

Diwalwal Case: The Rise of Lumad Capitalists *by Jose Jowel Canuday*

Clad in Manobo's symbolic head dresses, about a dozen leaders of Mangguangan, Dibabawon, Mandaya and Manobo Lumads from Monkayo town, Compostela Valley filed an exploration permit application (EPA) before the Mines and Geo-Sciences Bureau (MGB) regional offices in Davao City one July morning in 2007¹. The area, which the "Four Tribes of Monkayo" want to explore and mine for gold, falls within their vast 30,468-hectare ancestral domain title in the hinterland areas of Monkayo.

The scene contrasts images of indigenous peoples protesting before MGB offices against corporate mining intrusion into their ancestral domains. Rather than use the instruments of protests, the Lumads who refer to themselves as the "Four Tribes of Monkayo" utilized the ways of the corporations in securing their ancestral domain as well as in asserting their right to exploit and manage the mineral resources within it. The four tribes had duly registered as a corporation under the name Unified Tribal Council of Elders and Leaders Association, Inc. (Mandaya, Manobo Mangguangan and Dibabawon) or UTCEL. They hold the CADT in Monkayo and deal with MGB as a mining corporation.

"Naay panultihon na the best manager is the owner. Kami ang owners, kinahanglan kami pud ang mag manage sa mining sa among ancestral domain. There is a saying that the best manager is the owner. We are the owners, it is just right that we manage the mining activities in our ancestral domain," asserts Datu Florelino Andresan, the general manager of the Monkayo Ancestral Domain Management Unit (MADMO) of UTCEL.²

Lumads came into the MGB office well-organized and with a comprehensive development plan that envisions that they themselves directly explore, operate and secure joint venture arrangement with investors for medium to large-scale mineral production. The leaders of the "Four Tribes" of Monkayo believe that their action is a culmination of their long, arduous and in some instances bloody "struggle" to claim their rights to ancestral land and to mine.³ They also believe that their move realizes the spirit of Section 57 of the Indigenous Peoples Rights Act wherein indigenous peoples reserves

¹ Co-incidentally, Lumads walked in and filed the EPA during data gathering for this study at the MGB office.

² The quote was based in an interview with Florelino Andresan at UTCEL's Ancestral Domain Management Unit office in Monkayo on 27 September 2007.

³ The term "struggle" was how Florelino Andresan, a Mandaya leader and general manager of the Ancestral Domain Management Unit of UTCEL, described their efforts in ensuring their right to mine in their ancestral domain.

“priority rights in the harvesting, extraction, development or exploration of any natural resources within the ancestral domain.”⁴

Lumads in Corporate Mining

This paper posits that to a large extent, the actions of the Lumads of Monkayo shows a group that contested, negotiated and collaborated with powerful corporate mining interests as well as coercive entities in securing their ancestral land and mining rights. Their means of action was to construct a “tribal” social organization of indigenous peoples of Monkayo and crossbreed it with business-style of organizational management. The group’s hybridized Lumad organization became their main vehicle in securing their ancestral domain, and asserting on a right to exploit the resources in it for commercial mining purposes. In pursuing their “struggle,” they did not depend or align with rights-based and environment protection-oriented civil society movements leading the Philippine campaign for indigenous peoples rights. They have not taken the path of protest as a collective action in gaining their ancestral land or mining rights. The “Four tribes” of Monkayo instead tapped and collaborated with powerful entities working in Diwalwal as well as avail of the legal instruments introduced by the State to assert its monopoly of coercive power in the mining area in different ways and depth in the past 25 years. In the process, the Lumads found allies and opposition from corporate mining interests, the State, politicians as well as from among themselves.

Efforts by Lumads in contesting, negotiating and collaborating with large corporate interests were not always unified. In several instances, the Lumads of Monkayo competed among themselves in Diwalwal not necessarily as a homogenous bloc of indigenous peoples but as separate groups with particular political and economic interests. Groups of the same ethno-linguistic origins would be divided in terms of their allegiance to corporate and political interests they are aligned with.

Interestingly, the constant challenges as well as threats of physical and economic annihilation posed by a highly politicized mining environment like Diwalwal led to the construction of a new socio-political arrangement that unify them as a group with common economic interests. Whilst they continue to magnify the differentiation of their ethnic background, majority of them were able to unify under the aegis of a business-oriented corporate organization which is UTCEL. In the process, the Lumads of Monkayo established themselves not just a group of protesting stakeholders but also venture capitalists using their ancestral domain as their principal economic and investment base.

Andresan, the general manager of UTCEL’s ancestral domain development unit, stressed in an interview that their view of development is not to open their ancestral lands to mining companies and wait that they be handed over a one percent royalty for gross output from minerals and few other incentives. “Wala mi maghulat sa one percent royalty

⁴ Florelino Andresan, in the interview, repeatedly invoked and articulated Section 57 of the IPRA as one of their basis in applying for an exploration permit.

kay kanang royalty tudluan mi magtapol (We will not wait for that one percent royalty because that royalty only teaches us to become lazy),” Andresan argues. Andresan said that in one of the discussions of their elders and leaders, their decision was that they would rather directly engage in mining and profit from it as a corporation. They will then share their earnings among members of UTCEL utilizing the principles of cooperativism.

