grouped according to their triggers (i.e., grievance, opportunity, and feasibility). Analysis was then performed to establish the presence of recurring themes across conflicts reported within the same group. The said process was developed to capture more meaningful insights as to how the implementation of region-wide borders triggered a particular type of conflict, if any,

which shall then be the basis of identifying recommendations and policy implications under this study.

Meanwhile, the resolution on whether the subject border measures were a valid exercise of police power was facilitated through referencing existing Philippine jurisprudence on police power. In particular, the criteria from said jurisprudence was used to examine whether the region's tightened border controls may be justified as a solid exercise of police power. To further enrich the said analysis, standards cited by Richards and Rathbun (1999) were adopted to conclude whether the subject border measures would remain tenable if the same were examined and thereby survive a legal challenge.

6. Results and Discussion

Border controls as a valid exercise of police power

In order to determine whether the tightening of the region's borders was a valid exercise of police power, analysis was conducted through the following tests:

1. Whether the said measure qualifies as a valid exercise of police power under existing Philippine jurisprudence;
2. Whether the said measure can survive a legal challenge; and
3. Whether the said measure falls within the ambit of the General Welfare Clause (Section 16) of the Local Government Code of 1991.

As cited in *National Development Company vs. Philippine Veterans Bank* (G.R. Nos. 84132-33, 10 December 1990) and *Planters*

Products, Inc. vs. Fertiphil Corporation (G.R. No. 166006, 14 March 2008), the constitutional exercise of police power requires the concurrence of a lawful subject and a lawful method. For a police measure to be valid, it must meet these two requirements: (1) the interests of the public in general, as distinguished from those of a particular class, requires its exercise; and (2) the means employed are reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals. Furthermore, as settled in *United States vs. Salaveria* (G.R. No. 13678, 12 November 1918), municipal corporations as in the case of LGUs are accorded with authority to exercise police power.

In the case at bar, the Provincial Governors and the Mayor of the Highly Urbanized City (HUC) of Butuan unanimously agreed on 01 April 2020 that there was an urgent need to protect the region from its high-risk neighbors. At the time, Central Visayas, Northern Mindanao, and Davao Regions already recorded positive COVID-19 cases in hundreds while Caraga registered zero. Furthermore, the region then had no existing facilities capable of detecting, isolating, and treating confirmed COVID-19 cases. Considering the region's proximity to these aforesaid areas and limitations in its own medical capacities, these LCEs deemed that border protection was the first practical line of defense against the threat of the virus. Thus, the RTF-COCS issued Resolutions Nos. 08⁹ and 22¹⁰ Series of 2020, both of which reflected the decision of the LCEs to use tightened border controls as an emergency measure against COVID-19.

A detailed review of the said RTF-COCS resolutions show that the above border policy intended to discriminate between three major groups: (1) Caraganons within the borders of the region

⁹ A Resolution Approving the Harmonized Guidelines for the Lockdown of Regional Borders of Caraga Region Under General Community Quarantine.

¹⁰ A Resolution Implementing General Community Quarantine (GCQ) Within Caraga Region, Lockdown Along its Regional Borders, While Extending the Enhanced Community Quarantine (ECQ) in Butuan City for the Period May 1 to 15, 2020

during the height of the health crisis, (2) Caraganons located outside the region who wish to return home in light of the pandemic, and (3) non-Caraganons who wish to carry on with their usual transactions and business in the region amidst the pandemic. At the heart of the said policy was to protect the region from the virus which may be transmitted through persons traveling from areas where COVID-19 cases were rampant. Subsequently, the last two groups largely experienced the adverse effects of the subject border controls.

Moreover, relative to the above border policy was the enumeration of certain groups of individuals which the region allowed to enter and traverse the region as a matter of exception, subject to the presentation of certain requirements. A thorough review of Sections II, III and IV of the aforementioned RTF-COCS resolutions reveal that there was a clear intent among the region's leaders to only permit movements that involved basic and essential commodities. Furthermore, in narrowing down the specific persons which may be allowed to transact in the region, the said resolutions invoked the applicable guidelines issued by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) at the time, particularly IATF Resolution No. 14, S. 2020 dated 20 March 2020 which was complemented by IATF- Joint Task Force Corona Virus (JTFCV) Shield Guidelines on Authorized Persons Outside Residence (APOR) issued on 17 April 2020. Hence, it may be argued that the implementation of the subject border controls, with its classifications and its operating guidelines, were not arbitrary, unreasonable, and capricious¹¹.

