

**Coron Case Study: A Study on the Experience of the Tagbanua on Free
Prior Informed Consent (FPIC), Coron Island, Palawan, Philippines**

A policy paper prepared for the
World Resources Institute (WRI)
and the Environmental Legal Assistance Center (ELAC)

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EXECUTIVE SUMMARY

This study was carried out by the Environmental Legal Assistance Center, Inc. (ELAC) with the support of the World Resources Institute (WRI). Through its Equity, Poverty and Environment Initiative (EPE), WRI seeks to reduce poverty and promote sound environmental management by ensuring equitable access to ecosystem goods and services, and fair distribution of natural resource benefits.

The study aims to look into the experience of the Tagbanua indigenous peoples (IPs) of Free Prior and Informed Consent (FPIC) in Coron Island, Palawan, Philippines. The study focused specifically on the two largest settlements in Coron Island - Barangays Banuang Daan and Cabugao. To achieve the objectives of this study, ELAC staff reviewed existing literature and secondary information, both published and unpublished, and conducted interviews and focus group discussions (FGDs) with key stakeholders from two villages: Barangay Banuang Daan and Barangay Cabugao.

Findings and Conclusions

The study illustrates that the exercise of Free Prior and Informed Consent by the Tagbanua community is an important and fundamental tool to ensure that the Indigenous Peoples will benefit from the resources within their ancestral territory. Among others, it has given them a new tool to protect their environment and to obtain an equitable share of the economic benefits from their natural resources. The study also shows that the exercise of Free Prior and Informed Consent by the Tagbanua communities of Barangays Banuang Daan and Cabugao was recognized by government and non-government stakeholders, although in varying degrees. The study also notes the need to strengthen the overall capacity of the Tagbanua organization in terms of resource management as this would be critical to attaining an equitable distribution of benefits among community members. Finally, the study describes the Tagbanua community's continuing struggle to gain sympathy from the local government units and from other stakeholders in Coron and to confront and constructively interact with major development issues obtaining in its domain such as the development of tourism in the area affecting Coron Island.

In summary, FPIC has been good for the community and for the environment but it has also created challenges to the Tagbanuas – in their dealings with outside stakeholders and in their relationship with others.

Recommendations

The study proposes three recommendations:

One is the proposal to conduct a systematic information and education campaign to increase awareness on the Certificate of Ancestral Domain Claim/Certificate of Ancestral Domain Title (CADC/CADT) issue both among the Tagbanua population and the other stakeholders of Coron including the local government unit. Increasing local awareness of

the Free and Prior Informed Consent tool will help minimize conflict and misunderstanding among the stakeholders.

Another proposal is to undertake an assessment of the capacity of the Tagbanua community in dispensing management responsibility over the ancestral domain and implementing a capacity building program to address the gaps in their management capacity. The assessment process will elevate the capability of the indigenous peoples in managing their ancestral domain specifically on the aspect of tourism (e.g. the management of Kayangan Lake and beaches) and minimizing the illegal and destructive activities which threaten the coastal/marine resources within the domain.

Finally, the study identifies a need to undertake an immediate conflict resolution process within the community in order for them to gain a common appreciation of priority concerns and projects in the community. The conflict resolution process will foster the openness of the involved entities in the area and strengthen the partnership of the indigenous peoples with the local government units, national government agencies, and other stakeholders relative to the management of the resources within the ancestral domain.

I. The Philippine Legal Framework on Free Prior and Informed Consent

The introduction of the doctrine of Jura Regalia into our legal system by the Spanish colonizers had virtually converted most, if not all of the indigenous peoples, to squatters in their own traditionally owned and possessed lands which by virtue of native title was already vested in them. Due to the IPs' lack of documents or papers coming from the government, their lands were overtaken by developers and mining firms which literally displaced them from the territory to which they had cultural ties.

It is worth noting that not all lands in the Philippines became a property of the state. As early as 1909, in the landmark case of *Cariño vs. Insular Government*¹, the court has recognized the long occupancy of land by an indigenous member of the cultural communities as one of private ownership, which in legal concept is called "native title". Based on this concept, the pre-conquest right to property of the indigenous peoples in all the conquered or colonized territories are respected and recognized and the only variation would be on the substance of this right.

Notwithstanding this settled jurisprudence however, the government failed to accord the indigenous peoples the propriety rights and recognition they deserve. Such government neglect was articulated by Senator Juan M. Flavier, in his sponsorship speech of Senate Bill No. 1728 on October 16, 1996, thus:

"But the executive department of the government since the American occupation has not implemented the policy. In fact, it was more honored in its breach than its observance, its wanton disregard shown during the period of the Commonwealth and the early years of the Philippine Republic when government organized and supported massive resettlement of the People to the land of the Indigenous Cultural Communities."

For several decades since the Spanish colonization, the indigenous peoples' plight was virtually unheard of amidst their struggles. Though there were several laws and similar instruments enacted by the government expressly or impliedly recognizing indigenous peoples' rights in the Philippines, said laws were never observed nor implemented. Government's indifference to the cause of the indigenous peoples, especially in the recognition and protection of their ancestral domain, had caused the lives of many members of indigenous peoples in the Cordillera and Mindanao region.

Although the struggle of the indigenous peoples in the Philippines in asserting their right to their ancestral domains/lands is centuries old, it was only in recent years that the current generations of indigenous peoples have participated in the legislative process. In 1986, the Cordilleras Peoples' Alliance (CPA), caught at that time by a dominant fervor towards establishing a Freedom Constitution, led the aggressive lobbying that resulted in the 1987 Constitution's provisions on the Indigenous Cultural Communities' (ICCs)

¹ *Cariño vs. Insular Government* (41 Phil 935, 1909)

rights to their ancestral domains. The 1987 Constitution also provides for the application of customary law in determining ownership and extent of ancestral domains.²

In light of the Constitutional provisions, ancestral lands are not part of the lands of the public domain. They are private and belong to the ICCs/IPs. No Filipino citizen, regardless of tribal affiliation, shall *“be deprived of life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws”* (Section 1, Article 3, 1987 Philippine Constitution). Additionally, Section 5, Article 12 of the Constitution guarantees that *“The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being.”*

While the recognition of the rights of the indigenous peoples in their ancestral domain and cultural integrity is explicitly provided under the Constitution, the lobby for an enabling statute to implement the Constitutional mandate was a very long and difficult process. It took a decade to pass the Indigenous Peoples’ Rights Act. IPRA was first filed in the Congress sometime in 1987 during the 8th Congress, and was finally enacted in October 1997 during the 10th Congress.

During the 8th Congress, Senate Bill No. 909 was filed as a response to the Constitutional mandate to Congress to enact a law that will protect the rights of the indigenous peoples. The bill was subjected to deliberation in the Senate floor but was not enacted into law. Subsequently, during the 9th Congress, Senate Bill Nos. 1029, 1849 and 2056 were successively introduced. These bills, however, were never sponsored and deliberated upon.

Finally, the 10th Congress, through the sponsorship of Senator Juan M. Flavier, introduced Senate Bill No. 1728. After exhaustive deliberation, both houses passed the bill into law. Republic Act No. 8371 or IPRA was signed into law by the President Fidel Ramos on October 29, 1997. It became effective on November 22, 1997. Its Implementing Rules and Regulations were approved on June 9, 1998.