Leaders of the “Four Tribes” registered UTCEL, Inc. before the Securities and Exchange Commission (SEC) in 2005. UTCEL in turn formed a cooperative called the United Tribal Cooperative (UTECE), which filed the exploration permit with a view of eventually securing a Mineral Production Sharing Agreement (MPSA) and investors in the mining of the overlapping areas of CADT and mineral reservations of Monkayo town.

Lumads’ move in exercising their ownership rights over the ancestral domain, however, is not without complications. The CADT in itself sits in overlapping land uses that includes a government-managed mineral reservation, forests plantations, integrated social forestry, and community based forest management programs. These complications as well as the corporate solutions that the Monkayo Lumads have established will be the focus of this section of the study, starting from an illustration of the oral and written historical accounts on the area. The history of the peopling of Monkayo, its upheavals and subsequent entry of corporate ventures in the area are instrumental in understanding the conditions that transform semi-nomadic communities of indigenous peoples into venture capitalists.

Monkayo Lumads: A History of Social Disintegration and Reconstruction

Written records on the peopling of Monkayo are scanty. Monkayo, as a place, has not been referred in Spanish and American colonial accounts. The rivers near the area, however, figured prominently in colonial documents.

A Jesuit letter in the 19th century notes that the region covering the upland areas of Salug and Agusan rivers is generally inhabited by Mandayas⁵. American ethnologist John Garvan, in a 1931 report, wrote a passing comment distinguishing the Mangguangans, Mandaya, and Dibabawon as the neighbouring peoples of the Manobos in Eastern Mindanao (Garvan 1931:5-7).⁶ Garvan refer to the Mangguangans as the people occupying the upper Agusan areas, the mountain ranges between Salug and Agusan, the headwaters of Manat River and the watershed areas between Manat and Mawab rivers. Reports gathered from the people of Compostela estimates the population of Mangguangan at 10,000. Garvan described the Dibabawons as a “hybrid group” whose

⁵ The letter dated 8 February 1887 was written by Fr. Mateo Gisbert from Tagum River to the Mission Superior. Gisbert notes that the Salug upland has been surveyed by a Spanish military contingent led by Brig. Salcedo study to mark out the official road through the interior. The letter cited in this work was translated by Jose S. Arcilla, S.J. and published in 1998 as “Jesuit Missionary Letters from Mindanao Voume Three: The Davao Mission,” pages 16-172.

⁶ Garvan’s report, The Manobos of Mindanao, was originally presented to the 1929 Annual Meeting of the United States National Academy of Sciences.

dialect are similar to that of the Manobos in the Ihawan and Baubo areas, with dresses akin to those worn by the Mandayas. The Dibabawons occupy the upper half of the Salug River Valley, according to Garvan. Garvan described the Mandayas as the “greatest and best tribe” in Eastern Mindanao occupying vast areas covering Tagum, Agusan Valley, the Pacific Coast of Davao and the eastern side of the Davao Gulf (cf. Garvan).

The elders and leaders of UTCEL provided some accounts asserting that the four ethno-linguistic groups of Monkayo share a common origin from a “semi-nomadic” group of people from Kagan Valley in the “Bagonbon region” of the Diwata mountain ranges⁷. In the 14th century, a branch of the group separated and settled in lowlying areas in eastern Monkayo. From this branch of early Eastern Mindanao inhabitants, born Mandabon, a man who married four wives and bore children who later become the ancestors of indigenous peoples currently occupying Monkayo. Later, other groups of indigenous peoples from other parts of Agusan, Cateel and Davao migrated to Monkayo and intermarried transforming the ethno-linguistic formation of the area. The ADSDPP, however, was not explicit in explaining how the four distinct ethno-linguistic groups comprising UTCEL actually emerged.

In another set of document detailing the anthropological and historical basis for the Monkayo ancestral domain claim, the leaders of the “Four Tribes” narrated that a group of people called the “Laag Tribes” started the occupation of the headwaters of Naboc and Ngan Rivers between the 13th and 14th centuries⁸. From this group descended the couples Agtongan and Maragayday who bore a child named Mandabon, the ancestor of Mandaya families in Monkayo. In the same narrative, the Manobo and Dibabawon were described as people who are closely related to each other. The Manobo were thought to have originally occupied banks of Langkilaan and Ihawan creeks in the Agusan area. The Dibabawon were thought to be a “sub-group” of the Manobo people inhabiting the elevated areas of the Davao region, in particular the highlands of Laak, Kambanagoy, Kapalong and Saug. Both the Manobo and Dibabawons were believed to have first settled in areas covering the Upper Saug River valleys, Bongabong, Totoy, Casoon, and Awao rivers north of Monkayo; the Baubo and Logum river valleys in the west and the Awasan, Sinobang and Magaad creeks in the Laglagaan Valleys. The Mangguangan was described as a group who descended from Manobo-Dibabawon ancestry. They originally inhabit the thick forests of Bankerohan in Monkayo.⁹