Neither was the subject of border policy oppressive in nature. As may be gleaned from *Ochate vs. Deling* (G.R. No. L-13298, 30

¹¹ *Philippine American Life Insurance Company vs. Auditor General* (G.R. No. L-19255, 18 January 1968)

March 1959), “oppression” means an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. Though the tightened regional borders may have indeed caused delays and additional costs for those wishing to enter the region, the said inconveniences do not necessarily fall into the above definition of “oppressive” contemplated by the courts.

Meanwhile, presented below are the results of the analysis using the framework cited by Richards and Rathbun (1999) as useful in determining whether a disease control program that includes personal restrictions can stand to survive a legal challenge:

Table 1. Summary of findings on Caraga Region’s border control policy against legal challenge standards by Richards and Rathbun (1999)

Standard	Attributes of Caraga’s border control policy
1. Address a real problem that poses a direct threat to third parties	The region’s border policy intends to protect Caraganons from the potential COVID-19 transmission, subsequent to interactions with persons coming high-risk regions who may have contracted the virus and may have become asymptomatic carriers of the same.
2. Develop a scientific control strategy	Limiting face-to-face interactions between persons is among the well-entrenched scientific controls against the pandemic. Throughout the meetings of the RTF-COCS, Department of Health (DOH) Caraga consistently advanced the idea of limiting the influx of non-Caraganons entering the region as among the primary means of

Standard	Attributes of Caraga's border control policy
	curbing COVID-19 transmission from neighboring high-risk regions.
3. Implement that strategy in the most effective way, with the least restrictions consistent with the resources available	The region's leaders were unanimous that controlling COVID-19 at the borders is a more strategic and cost-effective way in controlling the threat of the virus, using the IATF guidelines as key reference, rather than containing the disease once it is already widely transmitted among Caraganons within the region.
4. Evaluate the program periodically to show that it is working	Throughout the meetings of the RTF-COCS, matters concerning border control were consistently listed in the meeting agenda. Prior to the IATF's decision to permit the re-entry of locally stranded individuals (LSIs) and returning overseas Filipinos (ROFs) back to their respective regions, Caraga was recognized nationally for having the lowest incidence of COVID-19.
5. Phase out the program when it is no longer epidemiologically sound	The subject border policy was impliedly phased out by the region's leaders when the IATF's explicitly allowed interzonal movements under the <i>Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines</i> amended as of 08 October 2020.

A quick review of the RTF-COCS resolutions passed between April-October 2020 provides a clear showing that the region's

border policy against COVID-19 stands to survive a legal challenge, if any.

Finally, general welfare clauses, as a rule in the delegation of police power to municipal corporations, are given wide application by municipal authorities and are liberally construed by the courts. Such is the progressive view of Philippine jurisprudence¹². The General Welfare Clause in Republic Act No. 7160 or the Local Government Code of 1991 reads:

Section 16. General Welfare. – Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. (Emphasis by the author)

Taking a wide application of the above General Welfare Clause would immediately classify the implementation of tightened border controls in the region as clearly within the purview of the

¹² United States vs. Salaveria (G.R. No. 13678, 12 November 1918)

above statutory provision. For all intents and purposes, the said controls were designed to promote the health and safety of Caraganons against the pandemic.

Hence, in view of the preceding discussions, the following may be categorically stated, viz:

1. The subject border control measure qualifies as a valid exercise of police power under existing Philippine jurisprudence;
2. The said measure can stand against a legal challenge, if any; and
3. The said measure falls within the ambit of Section 16 of the Local Government Code of 1991, also known as the General Welfare Clause.

Manifestation and triggers of conflict

In order to ascertain the presence of conflict and its triggers relative to the imposition of the regional border controls, a thematic analysis was conducted on the various written communications received by the RTF-COCS Secretariat relative to the subject policy. In particular, written complaints from various sources on strict border controls were surveyed to understand how the said policy may have initiated any of the following triggers of conflict under the Harris et. al (2013) model, namely: grievances, opportunities, and feasibility. In general, issues and concerns relative to the policy are first brought to the attention of either the Caraga Regional Task Force Against COVID-19 (RTF-COVID19) which is headed by the Office of Civil Defense (OCD) – Caraga, and the Caraga Regional Screening and Validation Committee (RSVC) which is led by the Department of the Interior and Local Government (DILG) – Caraga.