IPRA provides the framework for implementing the Constitutional guarantees on the right of ICCs/IPs to their ancestral domains and lands by virtue of native title. The category of ancestral lands and domains as privately owned and outside of the public domain is evident from the provisions of Section 12 of RA 8371 which gives the option to secure title under Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended, or the Land Registration Act 496. Moreover, even in instances where the ancestral domain forms part of a government reservation, the rights of the IPs to their ancestral territory is recognized and protected. In this case, the Chairperson of the National Commission on Indigenous Peoples (NCIP), the agency tasked to implement

² Florence Umaming Manzano, MSW, An analysis on the current status of the IPRA implementation, p. 66 on Guide to R.A. 8371

and give policy direction to IPRA, shall issue a certification that the portion of the reservation is an ancestral land or domain. Under Paragraph (i), Section 52 of RA 8371, the NCIP certification and the notification made by the Chairperson of the NCIP to the government agency concerned shall terminate the legal basis for the jurisdiction of said government agency over the portion certified as ancestral domain. Where the government agency having jurisdiction over the ancestral land or domain need the area for the “common good”, Section 64 of RA 8371 provides for expropriation as a remedy.

The Free and Prior Informed Consent or FPIC³ provision is one of the most important features of the IPRA Law. This legal concept gave the IPs’ the right to deny or allow entry of development projects into their ancestral domain. By virtue of such right, the IPs now have the prerogative of determining their development priorities and assert their right to self-determination and recognition of their cultural integrity.

The FPIC process does not only provide IPs with an avenue for deciding the acceptability of projects or programs that may affect the community, financially, economically or culturally, but also enjoins the NCIP to refrain from issuing certification to any project proponent without the FPIC of the IPs concerned. On the other hand, all government agencies or departments are strictly enjoined from issuing, renewing, or granting any concession, license or lease or entering into any production sharing agreement with any person without the certification from the NCIP that the area where the project is to be introduced does not overlap with any ancestral domain.

Moreover, the ICCs/IPs are also expressly granted the right to stop or suspend any project that has not satisfied the requirement of the FPIC process. Under the FPIC process, the following are mandatory activities.

- *Notices: Posting of Notices in conspicuous places in and around the area of the concerned ICC/IP community by NCIP that a preliminary consultative meeting will be held.*
- *Validation of the List of Elders/Leaders. NCIP shall facilitate the convention of these elder/leaders for the purpose of validating the authenticity of the names of elders/leaders as appearing in the list.*
- *Preliminary Consultative Meetings. The participants are the identified council of elders, the representatives from the proponent, the NCIP, the collaborating NGOs and civil society operating in the concerned area.*
- *Consensus Building. Elders/leaders shall complete the conduct of their own consultation meetings with their members of the community employing their own traditional consensus building processes in order to further discern the merits and demerits of the proposal as presented on the preliminary consultative meeting. Only NCIP is allowed during this period to document the community proceedings that are being had.*
- *Community Assembly. NCIP shall cause the conduct of Assembly of all the members of the community as represented by the household heads. It is on this*

³ Section 59, R.A. 8371

occasion that the decision of the ICC/IP with respect to the proposal will be determined by counting the number of raised hands who would vote for or against the project.

IPRA created the NCIP to carry out the policies enshrined in the law. NCIP was mandated to protect and promote the interest and well-being of the ICCs/IPs' with due regard to their beliefs, customs, traditions and institutions. NCIP was likewise tasked to formulate and implement policies and plans for the recognition of the IPs' ancestral domains and their attendant rights.

The NCIP shall be an independent agency under the Office of the President and is composed of seven (7) commissioners belonging to the ICC's/IP's, one of whom shall be the Chairperson. They must be natural born Filipino citizens and bona fide members of the ICC's/IP's. They shall hold office for a period of three years and may be re-appointed, but they cannot serve for more than two terms. They may be removed from office by the President.

The NCIP is composed of different offices, to wit: 1) Ancestral Domains Office; 2) Office on Policy, Planning and Research; 3) Office of Education, Culture and Health; 4) Office on Socio-Economic Services and Special Concerns; 5) Office of Empowerment and Human Rights; 6) Administrative Office, and 7) Legal Affairs Office. In addition to the aforementioned offices, the NCIP has also Regional and Field Offices.

In the Province of Palawan, the National Commission on Indigenous Peoples and the Palawan Council for Sustainable Development has signed a Memorandum of Agreement relative to the implementation of the FPIC process in August 2005.

II. The Study Area: Coron Island

Coron Island forms part of the Calamianes Group of Islands, an area in the northern part of the Province of Palawan which is believed by scientists to be the world's richest in terms of coastal marine biodiversity.⁴ Covering at least 7,320 hectares, Coron Island is bordered on the north by the hilly peninsula of Busuanga Island and specks of Bulalacao islets on the southeast.

Luxuriant stunted forest vegetation dot the craggy cliffs of the island. At the heart of the island are spectacular *awuyuk* (lakes) held sacred by the tribal folks. The Tagbanua believe that *panya'in* (virulent spirits) dwell in *awuyuk* so they first seek the auspices of a *babailan* (shaman) before they search for *balinsasayaw* (swiflets) nests. In passing through *awuyuk* a Tagbanua uses only the language understood by the spirits—language entirely different from Tinagbanua.

⁴ Werner T.B. and Allen G.R. (eds). 2000. A rapid marine biodiversity assessment of the Calamianes Islands, Palawan Province, Philippines. Rapid Assessment Program (RAP) Bulletin of Biological Assessment No. 17. Washington DC, U.S.A.: Conservation International. pp 7

Coron Island is also home to rare and endangered species such as tariktik (horn bills), wild boar, pantot (Palawan stink badger) porcupine (*Thecarus pumilusi*), squirrels (*Calloscirius* sp), and the Scaly ant eater (*Paramanis culionensis*), to name only a few. This is the reason why Coron Island has been declared as a protected area by existing laws and by Birdlife International as an Endemic Bird Area.

In July, 1967 Coron Island, together with other small islands of Palawan, was proclaimed as a National Reserve by virtue of Proclamation No. 219. The Proclamation closes the island for human exploitation and settlement under the administration of Parks and Wildlife Office of the Department of Agriculture and Natural Resources. In 1978, Coron Island was also included among the islands in Busuanga and Coron as tourist zones and marine reserves under the administration and control of the Philippine Tourism Authority by virtue of Presidential Proclamation (PP) No. 1801. It was primarily because of Proclamation 219 and PP 1801 that Coron Island was included in the list of priority protected areas under the National Integrated Protected Areas of 1992.

Coron Island is comprised of two (2) Barangays—Banuang Daan and Cabugao. On the fringes of the island are Sitios (small hamlets) called Alimpiu, Diknay and Salamagi where ramshackle houses made from native materials could be found. Across the island is Delian, a limestone edifice with lush mangrove forests covering 236 hectares and only 20 hectares of flat land and sandy beach. According to the Municipal Briefing Folio published in 2005, there are 546 residents in Banuang Daan and 1,696 in Cabugao as of 2000.