Datu Manuel Labrador, Sr., secretary of UTCEL and whom the group also consider as their historian, shared that the four ethno-linguistic groups have been in contact with each other through trade and instances of intermarriages across the centuries. These groups, however, maintained the areas they occupied even as the Spaniards and

⁷ These accounts were incorporated in the 2005 Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) of UTCEL, particularly on pages 27-31.

⁸ The report, titled Anthropological History: Mangguangan, Dibabawon, Mandaya and Mangguangan Tribes of Monkayo, was narrated by Mandaya Datu Manuel “Matanghali” Labrador, on 13 August 2002. The report has been filed at the NCIP provincial office in Nabuntaran, Compostela Valley.

⁹ These accounts were taken from the “Anthropological History” document submitted before the NCIP provincial office in Nabuntaran.

later American military contingent started occupying parts of Monkayo. During the American colonial administration, US forces in the Davao region set up a military base called Camp Kalaw, an area that is now part of the center of Monkayo. Being a US military camp, various parts of Monkayo was heavily attacked and bombarded by the invading Japanese Imperial military during the Second World War. The Japanese aerial bombardment operations and subsequent invasion prompted massive evacuations of indigenous peoples from across Monkayo. The evacuations altered the positions of indigenous peoples in the area as they scattered towards different directions of the town.

Following the war, many failed to return to their original positions as they intermarried and migrated to various parts of the town. Those who tried to return were forcibly displaced when the post-colonial Philippine government started opening these areas to logging concessions starting from the 1950s. Among the logging companies, which occupied their lands are the Sarmiento Logging Company, Dalisay and Sons, Inc., Davao Mahogany Products, Inc. and the Paper Industries Corporation. Some of the Lumads were able to work as company guards in the logging company but most of those who attempted to re-occupy their lands in the logging concessions have been arrested. As the areas were stripped with logs and Lumads barred from returning to these areas, the Lumads who at this time was deeply impoverished, further scattered across Monkayo.

The Disintegration of Indigenous Social Organization

The dislocation of Lumads in the advent of commercial logging intrusion in their traditional dwelling places led to the disintegration of Lumad social organization. Most of the Lumads have been integrated into the national body politic and the lifestyle of a new wave of migrants into Monkayo. Several Lumads intermarried with the migrant populace hastening the destruction of traditional social organization in the area.

Before the episode of massive evacuations during the Second World War and the intermarriages, communities in the area have been organized along kinship lines and led by an elder known as Manigon or a Matadong. A leading Manigon is referred to by Mandaya Lumads as an “Arais” or a “Maas” (leader) of the community. Among the Mansaka, the main leader is revered as “Likid.” These titles were later referred to as Datu, a title that was then commonly used by communities in the seaside areas of Davao. Whilst the title datu was retained by new generation of Monkayo Lumad leaders, the community social organization on which it stood has withered.

At the outset, the historical accounts and the ethnic origins of those who peopled on the peopling of Monkayo appears to be ambiguous. This ambiguity signifies Monkayo indigenous peoples’ difficulty in firmly connecting into their cultural past. The ambiguity have been brought about by their grim experiences of wars, dislocations and division in the 20th century. Significantly, the ambiguity also generated a condition wherein Lumads have to re-construct a history and social organizations that fit the current narrative of “tribal unification” in the mining area.

The history of indigenous peoples of Monkayo has been marked by episodes of migrations in pre-colonial times, forced migrations amidst the global imperialist conflict during the Second World War and the disintegration of their social organizations following corporate logging intrusions during the early decades of the post-colonial Philippine administration. The destruction of indigenous peoples social life, however, paved the way for the creation of new social and cultural relations that culminated in the re-assertion of indigenous peoples identities in the 1990s amidst growing public consciousness of indigenous peoples rights. The rise of powerful social movements asserting Lumad rights nationwide and the worsening troubles in Diwalwal gradually change the means of struggle among Monkayo indigenous peoples. Monkayo Lumads began highlighting their indigenous identities as a strategy towards unification and re-occupation of lost lands. In re-establishing their identity and advancing their interests, Monkayo Lumads did not return to their old and gone social organizations. Instead, they built up a new social organization that crosses current local government and corporate structures.