Depending on the gravity of reported issues and concerns, the same are elevated to the attention of the RTF-COCS.

To complement the above thematic analysis, documents from the RTF-COCS Secretariat such as meeting agenda, list of agreements reached and resolutions passed, and actual resolutions prepared by the RTF-COCS, among others, were examined to verify the existence of conflict and their logical triggers from the vantage point of the region's leaders. Between April-October 2020, the RTF-COCS already conducted twelve (12) teleconference meetings to discuss pressing issues and concerns related to COVID-19, inclusive of complaints and requests which in one way or another are linked to the region's border policy. Decisions reached by the RTF-COCS are then reflected in resolutions prepared relative thereto.

The table below summarizes the nature of the resolutions passed by the RTF-COCS, classified according to their general attributes and actions they required from various stakeholders. As of October 2020, the RTF-COCS already passed a total of ninety-six (96) resolutions.

Table 2. Summary of Caraga RTF-COCS resolutions, classified according to their high-level attributes

Classification	Count (Percent to total number)
1. Resolutions requesting actions from line agencies and concerned national bodies, particularly the IATF-MEID and NTF Against COVID-19	33 (35%)
2. Resolutions requesting actions from LGUs regarding issues and concerns that have regional implications	11 (10%)

Classification	Count (Percent to total number)
3. Resolutions aimed at strengthening implementation of community quarantine measures (including those referring to the regional border control policy)	28 (30%)
4. Resolutions approving the other actions and initiatives of the RTF	24 (25%)
Total	96 (100%)

A quick view on the above data shows that strengthening the region's control measures easily make up almost a third of the RTF-COCS' decisions. This suggests that key among the priorities of the region's leaders is to implement measures geared to protect the region from COVID-19 transmission, among which are the subject regional border controls.

An analysis of the cited written documents also reveal that grievances largely resulted from the establishment of tightened control borders. These grievances underwent thematic mapping into one of the categories summarized below:

Table 3. Thematic summary of grievances reported relative to the implementation of regional border policy

Classification	Example
1. Restriction of access to work or livelihood	"The border controls effectively limit the extent of work that I or my employees can do within Caraga Region."

2. Restriction of access to critical goods and services	“The border controls effectively delayed the delivery of basic and essential commodities from neighboring regions into Caraga Region.”
3. Restriction of access to important travel points	“The border controls limit my travel options even if I just need to pass through Caraga Region and not stay therein.”
4. Additional costs in conducting business within Caraga Region	“The additional requirements required for those allowed to enter and exit Caraga Region, such as the presentation of medical certificates, imposes additional costs for the concerned travelers.”
5. Simple inconvenience	“The border controls in place simply present an inconvenience.

Considering the written requests to the RTF-COCS relative to the above inconveniences, the following reliefs were prayed for:

1. To provide a wider and a more inclusive set of exemptions for those who may be allowed to enter and exit Caraga Region;
2. To issue RTF-COCS ID passes that may be presented at the regional borders to facilitate access without question from the authorities in-charge thereat;
3. To provide subsidies or support to those adversely affected by the high cost of securing border policy

requirements (such as shouldering of costs of medical clearances); and

4. To remove the said border controls due to their “oppressive” effect to those adversely affected by the same.

Worth noting is that the RTF-COCS decided not to extend any of the abovementioned reliefs but rather provided mechanisms on a case-to-case basis. In hindsight, the RTF-COCS did not entertain the idea of releasing RTF-COCS ID passes as the same is prone to tampering and are likely to instigate further grievances.

Nevertheless, important to highlight is that across the reported grievances, either misinformation or lack of information on the said border policy were disclosed by the complainants. Not surprisingly, included in the reports received by the RTF-COCS are multiple cases of heated verbal exchanges between those intent on entering the region and personnel stationed at the regional border checkpoints. Also recorded were incidents involving complainants emphatically venting out their inconvenient experience with the staff from the OCD Caraga and the DILG Caraga.

Meanwhile, it is interesting to note that none of the issues and concerns raised fall within the scope of opportunities and feasibility triggers under the Harris et. al (2013) model. Notwithstanding, the reported conflicts arising from the opportunities trigger were traced within the Region, among which include sellers taking advantage of the health crisis through the overpricing of hygiene products (e.g., face masks, alcohol, etc) and basic commodities (rice, canned goods, etc) sold.