III. The Kalamian-Tagbanua

The Kalamian-Tagbanua is believed to be descendants of the second wave of Indonesians who migrated to the Philippines.⁵ Its multi-dimensionality in terms of productive pursuits differentiates them from the Tagbanua shifting cultivators inhabiting the valleys of the central portion of the mainland Palawan. Robert Fox, a distinguished anthropologist, noted the possibility of various Tagbanua sub-groups descending from a common proto-culture. While their languages are related, the differences between them may be the result of specialization and varying degrees of interaction with Hindu-Indonesians and Muslim cultures.⁶

Compared to their counterparts in mainland Palawan, the Kalamian-Tagbanua has a far more complex way of life that revolve around the *luyang* (caves), *awuyuk* (lake), *tal* (corals), *teeb* (seawaters) and *geba* (forest). Before the advent of agriculture, their subsistence depended on foraging edible wild tubers or from trading *balatan* (sea

⁵ *Esperanza Maribel Ago*, "An Ecological Study of the Forest Over Limestone of Coron Island, Palawan (Feb 1994), p. 1

⁶ *Robert Fox*, Religion and Society among the Tagbanuwa of Palawan Island, Philippines, *Monograph No. 9 (Manila: National Museum, 1982)*. P. 14

cucumber) and *samung* (*Trochus* seashells). Then as now, especially when *amihan* (northeasterly winds) is at its tempest, gathering of *balinsasayaw* nests (*Callocalia troglodytes*) remains the primary source of cash. This they harvest from the caves after a daring climb from the cliffs. Historical data shows that the Tagbanua have been trading edible bird's nest with the Chinese as early as the 11th century AD.⁷

Citing historical accounts of early Augustinian missionaries and writing in the vernacular, historian Nilo Ocampo has this to say about the early people of Coron: “*Sa Busuanga ay maraming ‘paganong may itsura at mahusay ang disposisyon’ bagamat sa Coron ay ‘mababangis at paladigma’*.”⁸ (In Busuanga, there are pagans who have good features and of good disposition, although in Coron people are fierce and hostile). This observation, however, neither square with other historical accounts nor with latter day descriptions of the Tagbanua. To illustrate, a Captain Thomas Maher recounted in 1912 that the Tagbanua were shy and timid and that they tend to hide from outsiders.⁹

The onslaught of Hiligaynon sea gypsies around 1700 drove the Tagbanua villagers far in the forest interior. Coron Island caught the attention of Moro raiders as it grew into a locus of trading around the mid-1700s. The Moro exacted exorbitant tributes and smuggled women if the islanders could not pay. Incessant Moro raids forced the Tagbanua to hide in the inconspicuous caves whenever a guard in the *bantayan* (watchtower) would spot an approaching Moro vessel or *vinta*. Still others retreated in nearby islands. When the Moro attacks ceased, some Tagbanua went back to Coron Island while others remained in their new found settlement areas such as the island of Tara and the outskirts of Busuanga and Culion Islands.

Even though the Calamianes Group of Islands was the first to come under the sphere of Spanish influence, Spain left little cultural marks to the Tagbanua culture in the same way it has permeated into the cultural system of other Palawan ethno-linguistic groups like the Cuyunons.

The close of the 19th century found the Tagbanua still firmly committed to a life of hunting, foraging and fishing and its material cultural definitively autochthonous. At this epoch, the Tagbanua enjoyed a certain level of economic autonomy underpinned by a low population, a subsistence economy, and the belief that *panyain* (virulent spirits) reside in

⁷ James Eder and Janet Fernandez, *Palawan at the Crossroads*, (Quezon City: Ateneo de Manila Press, 1996), p. 4

⁸ Nilo Ocampo, *Katutubo, Muslim, Kristiyano: Palawan, 1621-1901*, (Kolonya, Alemanya, 1985), p.13 citing Fray Luis de Jesus, “General History of the Discladed Religious of St. Augustine in “Recollect Missions,” Blair and Robertson, v. 21 pp. 303-21

⁹ Maher, T. J. 1912. *Around the world for forty years. Stories and Tales of the Coast and Geodetic Survey. Philippine Tales*. National Oceanic and Atmospheric Administration, NOAA Central Library. Office of CIO/High Performance Computing and Communications (HPCC). Date Accessed August 2005. http://www.history.noaa.gov/stories_tales/maherphi1.html as cited in Sampang, A. (2005). *Ethnoichthyology and Conservation Practices of the Calamian Tagbanwa in Coron Island, Palawan*. Unpublished Master's Thesis, University of the Philippines Los Banos – School of Environmental Science and Management.

the natural environment and, therefore the resources therein should be treated with reverence. Subsequent developments greatly altered this balance.

During the early 1970s, the municipal government exacted heavy taxes on the Tagbanua clan-caves and sequestered and auctioned them when the Tagbanua failed to settle their dues. Those days of hardship and famine are still etched in the memories of the surviving members of the tribe. Tribal elders consider the imposition as dubious. They claim that that the town Mayor then, who was moonlighting as a *luray* trader, wanted to take control of the profitable trade on the pretext that he is protecting the caves from wanton extraction. At present, the price of *luray* equivalent to a six old centavo coins has a price of PhP4,000 to PhP5,000 depending on its purity.

At the height of extreme poverty and rural landlessness in the Visayas and in other parts of Luzon during the mid-1980s, unspoiled areas in Palawan, such as those in the Calamianes Group of Islands became open targets. Some of these migrants landed in Delian Island, an area across Coron Island which was also owned by the Kalamian-Tagbanua. It did not take time before the migrants overran the Delian Island whose original settlers have moved to Barangay Cabugao. With a burgeoning population spurred by in-migration, fierce competition for access to natural resources ensued.

The Tagbanua were forced to adapt to the changes in their natural environment. The tribal elders recall the time when they fish barely using *balsa* (bamboo raft) and *tundalisa*. Nowadays, those who can not afford a motorized outrigger boats will have to make do with what is left in the degraded areas. As early as 1992, the situation has gone so bad that “(t)he fish yield data indicate an average catch per unit effort (CPUE) of 3 kilogram per trip.¹⁰

IV. Resource Management Practices of the Kalamian-Tagbanua

Then as now, the Tagbanua’s natural surrounding provides all their material needs. Food is harvested from the sea and in the *kuma* (swidden field). Housing materials such as *nipa* shingles, bamboo poles, and wood are taken from the forest. Men used to wear *takyul or takwil* (G-string) made from tree barks while the clothing of women members was procured through barter. Nowadays, they go to the Coron town market to buy clothing.

The Tagbanua are experienced sea-farers. It used to be when Tagbanua males would board *binlay* (bamboo rafts) to catch different sea products using specialized types of harpoons such as *talapang* (for fish, dugong, rays and sea turtles), *saransang* (for *Trochus*), and *tundalisa* (for sea cucumber, cuttle fish and rays). These traditional technologies, however, have been rendered as anachronistic because of the degradation of their coastlines where these technologies are best suited. If the coastal situation in the

¹⁰ Teodulo Luchavez, “Community Coastal Survey Report of Coron and Busuanga Islands, Palawan” (Philippines Association for Intercultural Development and Silliman University: June 1991)

area continues to worsen, even the octopus hunters (naked men atop the *binlay* who catch octopus using a lure and bare hands) will soon be gone.