The Discovery of Gold

The discovery of gold nuggets in Diwalwal by a group of Lumad led by Camilo Banad on September 22, 1983 prompted some of the indigenous peoples to pan for gold along the creeks of the gold-rich mountain. Those who were successful in securing capital or have made money from panning started digging tunnels into the mountain. The story of the Diwalwal gold discovery spread fast and far triggering a gold rush. Soon, more than a hundred tunnels were dug as mining financiers eagerly operated in the area. The exodus of financiers as well as fortune seekers from across Mindanao outnumbered the Lumads who were later relegated as mine workers or small tunnel operators. As more miners and financiers bore Diwalwal, government failed to intervene and regulate mining activities. Without government intervention, tunnels dug by miners crossed paths resulting to tensions and fighting among mineworkers as well as security forces deployed by mining companies in the tunnels. As more tunnels crossed path, more armed men were let loose in and out of the tunnels by the different mining interests. By 1984, violence descended into the tunnels and aboveground to the extent that the area was referred to as the “wild, wild west.”

Amidst the escalation of Diwalwal violence in 1984, Camilo Banad, the Lumad recognized to have first discovered gold in the area, have been displaced from the tunnels he dug out and left the area. He returned to his farm in the village of Naboc, also in Monkayo. When the violence simmered down in 1986, Banad returned and operated a gold processing plant in Diwalwal. Banad, however, left again amidst a catastrophic landslide that killed reportedly about a thousand persons in 1987.

Other Lumads, particularly those who remained in Diwalwal and worked in San Andres tunnel, were initially spared from the violence. The first of the armed men deployed by more powerful and wealth mining financiers were also Lumads and mostly

distant relatives of the Andresans. As the years wore on, tunnel owners began deploying armed men recruited from other parts of the country. The newly deployed armed men began harassing Andresan’s group and other Lumads in the tunnels prompting them to stop operations and withdraw from the area.

Few of the Lumads continue to maintain tunnels but closely aligned their operations with the more powerful, wealthy and well-armed mining financiers in the area. Under this set up, the loyalty of the Lumads were not to their ethno-linguistic origins but to the mining companies whom they are working for or are aligned with.

Competition among indigenous peoples in Diwalwal began since the discovery of gold in the area¹⁰. Lumads did not work as a bloc but established partnerships and work with groups with conflicting business interests in the area. As corporations and mining cooperatives battled for the control of Diwalwal, conflicts over ancestral rights of the gold rich area also brewed in the background.

The Andresan family and the kin of Datu Labrador, for instance, coalesced with other miners associated with JB Management Mining Corporation (JBMMC), which in turn have tied up with the Southeast Mindanao Gold Mining Corporation of the multinational Marcopper Corporation. JB Management is own by the family of Monkayo Mayor Manuel Brillantes. The group led by Datu Carlito Chavez have aligned with JB Mining’s rivals, the Blucor group of Diwalwal mining companies. A major stakeholder in the Blucor group is the family of Compostela Valley Governor Arturo “Chiongkee” Uy.

The Social Re-Construction of Monkayo Lumad Identities

Following the implementation of the 1997 Indigenous Peoples Rights Act (IPRA), groups claiming to be Manobo, Manguangan, Dibabawon and Manobo Lumads filed separate ancestral domain claims that covered the gold-rich Diwalwal and its adjacent areas. With the claims, rose competing Lumad organizations which argue their case for separate CADT’s for practically the same areas. Eventually, the filing of separate and overlapping applications sparked tensions among the claimants.

Competing Lumad Organizations and Leaders	
Lumad Groups	Leaders
1. Mt. Diwata Mandaya Tribe Foundation, Inc.	Datu Rosalino “Bagonabon” Andresan
2. United Tribal council of Regionwide Cultural Minority	Datu Carlito “Namagyo” Chavez
3. Mt. Diwata-Upper Ulip Mandaya Triba Council , Inc.	Datu Rosalino Andresan
4. Provincial Tribal Council of Elders	Rajah Carlito Buntas
5. Monkayo, Manobo, Dibabawon Sectoral Tribal Council	Datu Victoriano Tunggay Tulic

¹⁰ This information was taken from the Minutes of the Special Meeting of the Unitified Tribal Councils of Monkayo in Tagum City on February 5, 2001. The Minutes is available in the files of NCIP in Compostela Valley and the UTCEL office in Monkayo.

Lumads accused each other of raising false claims over Diwalwal. As the tension heightens, The NCIP refused to process the contesting claims. Eventually, the tensions simmered down as some of the competing Lumad leaders started talking about possibilities of unifying their claims.