In view of the preceding discussions, the following may be categorically stated, viz:

1. There were conflicts that developed as a result of the implementation of regional border controls; and
2. The said conflicts emerged from grievances arising from said border policy.
3. Misinformation and lack of information on Caraga Region's border policy were reported by those adversely affected.

7. Conclusion and Policy Implications

The preceding analyses show that the implementation of tightened regional border controls in response to COVID-19 was a valid exercise of police power by the LGUs in the region. Citing Philippine jurisprudence on police power, the said measure was intended to serve the interest of the general public, as distinguished from those who want to maintain their freedom in interregional movement in a time of significant uncertainty and threat to public health. Furthermore, the said means was reasonably necessary in light of the health crisis for the purpose of protecting Caraganons from the virus, considering that neighboring regions were already flagged as high-risk. Neither was the said measure oppressive as the implementation of the same was not harsh, dishonest, or wrongful, nor a visible departure from the standards of fair-dealing¹³, considering the remarkable confusion and anxiety of the general public in determining the effective response against an unseen adversary.

¹³ Duhaime's Law Dictionary (2020). *Oppressive Definition*. Retrieved 01 December 2020 from <http://www.duhaime.org/LegalDictionary/O/Oppressive.aspx>

Nevertheless, this paper also established that the implementation of said border measures triggered grievances on the part of those who intended to ingress into and egress out of Caraga Region between April-October 2020. These grievances, in turn, simmered into conflicts, which further exacerbated the already present confusion and uncertainty on the part of those whose interregional movements were adversely affected. The said conflicts, among others, were largely prompted by the asymmetric information that transpired between the implementing agencies and the general public.

Considering the foregoing discussion, much may be gleaned by the government in its use of policy tools in effectively responding to similar disasters in the future. Though jurisprudence, time and again, emphasizes the broad nature of police power wielded by municipal corporations, the same should not be regarded as a panacea to difficulties arising from uncertain contexts such as emergencies in public health. The exercise of the General Welfare Clause in the Local Government Code of 1991 should be complemented with mechanisms that address grievances arising from the employment of the same.

Specifically, the means that significantly communicate to and educate the public on the intent of general welfare mechanisms in place will largely resolve perceptions of arbitrariness and unreasonableness on the part of implementing institutions, and in turn alleviate the former's disoriented state. The government may also consider using multiple communication avenues to ensure that such important messages are widely and timely disseminated, and not just rely on existing traditional ones such as print, radio, TV, and even social media. Identifying such communication channels way ahead of disasters will largely prepare the general public as to where critical information in uncertain times may be retrieved.

Equally important is the deliberate set-up by LGUs and their partner implementing institutions of avenues and mechanisms where grievances arising from general welfare mechanisms may be heard, handled, and addressed. This step requires significant intent and attention since government agencies, by and among themselves, are largely constrained according to their respective mandates. This, in turn, limits their ability to respond with agility only on cases which largely fall under their respective mandates, leaving other equally crucial grievances on the sidelines. A potential approach that may be utilized when employing police power in uncertain disaster-related contexts is to complement said measures with deliberate and accessible venues where the public's grievances may be expressed, heard, and attended to, or even simply mitigated in the event that full resolution of the same may not be feasible. Subsequently, the effective handling of said grievances will largely ease conflicts that are simply waiting to break out in times of disaster.

8. Recommendations

This paper limited its analysis on the disaster-conflict dynamics arising from the implementation of tightened border controls in response to the COVID-19 threat on public health. While the said measure is among the significant means adopted to counter the pandemic, other equally important measures were also set-up within the ambit of police power and the General Welfare Clause, such as the imposition of enhanced and general community quarantines (E/GCQ), forced reduction of working hours among establishments, and restrictions in public transportation.

Relative thereto, this paper recommends the conduct of a study on the disaster-conflict dynamics streaming from the enforcement of community quarantines, cutback in the operating

hours of business establishments, and restraints on the operation of public vehicles, among others. This study anticipates an equally interesting interplay of various factors leading to the development of conflict and opportunities in the region, arising from the employment of said measures. Results of the proposed study will shed additional insights on the legal aspects of disaster management, particularly as to how conflicts may be eased in the formulation of emergency response mechanisms in uncertain disaster contexts.

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