The belief in *panyain* acts as a regulator in using the natural resources within the Tagbanua territory. Through oral traditions, tribal folks pass down to succeeding generations the religious adherence to certain taboos embodied in their *kustumri* (customary laws) in regard to the use of resources.¹¹ Sickness befalls on those who fail to adhere to *kustumri*. The assistance of *babalian* is sought for the convalescence of one's health. Hence, it may seem that the attitude of the Tagbanua towards their resources are driven not by some inherent conservationist ethics but more so for practical reasons.

Some of the breaches in cultural taboos are meted out with corporal punishments which they call as *panglao*. *Panglao* is an ancient sanction where an offender is made to squat with a two-foot long bamboo pole resting at the back of his knees. The bamboo holes on both ends are filled with grated coconut meat, which attracts ants. As if this agony is not enough, the offender's day is capped by going through a *bordon*, where a *mame'epet* (tribal judge) lashes the offender a dozen times by a rattan cane. In 1998, the *mame'epet* penalized the then Barangay Captain of Cabugao for issuing illegal permits to illegal loggers to cut trees in Delian Island.¹²

In recent years, the Tagbanua have codified their *kustumri* with the completion of their Ancestral Domain Management Plan (ADMP). In summary, the ADMP contains the following provisions:

1. how the resources should be utilized;
2. the identification of sacred places particularly the luyang (caves), awuyuk (lakes), lalaguna (estuaries), palhanga (home of the spirits), talu (corals), geba (forests), panyaan (sacred areas, big rock or reef);
3. how properties and possessions shall be inherited or transferred;
4. how development in the area should proceed;
5. the use of, and access to, water (saline, fresh and brackish);
6. the *assemblea* (assembly of the Tagbanua villagers) as the most powerful decision-making body, and the Mama'epet (tribal elders) as the governing body;
7. and the traditional sanctions and penalties to the ADMP offenders.

Tourism

As stated in the Ancestral Domain Management Plan, the current focus of TFCI's management is Kayangan Lake, a famous tourist destination in Coron. A Kayangan Lake Tourism Management Plan was formulated in 1998 through the initiatives of the local

¹¹ Sampang, A. (2005). Ethnoichthyology and Conservation Practices of the Calamian Tagbanwa in Coron Island, Palawan, Philippines. Unpublished Master's Thesis, University of the Philippines Los Banos – School of Environmental Science and Management.

¹² Dante A. Dalabajan, LIKAS, Vol. IV No. 3, Oct-Dec 1998, pp 3

government unit (LGU) of Coron, national agencies, civil society groups, TFCI and other key stakeholders.

Since 2001, the TFCI has been collecting entrance fees for the use of Kayangan Lake, Barracuda Lake and adjacent beaches.¹³ The TFCI tour package in Coron Island includes a visit to Kayangan Lake and the beaches (Php 375 per person inclusive of entrance and boat ride); diving at the Barracuda lake and beaches (fee is inclusive of entrance and boat ride and exclusive of diving equipment). It is largely run by volunteers from the ICCs/IPs who serve as rangers, guides and boatmen. The peak season for tourists are the months of November, December, March, April and May. Entrance fees and visitor regulation are meant to protect the: (a) fragile habitat of the swiftlets that dwell on the cliffs around Coron Island; (b) fish breeding areas or sanctuaries; and, (c) areas considered sacred to the Calamian Tagbanuas. The TFCI also puts priority in maintaining the cleanliness and sanctity of the place and has set up a Code of Ethics to guide visitors in Kayangan Lake.

The entrance fees are also used for the area's upkeep, operation and maintenance of patrol boats, and compensation for volunteers who monitor and ferry visitors to and from Coron town. While TFCI has its own tour package, other private operators are also allowed to bring in their own tourist-visitors for as long as the entrance fees are paid. Entrance fees to Kayangan Lake are Php200 per person for non-Calamianes residents and foreign tourists and Php10 per person for residents of the Calamianes. Entrance fees to other areas such as Barracuda Lake and Coron Island beaches are Php75 per person.¹⁴

The poverty experienced by the Calamian Tagbanua and the influence of migrants surrounding the Calamianes Group of Islands are key factors that affect their relationship with one another. The elders acknowledge that there exists conflict within the community pertaining to the management of Kayangan Lake and other related issues. They recognize that efforts need to be undertaken to address these conflicts, which range from lack of transparency and participation in the plans and programs to perceived inequitable distribution of proceeds from tourism revenues.

Fisheries

The Calamian Tagbanuas harvest more from the sea than from the forest, hence their strong clamor for recognition of their claim over ancestral waters as an integral part of their ancestral domain. Both land and sea are essential for their daily subsistence and the preservation of their way of life. While they consider the marine resources as part of their ancestral domain, they believe that the sea is a communal property and is not for their exclusive use.¹⁵ The community harvest from the sea what they need for subsistence.

¹³ Conservation International-Philippines, Estimation of the Opportunity Cost of Tourism in the Kayangan Lake, Coron Island, Northern Palawan.

¹⁴ Ibid

¹⁵ La Viña, A. 2001. Community-Based Approaches to Marine and Coastal Resources Management in the Philippines: A Policy Perspective. P 106-113. In .Torrell M. and Salamanca A. (eds.) Institutional Issues and Perspectives in the Management of Fisheries and Coastal Resources in South East Asia, p 91.

They observe customary laws and practices in regards to fisheries resource use and management, and respect for *panyain* (sacred areas) and *imbakan tungian* (fish sanctuary). Access and use of resources in sacred areas may only be given to a Tagbanua by the elders and the community *albularyo* (medicine man). In these areas, an individual must adhere to strict observance of behavior and silence to avoid disturbing or offending the spirits. Fishing or gathering of resources by Tagbanuas and non-Tagbanuas is prohibited in these areas to protect them from the wrath of the spirits inhabiting the sacred areas. These areas are also considered crucial to the sustainability of their natural resources, their ancestral domain, and the survival of present and future generations of their people.

Other Areas Managed

The Tagbanua community's resource management also covers the cliffs of the island down to the valleys, lakes, rivers as well as the mangroves. Forest resources are communally owned and no individual is allowed to own even a portion of the forests. Everyone in the community is allowed access to these resources for as long as these rights are not abused. Cutting trees near streams, springs, wells and the coast is prohibited. They recognize the value of these resources as watersheds which ensure irrigation of their crops and prevent soil erosion. They also recognize the value of the mangrove ecosystem to their marine environment.¹⁶

V. The Tagbanua Foundation of Coron Island and the Struggle for Recognition

The growing resentment to the encroachment of migrants into their ancestral territory led the Tagbanua into organizing themselves. Encouraged by an American missionary, they set up the Tagbanua Foundation in 1985 primarily to counteract resource-use problems in the island. As a strategy to regain control of their ancestral territory, Kudol Aguilar, its outspoken leader decided to apply for a Certificate of Forest Stewardship Agreement (CFSA)¹⁷ with the Department of Environment and Natural Resources (DENR). Although seemingly ridiculous, since the CFSA amounts to getting permission to their own property, the Tagbanua realized that they had very limited options. A non-government organization called Philippine Association for Intercultural Development (PAFID) assisted the Tagbanua community in applying for a CFSA. It took the Tagbanua five (5) years before the CFSA was secured in 1990.