A major unification talk was conducted in Tagum City on December 19, 1998 with eleven persons, claiming to represent various “indigenous cultural community of Monkayo and Compostela,” attending. The eleven persons, namely Carlito Buntas, Jose Bunta, Mario Buntas, Rosalino Andresan, Manuel Matanglahi, Carlito Chavez, a certain Saludares, Latiban, Kamini Banad, Victorino Tunggay and Tony Calpo, signed a “Pact of Cooperation.” The signatories made a pact to “jointly commit ourselves to arrive at and support one CADT application and will not take or otherwise support or promote any action or conduct by any member or non members of the community that may prevent or impede the realization for the accord herein provided.”¹¹

The pact, however, has not been sustained prompting new efforts for unification. Three years following the Pact of Cooperation, indigenous peoples sat down again and formed a new group called the Unified Tribal Council of Elders of Monkayo on February 5, 2001. Resolution No. 001-01 of the group immediately addressed the problem of disunity with an agreement for the “Re-unification of the four tribes of Monkayo, Comval, who are bonafide claimant owner of Mt. Diwata which is inside their ancestral domain of 30,000 hectares.”¹² This time, 13 persons signed the accord namely Manuel Labrador, Embrance Radiz, Carlito Rajah Buntas, Mario Buntas, Omar Bandian, Gaspar Suran, Rosalino Andresan, Florillo Andresan, Dinnes Bande, Ronnie Alejo, Carlito Alejo, Miguel Del Fiero, and Marciano Dasig.

About a week after the signing of the resolution, the group expanded their membership and held series of meetings with other indigenous people’s leaders. The meetings resulted in another unification agreement signed by Rajah Buntas, Rosalino Andresan, Camini Banad and Victoriano Tunggay. The agreement, however, excluded Datu Carlito Chavez who had signed in the 1998 Pact of Cooperation, on the basis of “his dishonesty and deceitful motive in signing and granting of free and prior informed consent (FPIC) to nine cooperatives.”¹³ These nine cooperatives were aligned with business interests represented by Helica, Blucor and Helica Corporations, which are among business groups opposed to the alliance established by JB Mining Management Corporation and the Southeast Mindanao Gold Mining Corporation. The move illustrate the deep and persistent cleavages among indigenous peoples. Andresan said that their faction of indigenous peoples chose to link up with the Brillantes group as they did offer better and favourable terms compared with other mining groups. In the years when

¹¹ Original and certified true photocopies of the Pact of Cooperation can be located at the NCIP Compostela Valley office and at the UTCEL office.

¹² Included in the Minutes of the Special Meeting of the Unified Tribal Councils of Monkayo.

¹³ The quote was taken from a “Unification Agreement” document that were signed Rajah Buntas, Datu R. Andresan, Camini Banad and Victoriano Tunggay following a series of meetings on February 10, 17 and 24, 2001 in Monkayo own. The document can be retrieved from the Monkayo Ancestral Domain Management Office and NCIP Compostela Valley.

indigenous peoples started the application process for a CADT, the late Monkayo Mayor Joel Brillantes supported them in financial and technical terms in contrast to other mining interests, which did not.¹⁴

As divisions persisted among indigenous people, so are the efforts in unifying their interests. Unification efforts paid off as most of indigenous peoples including Carlito Chavez agreed to establish a common CADT application and collectively manage the disputes over Diwalwal. The group, which ascribed to themselves as the “Four Tribes of Monkayo,” agreed to establish Diwalwal and all other areas in their ancestral domain claim as a commonly owned area. Carlito Chavez would then become a member of a community working group that prepared the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) for their CADT. The eventual issuance of CADT, however, has not totally ended the disagreements among Lumad stakeholders as “factionalism” continue to affect the group.¹⁵

Geography and Boundaries: Resource and Institutional Use of the Lumad CADT

CADT 0702-0007, issued to UTCEL on July 22, 2003 covers 13 hinterland barangays of Monkayo. The CADT has been broken into two parcels with Parcel One encompassing 19,158,475 hectares of areas straddling the eastern Barangays of Awao, Casoon, Banlag, Olaycon, San Jose, Haguimitan, and San Isidro. Parcel Two, which extends 11,309,750 hectares, comprises the western Barangays of Pasion, Rizal, Baylo, Salvacion, Upper Ulip, Tubo-tubo, Naboc and Mt. Diwata. Mt. Diwata hosts the contested Diwalwal gold mines.

Land formation of the area is largely uneven featuring hills, hillocks, gullies and streams. Surrounding it are the extensive mountain ranges of Diwata and Monte Alto, areas that are also thought to be rich with mineral resources. The delicate creeks and streams of the CADT site drain to two of Mindanao’s major and ecologically diverse river systems of Saug and Agusan. Government maps identified that only 26 percent or 7,111 hectares of the area, is still covered by natural forests¹⁶. About 21 percent or 5,625

¹⁴ Following the murder of Joel Brillantes, his successor and brother Manuel, continued policies and actions that generally favour the interests of the four tribes on other issues concerning the use of other resources in and around Diwalwal. In 2004, demands by members of UTCEL to be granted priority rights over the cutting of trees in some 200 hectares of forest areas surrounding Diwalwal have been endorsed by the Community Environment and Natural Resources Office (Cenro) of Monkayo. Trees around Diwalwal have been periodically taken down as timber support for the tunnels of the controversial mining site. Members of UTCEL, earlier, complained of unabated illegal logging operations in the area and the failure of the DENR to take action over the problem. As the trees frittered away, UTCEL asserted that DENR speed up its decision in granting them permit to cut the trees.

¹⁵ Based on the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) of the Monkayo Lumads, factionalism can still be observed from among the CADT holders. As a solution, the ADSDPP noted the need for capacity building activities that will develop their managerial, financial, technical, socio-cultural and political organizing skills.

¹⁶ Cited from the ADSDPP for the Manggungan, Manobo, Mandaya and Dibabawon CADT in Monkayo, pp. 12-15.

hectares of the area are considered shrub-lands and another 443 are forest plantation established by the Davao Mahogany Products Inc. and the Paper Industries Corporation of the Philippines.

Land conversions and “illegal logging” are seen as among the leading factors in the extensive depletion of the area’s forest resources. Timber products are among the most in demand resources in the mines in Diwalwal as these are being used to support the tunnels deep into its belly. An extensive part or about 50 percent of the area was already cultivated while only about 236 hectares or less than one percent of the CADT has been utilized as a built-up area.

The ancestral domain also hosts extensive collection of endemic and endangered animal species which include some species of eagles, Philippine macaque, wild boars, civet, eel, various rats, red jungle fowl, bats, lizard, snakes, frogs, variety of birds, insects and anthropods.

As rich as the area’s flora and fauna is the mineral underneath it. Lumads considered gold as the “largest and most important mineral resources” in the ancestral domain. Gold and other minerals associated to it can be found throughout the ranges of Mt. Diwata, particularly in areas straddling Surigao del Sur to the town of Maragusan in Compostela Valley. The biggest known deposit of gold have so far been identified in Diwalwal with an estimated reserve of 660,000 metric tons.

The gold of Diwalwal and its neighbouring areas have become the object of desire of various mining interests in the past two decades. Corporate mining interestshave already positioned and made 11 mining claims in the area before the CADT was awarded to the Lumads in 2003. These mining interests includes Picop Resources, Inc. which holds two mining claims; SEM Gold Mining Corp., Alberto Mining Corpo., Ever Mining Inc., JCG Resources Corp., Mina Del Oriente, Inc., Boston Tribal MP Cooperative with two mining claims, Jordan Mining Ventures and OZ Metals Exploration and Development Corp.

Mining Claims	Corporations
APSA 00036 XI	Picop Resources, Inc.
APSA 00028 XI	Picop Resources, Inc.
APSA 00128 XI	SEM Gold Mining Corp.
APSA 00065 XI	Alberto Mining Corp.
APSA 00198 XI	Ever Mining Inc.
APSA 00196 XI	JCG Resources Corp.
APSA 00077 XI	Mina Del Oriente Inc.
EXPA 104	Boston Tribal MP Coop
EXPA 105	Boston Tribal MP Coop
EXPA 110	Jordan Mining Ventures
EXPA 123	OZ Metals Exploration & Devt. Corp.

Sources: MGB Region XI, ADSDPP of Mangguangan, Mandaya, Manobo and Dibabawon of Monkayo.

In addition to corporate mineral claims, which eat up almost half or 14,106 hectares of the ancestral domain, other parts of the area were already identified for other

uses. These uses, particularly covers 2,890-hectare Community Based Forest Management Agreement, 1,477-hectare Integrated Social Forestry Projects, a 115 hectare FMLA. On top of these uses is the inclusion of the 5,384-hectare area of the CADT in President Arroyo’s Mineral Reservation Area proclamation. In terms of classification, the greater part or 27,625 hectares of the CADT area is still classified as forestland while the remaining 2,843 hectares are considered alienable and disposable lands. Practically, the government already earmarked the entire CADT area for different uses resulting to an overlapping of applications of land tenure instruments.

Institutional Uses	Area Per Hectare
CBFMA	2,890
CSC/ISFP	1,477
FLMA	14,106
Mine Reserved Area	5,384
Mining Claims	14,106
Total	37,963

Source: ADSDPP of Mangguangan, Mandaya, Manobo and Dibabawon of Monkayo.

Part of the objectives outlined in the ADSDPP of UTCEL suited the areas’ existing institutional uses, particularly in the area of commercial tree plantations and agro-forestry. The ADSDPP, however, sharply contrasted with the government in terms of the utilization and management of the area’s mineral reservation. Proclamation 297, which President Gloria Macapagal Arroyo issued on 25 November 2002 ordering the Department of Environment and Natural Resources (DENR) to engage in direct mining operations in the 8,100 hectare mining reservation. In consonance with the proclamation, the DENR tasked its corporate arm, the National Resources Development Corporation (NRDC) , to implement two-stage management approach that would cover the disputed 729-hectare mining site in Diwalwal, and the remaining areas outside the 729-hectares. NRDC later created a corporate arm for mining called the Philippine Mineral Development Corporation which undertake direct mining operations in the area. In line with the NRDC’s mandate, the PMDC was tasked to conduct explorations, issue service contracts, control explosives and chemical use, and ensure necessary legal mining documentary requirements for qualified Mineral Processor groups, cooperatives, companies or corporations operating in the 729-hectares. Outside the controversial 729 hectares, the PMDC was also mandated to initiate the exploration of the area but with options to bid out the activities to third parties, be they local or foreign companies.