The CFSA proved to be useless in the face of unrelenting pressure to the resources within the Tagbanua territory. As seagoing foragers, the Tagbanua realized that the diminishing

¹⁶ Ibid

¹⁷ CFSA was in line with the Philippine Forestry Code of 1975 (PD 705) and Letter of Instructions No. 1260 (1982), or the law that established Integrated Social Forestry Program in the Philippines. It is a contract with the Department of Environment and Natural Resources (DENR) which allows them to extract logs on a limited volume on the condition that they protect it from illegal activities.

fish catch has disrupted their economic lifeway which primarily evolved on gathering samung (sea shells), balatan (sea cucumber) and pogita (octopus).

In 1993, DENR enacted Department Administrative Order (DAO) No. 2 which recognized the inherited rights of the tribal folks and provided a process on how ancestral domains would be delineated and demarcated. The acquisition of a Certificate of Ancestral Domain Claim (CADC) under DAO 02 is a powerful legal tenurial instrument that grants preferential rights to the tribal communities on extraction, exploitation, management and protection of a delineated ancestral territory. The Tagbanua Foundation saw in DAO 02 an opportunity to enforce their rights within their own territory. As soon as the DAO 2 got underway, the TF again through the assistance of PAFID, filed their claim to the Palawan Special Task Force on Ancestral Domain (PSTFAD).

In a historic fashion, the Tagbanuas included not just their inherited lands but also their *teeb surublien* (inherited seas). The claim covers 22, 284 hectares, including the bodies of land and water in Delian Island. The claim, however, would spark an acrimonious debate between the tribe and the local government of Coron.

Asserting its political might, the municipal government filed several resolutions to derail the processing of claims. From December 1996 to October 1997 alone, the Sangguniang Bayan approved five (5) resolutions requesting pertinent government bodies to either suspend or cancel the Tagbanua CADC applications asserting the following points:

1. the ancestral waters are not just used by the Tagbanua but also by other non-tribal barrio folks;
2. it will undermine the fishing industry of the town;
3. Coron Island is one of the potential sites in the JICA Masterplan and could be a source of income for the municipality;
4. sworn testimony to attest to the validity of the claim were not executed by legitimate Tagbanua elders;
5. given the extent of the claim, it is highly improbable for the Tagbanua to manage the said area; and,
6. the provisions of DAO 93-02 do not conform to the existing laws.

The Tagbanua refuted these resolutions by saying that they do not intend to disallow outsiders to use the resources in their domain as long as the users will only use legal means and that their tribal laws will be recognized. Programs of the government and private entities are also welcome provided that they are sensitive to the local culture. The Tagbanua affirmed that the recognition of their claim was all they wanted.

The strong clamor of the local government led the Provincial Special Task Force on Ancestral Domain (PSTFAD) to recommend to the DENR Central Office to limit the claim of Coron Island into 8,050 hectares, thus removing a large part of their ancestral water claim. After a protracted legal battle, the Tagbanua community of Coron finally obtained their CADC from the DENR with the original area they applied for. Other

Tagbanua communities met the awarding of the Coron Island CADC with enthusiasm as they expected that this was the start of promising things to come.

The euphoria over the CADC issuance had barely died down when the Sangguniang Bayan issued another resolution protesting the non-consideration by the DENR of the PSTFAD resolution to curtail the Coron Island claim and pressed for the mothballing of other claims. In response to this resolution, the two (2) Congressmen of Palawan passed House Resolution no. 254, which directed the Congressional Committee on Natural Resources to call for an inquiry, in aid of legislation, into the grant of CADC by the DENR to the Tagbanua Foundation of Coron Island. The Congressmen argued that the awarded CADC of Coron Island was “far in excess of what is being claimed.”

In 1998, when then President Joseph Estrada stepped into office, one of the first Memorandum Orders of the DENR under the stewardship of Secretary Antonio Cerilles was the abrogation of the PSTFADs, effectively stopping all the CADCs under process at that time. Secretary Cerilles averred that the PSTFAD would just duplicate the functions of the NCIP, which was mandated by the IPRA law. This issuance was made despite the fact that NCIP had no functional Ancestral Domains Office to take over the CADC applications.

Because of Coron Island’s remaining biodiversity, the National Integrated Protected Area Programme, an agency under DENR and funded by the European Union, identified the area as one of the priority sites as a protected area. To pursue this goal, NIPAP laid the ground work for such declaration. It organized researches, identified viable enterprises and deployed forest and bay guards. NIPAP was hoping to submit its recommendation to the Protected Area Wildlife Board for review and endorsement of their proposal to declare Coron Island as a protected area.

The Tagbanua doubted the sincerity of DENR even if the law says that, “ancestral lands and customary rights shall be accorded due recognition” and that the DENR “shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent” (Sec. 13, RA 7586). The seeming reluctance of the Tagbanua lies on the fact that the soon to be created Protected Area Management Board (PAMB) will be mainly composed of people, like local government officials, who are not sympathetic to the tribe’s clamor for recognition of their ancestral territory. The Tagbanua community also thought that the protected area proposal would undermine their struggle for self-determination and offset the gains they have achieved.

In 1998, NIPAP and the LGU held a consultation with the tribal folks to settle the issue of PAMB composition. The meeting, which was mediated by the Palawan Council for Sustainable Development (PCSD), was cut short by the reiteration of the tribe’s unbending proposition — that *mame’epet* and no one else will comprise the PAMB. The NIPAP, LGU and PCSD did not make any commitment or favorable response to the Tagbanua proposal. All the three agencies were vying for a slot in the soon to be formed PAMB and invoked different laws that justify their presence in the management board.

For the Tagbanua, the full control over the PAMB will be their only ‘safety valve’ that would guarantee the protection and advancement of their interest.

The self-determination the Tagbanua have longed for would begin in July 26, 1998 when the DENR finally awarded the CADC to the Tagbanua, an unprecedented event in Palawan history. The Tagbanua were vested with preferential rights over the resources found inside their territory, although there were no provisions for exclusive use by the community.

The euphoria over the CADC awarding has not yet died down when a resolution was filed by the two (2) Palawan congressmen in Congress (House Resolution No. 11 series of 1998). The resolution directed the Congressional Committee on Natural Resources to call for an inquiry, in aid of legislation, into the grant of CADC by the DENR to the Tagbanua Foundation of Coron Island. The effort to review the awarding of CADC did not happen in isolation. It was part of a widespread, orchestrated and well-funded campaign to defeat the program on recognizing the rights of the indigenous people over their ancestral territories.

The acquisition of a CADC by the Tagbanua became a landmark in the struggle of the indigenous community to reclaim their territory. Here was a group of people who were faced with a veritable crisis of resource depletion and the absence of tenure which formed the base of their survival as a people. Yet, despite the obstacles, they showed resilience and determination in facing these hurdles.

VI. The Kalamian-Tagbanua and the Experience of FPIC

The Tagbanua lexicon has what it calls *pagkeresen*, which is loosely translated in English as conversation, discussion, or talk. In the Kalamian-Tagbanua context, the term has a ritualistic tone and a far more complex meaning. In *keresen*, knowledgeable members of the tribal community, usually the *mame’epet* or tribal elders, engage in a convivial conversation — over a cup of local coffee and some betel, areca nut and lime — to thresh out issues affecting the community and to find a solution acceptable to all. From a functionalist perspective, *pagkeresen* plays a role in fostering solidarity, group cohesion, and in easing tension and preventing conflicts.

The Kalamian-Tagbanua’s notion of *pagkeresen* is especially made more relevant in the light of discussions on the concept of Free and Prior Informed Consent. FPIC presupposes that the indigenous peoples have their own set of values for which development agenda are framed. For better or for worse, the outcome of the said development projects is owned by the indigenous community itself and not something imposed upon them. The Kalamian-Tagbanua has been successful in adopting the FPIC principles because they have a culturally intact social mechanism—such as the *pagkeresen*—to make it work.

Non-IPs think that *pagkeresen* is a search for unanimity among the members of the community and therefore neither ideal nor desirable. In fact, there were several occasions when the Tagbanua community, because of patently divergent views, opted not to make a decision; in which case, the development proposal cannot proceed. While *pagkeresen* is indeed a protracted process that has turned away a number of development proposals, it has succeeded in keeping solidarity within the tribe, which the Tagbanua regard as more important than any development proposal.

Projects that have passed through the *mame'epet* may be categorized based on who implements them. These are the private sector entities, government, NGOs and individuals attached to academic institutions.

Protected Area proposal

Perhaps, one of the more celebrated cases which were reviewed by the *mame'epet* was the proposal to declare Coron Island as a protected area. From the very outset, the community members found the proposal peculiar because they believe that it has been treated as such by the Tagbanua community beyond memory can recall. This is the reason why the natural beauty of the area remained as it is. The skepticism of the Tagbanua only deepened as time went by.

There were three conditions in which the acquiescence of the Tagbanua was anchored. The first condition was that the *mame'epet* shall have control over the PAMB. Since NIPAS Act implies that the majority of the members of the PAMB are non-indigenous peoples, the Tagbanua are apprehensive that Coron Island's declaration as a protected area can only loosen their grip on their ancestral territory. The second condition was that the ADMP of Coron Island shall be the guiding philosophy of the protected area project. While it is true that the initial Coron Island Protected Area General Management Plan was lifted from the Tagbanua's ADMP, it remains to be seen if the Tagbanua can haggle for its faithful implementation. Thus, a PAMB wholly consisting of, or at least dominated by, Tagbanua elders would somehow ensure that the ADMP, and not the plans formulated by outsiders, will be the ones implemented on the ground. Granting that the Tagbanua retains the control of the PAMB, why else will there be a PAMB over and above the *mame'epet* which oversees CADC?

An offshoot of the PAMB composition is related to the delineation and demarcation of management zones. The question raised by the community when they were deliberating on the protected area proposal was, "will the current management zones set forth in the ancestral domain management plan stay as it is, or, will the PAMB make another set of zones?" Obviously, the Tagbanua wanted that their own management zones set forth in their ADMP be adopted precisely because this is the aspiration of the tribe. The law says that, "[t]he zoning of a protected area and its buffer zones shall not restrict the rights of the indigenous communities to pursue traditional and sustainable means of livelihood within their ancestral domain unless they so concur (Section 10, DAO25-92)." Does this mean that the ancestral domain management plan prevails? Strict Protection Zone (SPZ), according to DAO 92-25, "shall be closed to human activity except for scientific studies

and/or ceremonial or religious use by indigenous communities.” It does not say that SPZ is open for economic activities. The *awuyuk* of Coron Island will qualify as an SPZ, but this is also the area where the *balinsasayaw* (swiftlet’s nest) holes of the tribal folks are located. Apart from these conditions, the *mame’epet* also demanded that the bay and forest guards to be deployed should come from the ranks of the community. When NIPAP refused to accept the conditions of the Tagbanua, the *mame’epet* was compelled to withhold the issuance of FPIC, hence, the protected area proposal did not push through.

Tourism projects

Around the middle of 1990s, the Department of Tourism with funding assistance from the Japanese International Cooperation Agency (the precursor of the Japan Bank for International Cooperation or JBIC) commissioned a study which eventually became Environmentally Sustainable Tourism Development Program for Northern Palawan. The type of development being proposed was heavy on infrastructure investment. Even before the program started, tourists have started flying their chartered planes over the caves where *balinsasayaw* nestle, or moor at the coves and sandbars on what were supposed to be *panyain* areas. The Tagbanua became apprehensive that this type of development is something that they cannot control and will disrupt their activities and cause harm to their culture.

Instead of rejecting the notion of tourism development outright, the Tagbanua decided to pursue its own brand of tourism development. They opened up Kayangan Lake to the public. With the support of the Coron LGU, national government agencies and NGOs, the Tagbanua leaders envisaged a Kayangan Lake Tourism Management Plan which was to be the blueprint plan for the use and management of the area.

With the assistance of Conservation International, the Tagbanua implemented a user fee system in 2001.¹⁸ The Tagbanuas’ main objectives for the collection of entrance fees and controlling the number of tourists who enter the Kayangan Lake, Barracuda Lake and adjacent beaches are the protection of the (i) fragile habitat of the swiftlets that dwell on the cliffs around Coron Island, (ii) the fish breeding areas or sanctuaries, and (iii) areas considered sacred to the Calamian Tagbanuas. Maintaining the cleanliness and sanctity of the place is a priority for TFCI.¹⁹

Entrance fees to Kayangan Lake are two hundred pesos (Php200)/person for non-Calamianes residents and foreign tourists and ten pesos (Php10)/person for residents of the Calamianes. Entrance fees to other areas such as Barracuda Lake and Coron Island

¹⁸ Conservation International-Philippines, Estimation of the Opportunity Cost of Tourism in the Kayangan Lake, Coron Island, and Northern Palawan.

¹⁹ Sampang, A. (2005). Ethnoichthyology and Conservation Practices of the Calamian Tagbanwa in Coron Island, Palawan, Philippines. Unpublished Master’s Thesis, University of the Philippines Los Banos – School of Environmental Science and Management.

beaches are seventy five pesos (Php75)/person. The fees collected go to a trust fund for the maintenance of the area.²⁰

Other development interventions

Aside from proposed development projects stated above, there are also project proposals which will make use of certain portions of the ancestral territory for private gain. An example of this was the fish cage owned by a Congressman which was erected in Twin Lagoon. According to informants, this project did not seek the permission of the *mame'epet* before it was set up. Eventually, the Coron LGU had to dismantle the fish cage in response to persistent complaints of Tagbanua members.

Other projects which sought the approval of *mame'epet* include those implemented by NGOs such as Conservation International (cashew nuts processing), SARAGPUNTA Federation (hog-raising, culturing of *Eucheuma*, and water project), Red Cross (water distribution), Foundation for Philippine Environment (patrol boats and radio tranceivers for law enforcement), and ELAC (legal capacity-building). All these projects got the consent of the *mame'epet* purportedly because these projects directly benefited and responded to the needs of the Tagbanua.

VII. Implementing FPIC: Benefits and Challenges

(a) Benefits

FPIC is illustrated under Part 3, Section 3 of NCIP Administrative Order No. 1 or the Implementing Rules and Regulations (IRR) of IPRA as follows:

“The ICC’s/IP’s shall, within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The ICC’s/IP’s shall have the right to accept or reject a certain development intervention in their particular communities.”

The elders and leaders of Coron Island practice FPIC. The acceptance or rejection of any development project, program, plan, policy, activity or undertaking is determined by the Council of Elders (*mame'pet*) and leaders representing the whole ancestral domain. In the Tagbanua culture, such decision is being recognized and respected.