UTCEL, in its ADSDPP, stressed that it will establish a mineral claim and develop production areas within the CADT. To back up their claims, the group invoked Section 57 of the IPRA which states:

“The ICCs/IPs shall have priority rihts in the harvesting, extraction development or exploitation of any natural resources within the ancestral domain. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years renewable for not more than twenty five

(25) years: Provided, That a formal and written agreement is entered into with the ICCs/IPs concerned or that the community pursuant to its own decision making process, has agreed to allow such operation: Provided, finally, That the NICP may exercise visitorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract.”

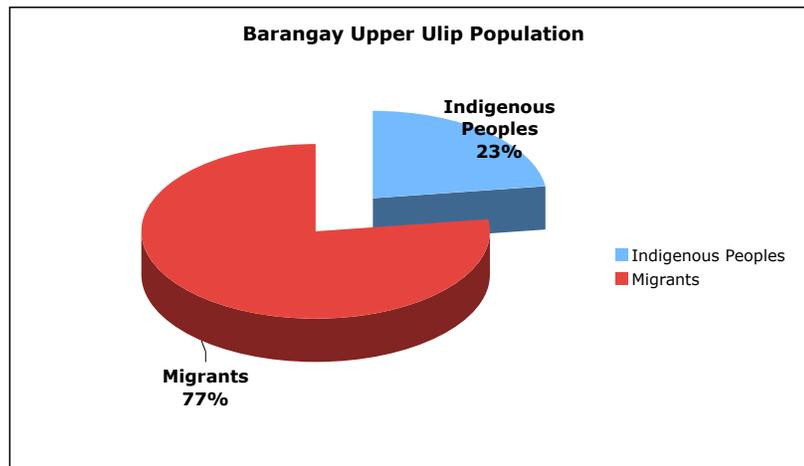
UTCEL envisions that it will exclusively “manage and operate” the area with the collaboration, and technical and financial assistance of investors and the government. In actual and practical terms, Monkayo Lumads want priority rights to explore and engage in mining activities outside the 729 hectares. They would no longer contest the claims over the troubled 729 hectares but expects to be paid a one percent royalty from the gross output of minerals and other incentives provided for by IPRA. Andresan also explain that Lumads recognize the reality that there are existing mining claims outside the 729 hectares. On this end, they would opt instead for the segregation of some 891 or 11 percent of the 8,100 mineral reservation area as an Indigenous Peoples mining reservation.

Lumad Mining Reservation

The proposed indigenous peoples mining area is divided into two parcels of land within Barangay Upper Ulip, an area adjacent to the controversial 729 hectare Diwalwal mining site. The first parcel, which covers 567 hectares in Sitio Mabatas and the second parcel comprises 324 hectares in Sitios Dipot and Matangat. In 1997, indigenous peoples led by Camilo Banad, the Lumad who discovered but has since left Diwalwal a decade earlier, bore two tunnels in the area.

The Andresan family, after leaving Diwalwal amidst the chaos of the 1980s, also re-channeled their resources to Upper Ulip where they have dug a tunnel. The discovery of gold and subsequent tunnel operations in Upper Ulip attracted more Lumads and non-Lumad migrants. By 2000, population in Upper Ulip has reached 4,338 dominated by migrant population who numbered 3,355 of 77.34 percent of its inhabitants. Lumad population in Upper Ulip were recorded at 983 or 22.66 percent of its total inhabitants.

A mini case study from the research,
Mining in Mindanao: Analyzing Stakeholders and Identifying Strategic Engagements (2008).
Mindanawon Initiatives for Cultural Dialogue commissioned by the Jesuit Schools in Mindanao.



Should the area is segregated as a mining site for Lumads, Andresan said they will respect the positions of non-Lumads which had started digging tunnels in consonance to the protection sought by Section 57 on the right of the non-IP to take part in the development and utilization of the natural resources within the CADT for 25 years. Andresan said their point, however, is that Lumads managed and operate the chunk of the area as a business entity.

Organizing a Lumad Corporation

UTCEL has registered and was issued by the Securities and Exchange Commission Company Registration No. 200528883 on 12 August 2005. The corporate name of the group is United Tribal Council of Elders and Leaders (Mandaya, Manobo, Mangguangan and Dibabawon) Tribal Association Inc. As a SEC registered corporation, UTCEL has 15 incorporators who also serve as its trustees. A total 27 investors, who represented the four ethno-linguistic groups holding the CADT, has earmarked a total investment of P2,700 upon incorporation.