The passage of IPRA and NCIP administrative orders pertinent to FPIC galvanized the legal authority of the *mame'epet*. Since then, projects and programs that affect the tribe have undergone the scrutiny of tribal elders.

While majority of the members of the Tagbanua community, especially in Banuang Daan, are unaware of the intricacies of the Free Prior and Informed Consent (FPIC)

²⁰ Ibid

process as well as their acquisition of CADC or CADT, they consider this as a major achievement to them since their ancestral domain is now legally secured. According to the majority of the IPs interviewed, the benefits of having a CADC and/or CADT are the protection of the resources within their domain. The protection of the bird's nest habitat will ensure adequate swiftlet population and sustainable source of nests. Other protection activities such as the establishment of fish sanctuaries would allow the regeneration of degraded fishing areas and depleted fish population.

The exercise of FPIC has enabled the Tagbanua community to regulate or restrict the entry of visitors and tourists to Coron Island. The fact that the entrance fees are being paid by visitors and tourists shows that the community has succeeded in asserting their right to manage, develop and protect their ancestral territory.

According to the Municipal Tourism Officer and Budget Officer of Coron, following the award of the CADC and CADT to the Tagbanuas of Coron Island, the local government had no choice but give their full trust to the indigenous peoples to manage Kayangan Lake and the beaches in the island. The local government discontinued their allocations for the maintenance of Kayangan Lake, but continued to provide funds for social services to the IPs of Coron Island.

The Coron Island experience has also encouraged other IP communities, even without any CADC or CADT, to exercise FPIC. In Barangay Buenavista, Coron, the Council of Elders and leaders together with the community vehemently opposed the proposal of a business group and local government unit to establish a shipyard within their ancestral domain. The IP leaders and elders initiated consultation meetings with the proponent, civil society groups working in the area, local government unit of Coron, national agencies and other stakeholders. To date, the proposed shipyard project is pending. Moreover, the barangay officials, majority of whom are Tagbanuas, enacted a resolution prohibiting any major development that would degrade the environment and threaten their cultural integrity. Several Tagbanua members have been harassed by security guards and men of the project proponent; even to the extent of burning some houses and forcing them to relocate, but the IPs have stood their ground.

(b) Challenges

The Tagbanua community is confronted with internal and external challenges. Internally, they need to address the conflict between the leaders and members in the management of Kayangan Lake.

According to the majority of the elders, leaders and Tagbanua community members of Banuang Daan and Cabugao, there is conflict in the management of Kayangan Lake project. There is concern on the lack of an appropriate financial report on the income of Kayangan Lake and other tourism sites in Coron Island.

In Banuang Daan, the elders, leaders and Tagbanua members describe the employment scheme in Kayangan Lake as a "*palakasan*" system because the ones employed are the

sons, daughters and relatives of the members of the Board of Trustees. The policy on “shifting basis” for employment was not enforced.

Another internal conflict is in the management of Banol Beach, one of the tourism sites in Coron Island. As narrated by the Tagbanuas of the two barangays, the Kayangan Project included the management of the Banol Beach area and was managed by the Tagbanua Foundation of Coron Island (TFCI), now the Tagbanua Tribe of Coron Island Association (TTCIA), from 2001 to 2003. Initially, the elders of Banuang Daan and Mr. Ernesto Aguilar entered into a verbal agreement allowing the latter to manage Banol Beach and allocate for the community a sum of P25 for every P100 entrance fee. However, this verbal agreement was implemented only for a few months.

In 2004, Mr. Ernesto Aguilar appealed to some members of the Council of Elders (Mame’epet) and Board of Trustees (BOT) of Banuang Daan to allow him to manage, collect fees, and maintain the area of Banol beach. While the mame’epet and BOT of Banuang Daan favorably considered Mr. Ernesto Aguilar’s appeal, the mame’epet and BOT of Cabugao refused to approve such proposal. Despite the difference in decision, Mr. Ernesto Aguilar pursued to manage the Banol Beach area and collect fees. Mr. Aguilar continued to manage Banol beach and has not turned over the management of the area to the TTCIA.

This conflict was discussed by the leaders with the National Commission for Indigenous Peoples (NCIP) and the local government unit of Coron. The NCIP expressed willingness to serve as mediator between Mr. Aguilar and the TTCIA should the community fail to resolve the conflict among them.

Other community members lament that Coron Island continues to suffer from illegal fishing practices of cyanide and dynamite. Fisherfolks have narrated the decline of fishery resources.

An external challenge is the seeming apathy of the local government unit. Former Coron Mayor Alberto G. Enriquez asserts that the CADC/CADT claim should exclude the lakes and white beaches from the ancestral domain claim of the Tagbanua. The LGU wanted Coron to be developed as a major tourism destination under the Tourism Master Plan being undertaken by the Department of Tourism and they wanted to have a free hand in developing Coron Island itself as a main tourist attraction. Mayor Enriquez felt that the CADC will complicate the efforts of the municipal government to pursue their own plans for Coron Island and affect progress and development in the municipality. It was noted that the LGU made a total allotment of P135,000 for several years for the maintenance of Kayangan Lake and other white beaches and tourist spots. In 1992, Ordinance 6-A, provided for P70,000; 1989, Ordinance No. 6, P12,100; 1988, P35,000; 1985, Ordinance No. 16, S-85, P5,000; 1983, Ordinance No. 31, S-83, P3,000; 1980, Ordinance No. 1, P10,000; 1978, Ordinance No. 4, S-78, P7,000; 1977 municipal annual budget from January to December was P5,000.²¹

²¹ Validation Report: Ancestral Domain Claim of the Indigenous Cultural Community of Barangay Cabugao and Banuang Daan, Coron Island, Coron, Palawan. In National Commission on Indigenous

Though the FPIC process is being practiced by the IPs of Coron Island, the same is not sometimes recognized and respected by other local government officials and private individuals, hence continuous information dissemination by the National Commission for Indigenous Peoples is significant.

Addressing the internal conflict will require organized efforts and resources but these have to be started.

V. Analysis and Recommendations

The study on the application of Free and Prior Informed Consent among the Tagbanua of Coron Island provides a concrete example of how a paternalistic social structure has tried and continues to cope with external challenges to preserve their way of life. The study described an IP community's search for collective maturity in confronting present day realities that challenge their age-old methods of interacting amongst each other and towards outsiders.

From the moment that the Tagbanua of Coron Island realized the need to secure their Certificate of Ancestral Domain Claim, the community began an arduous journey where it had to learn to deal with the outside world. Their initial success in securing the CADC was put to a test as they struggled to prove their capacity to exercise responsibility over their ancestral domain in exchange for government recognition and acceptance of their rights.

The case of Coron Island shows that participation is a key issue for indigenous peoples as their history has been one of exclusion from decision making in development activities and from governance bodies. Community involvement or participation is an obligation in the FPIC process in order to ensure unity among the indigenous peoples in employing their rights.

The study demonstrates that the Free and Prior Informed Consent, as a tool for governance, delivered positive benefits to the community on one hand but also posed difficult challenges to the unity of the IP community.

The FPIC has allowed the Tagbanua of Coron to strengthen their legal rights to their ancestral domain. Their awareness of their own rights as a community has reached a point where the exploitation by outsiders that used to happen in the past had been controlled. No longer is there a threat of outsiders being able to force them out of their own land, a fate that has befallen many indigenous communities in the past and even at present in other parts of the country.

The FPIC has empowered the Tagbanua of Coron even to a point where it was able to challenge traditional government systems centered on formal political structures and

Peoples, ADO Report on the Conversion of R4-CADC 134 into CADT of Tagbanua Tribes in Coron, Province of Palawan with an Area of 24,256.76 Hectares

decision making processes. The municipal government of Coron for its part found itself coping with an empowered community and ended up not being able to impose its own plans on how, for instance, Kayangan Lake should be tapped for tourism purposes.

The FPIC also provided benefits to the Tagbanua by protecting the swiftlet population and habitats, coral reefs and sanctuaries, which are the lifeblood of their economic activities and cultural heritage.

While the realization of the CADT and the FPIC implementation has become a milestone in the struggle of the indigenous peoples of Coron Island, the significance of a very strong community organization and leaders is essential in the process.

There is need for more in-depth discussions and dialogues among the indigenous peoples and between the TFCI to resolve organizational conflicts as well as with the government, intergovernmental bodies and the broader society to develop further perspectives on the development of indigenous peoples. The recognition of the indigenous peoples' claims for individual and collective rights, is crucial for a just and sustainable solution to the need for equity.

Building the capacity of the communities requires effort, but it will also generate greater benefits. Training indigenous peoples on their rights increases their awareness of their claims and enhances their participation in policy and political processes as well as strengthens the managerial capacity of the indigenous peoples.

The government should develop and adopt policies that will increase the share of the IP communities from the extraction of their natural resources. Efficient awareness activities or trainings on indigenous peoples' rights should be undertaken for the local government units, government agencies, other civil servants and transient populace. Moreover, there is a need to document the accomplishments and or failures of the IPs on its approaches and methods on the perspective of the FPIC.

Support should be provided for the elaboration of a guidebook on FPIC. Governments especially the local government units and other government agencies should definitely contribute to the ongoing process of discussing and defining indigenous peoples' rights and implement existing instruments for the recognition of such rights.

Indigenous peoples' organizations should be supported so that they have sufficient funding and capacity to monitor the FPIC implementation and to ensure their participation.

While there is IPRA, much more needs to be done to have it implemented appropriately. The present efforts to weaken the rules and procedures on FPIC in the national level should be stopped. A continuing major concern is the manner by which provincial and local officials and national agencies have pursued or promoted major development projects, such as commercial mining, in areas being claimed as ancestral domains in Palawan. While most officials have assisted development project proponents in securing

clearances from the barangay, municipal and provincial officials, they have ignored or excluded the indigenous peoples in the process. Consultations are done only when complaints have been raised by the communities. One reason for this is the ignorance or lack of knowledge of many local officials on the IPRA law, particularly, the Certification Precondition and FPIC requirements. Another concern is the involvement of some NCIP personnel in securing the approval/consent of indigenous communities with regard to commercial mining projects.

Currently, NCIP has drafted new guidelines on FPIC which seeks to shorten the period of time for the conduct of the FPIC. IP communities and advocates have criticized the proposed guidelines in that it, among others, ignored the accessibility and information constraints obtaining in IP communities. Advocates also argue that imposing an unrealistic time limit on the FPIC process provides project proponents with legal basis to put undue pressure on the IPs to speed up the process. This ultimately strengthens the already dominant position of the proponents and further weakens and marginalizes the IPs' position. The draft guidelines likewise provide for the simultaneous conduct of the EIA and FPIC processes and the removal of certain safeguards, such as the posting of a performance bond to answer for consequential damages to the community.

In general, the development of Coron Island in having a CADT and the realization of FPIC has become a model of IP empowerment in Palawan where they have gained decision making authority over access and use of their land and resources. This can help serve as a management model for guidance to other Tagbanua communities in the Calamianes region.

The study proposes the following courses of action to strengthen the FPIC as a tool for governance in the context of indigenous peoples.

- a) The development and introduction of a more deliberate conflict resolution mechanism in the community integral to the FPIC process.

The experience of Banuang Daan, where it has come to a point that its own set of community leaders has, out of dissatisfaction over perceived inequity, considered breaking away from the organization, gives insight as to how empowerment at the grassroots may challenge its own unity. It would seem from the experience of the Tagbanua of Coron that more deliberate information dissemination is needed to allow everyone to fully understand their current situation and effectively participate in decision-making.

- b) Conduct of an intensified awareness efforts targeting the local government units and other non-IP stakeholders

The experience of the Tagbanua of Coron in securing recognition over their ancestral domain has been characterized by adversarial struggles with the LGU and even with the private sector, the latter being less supportive or apathetic to the Tagbanua' objectives. While the CADC and CADT instruments empower the communities to protect their

culture and contribute to overall national growth, there are, as in the case of Coron, prevailing misconceptions over the value of such policies. These awareness sessions can even highlight, for instance, the value of building a partnership between the LGU, IPs and other stakeholders in addressing the rampant illegal fishing activities in the Coron.

- c) Strengthen the local capacity of the community in meeting the rigorous requirements and responsibilities attendant to the grant of CADC/CADT

The CADC/CADT systems require technical capacity and organizational and managerial skills on the part of the community to be able to deliver on the responsibilities imposed on them by law. In the case of Coron Island, the seeming weakness in the capacity of leaders and groups tasked with specific responsibilities has caused conflict within the community and at times had developed into deep internal struggles.

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APPENDICES

Appendix I. List of Tagbanua Foundation of Coron Island Officers

TFCI Officials (Overall)

| | |
|----------------|------------------|
| Chairman: | Rodolfo Aguilar |
| Vice-Chairman: | Gonzalo Abella |
| Secretary: | Renato Dacullios |
| Treasurer: | Jaime Aguilar |

Board Members

1. Toledo Abella
2. Roy Abella
3. Benjamin Aguilar
4. Lumbrino Victorino
5. Teodoro Dacullios
6. Norlito Languyod

Appendix II. Code of Ethics in Kayangan Lake

CODE OF ETHICS

| PAUNAWA | NOTICE |
|--|---|
| Ang Lawa ng Kayangan ay kinikilalang sagradong pook. 1. Panatilihin at igalang ang mga paniniwalang cultural ng mga Tagbanua at mga likas na anyo ng pook. 2. Maaaring manatili sa pook mula ika-8 ng umaga hanggang ika-4 ng hapon batay sa pamumuhay at paniniwalang cultural. 3. Walang anumang kukunin maliban sa larawan, walang anumang iiwanan maliban sa bakas, walang anumang papatayin maliban sa oras, walang anumang itago kundi alaala | Kayangan Lake is recognized as a sacred place. 1. Maintain and respect the cultural beliefs of the Tagbanuas and the natural features of the place. 2. Presence in the place is allowed from 8 am until 4 pm based on cultural lifestyle and belief of the Tagbanua. 3. Take nothing but pictures. Leave nothing but footprints. Kill nothing but time. Keep nothing but memories. |
| Ito ay proyekto ng Tagbanua | This is a project of the Tagbanua |

| | |
|-----------------------------------|------------------------------------|
| Foundation of Coron Island (TFCI) | Foundation of Coron Island (TFCI). |
|-----------------------------------|------------------------------------|