In the administration of the ancestral domain, UTCEL is headed by a chair elected by the 24 members of the council of elders and leaders. Members of the Council are elected by the 21 Barangay Tribal Councils, which are established in all the barangays covered by the CADT. Three more seats are reserved for women representatives which will be elected by indigenous peoples women representing the women committees of the Barangay Tribal Councils. Directly under the chair of the council is the vice chair, a legal office and the secretariate of UTCEL. Other members of the council are then elected into UTCEL's ten standing committees, in particular the committees on tourism and cultural heritage; education and information technology, youth, sports and amusement; budget, finance, appropriation, ways and means, economic enterprise, cooperative, trade and commerce; health and social services, women, children and family; barangay and municipal affairs; rules, procedures and blue ribbon; justice, human rights, public safety, legal matters, resolutions, ordinance and style; and natural resource and environment protection.

An executive committee, which is headed by the chair, coordinates the affairs of UTCEL. Below the executive committee is the powerful Monkayo Ancestral domain Management Office (MADMO), the unit that directly manage, operate and implement plans in the CADT area. A general manager heads the MADMO. The general manager supervises the unit's administrative office, finance generation activities, and the "different operating units that maybe created by the council."

UTCEL also created a cooperative, United Tribal Cooperative, that serves as its business arm. As a business arm, the cooperative secure and enters joint venture arrangements with potential investors. UTCEL has mapped out plans of constructing a 3.4 hectare mine tailings dam in the area. Under the plan, the mineral processing plants will be built surrounding the dam once completed.

Lumads action in securing an exploration permit is not without complications and oppositions from other corporate or government agents. The MGB twiced refused to accept two exploration permit application permits. On their third try, two dozens Lumad leaders wearing their traditional red and yellow vests and headdresses came and sought an audience with the MGB regional director. Engr. Edilberto Arreza, the MGB regional director, ushered the Lumads into their office's cramped conference room where he explained his dilemma against accepting the application. Arreza reminded the Lumads that the area they want to directly operate, were already part of an 8,100 hectare mineral reservation declared by President Gloria Macapagal Arroyo in 2002. The proclamation mandated the DENR to exercise state power in directly operating mining activities in the area. The DENR corporate arm, the PMDC, were supposed to run the area and generate investors for it.

Lumads, however, challenged PMDC's hold over at least 891 hectares of the area, for now. UTCEL already secured an endorsement from the National Commission on Indigenous Peoples which issued a November 30, 2005 en banc resolution "recognizing and enforcing" their position in exercising "priority rights in harvesting, extraction, development or exploitation of the mineral resources found within their ancestral domain."¹⁷ NCIP invoked Section 57 or R.A. 8371 or the IPRA which ensures priority rights for indigenous peoples to harvest, extract, develop or exploit any natural resources within their ancestral domain.

The NCIP resoultion noted that the IP's priority rights over the natural resources in their ancestral domain "is a superior right compared to other similar intentions of non-IPs desiring to obtain from the government the authority to utilize the mineral resources" inside these areas. The NCIP further argues that formal manifestation of Monkayo Lumads to mine the proposed 891-hectares "effectively prevents the DENR from entertaining such other intentions or applications except that of the IPs."

¹⁷ The en banck resolution was signed by all seven members of the NCIP chaired then by Janette C. Serrano.

Current Status

At present the status of indigenous peoples exploration permit and their assertion however, remains under evaluation by the MGB. The NCIP and Monkayo Lumads position potentially clashes with a DENR position of direct state development of the area on the basis of the Presidential Proclamation 297.

Even as the status of the 891 hectares remains contested, Lumads proceeded in contacting and entertaining potential investors in the area. A group of retired mining engineers and officials of the MGB has made several trips to the proposed site¹⁸. The retired MGB officials and mining engineers were part of domestic and global consortium of mining entities like MineQuest. Representatives of Philex Mining and Atlas Mining also kept in touch with UTCEL in relation to their interests in mining the 891 hectares.

The Creativity of Lumad Actions

On one level, the upheavals in Diwalwal offer another illustration of familiar narratives of Lumad dislocations amidst the intrusion of larger and more powerful corporate interests. The experience of dislocation did not push the Lumads of Diwalwal into obscurity but it instead serves as the milieu wherein creative means of struggles were initiated and waged. The Lumads of Monkayo established their own tunnels but as the area descended into violence, they aligned with wealthier and well-armed tunnel operators. Others worked directly with more powerful tunnel operators who in turn aligned with more powerful corporate and political interests outside of Diwalwal. As a consequence, the Lumads were sharply divided along the lines of their mining patrons. In this sense, the Lumads become part of the complex web of actors that continuously contested and competed for rights to remain or takeover the area. As the trouble heats up in Diwalwal in late 1980s and through the 1990s, Lumads parted some Lumads began digging for minerals in other gold rich areas in the vastness of Diwalwal. Others chose to both search for gold in other site and maintain their tunnels or alignment in Diwalwal.

When the long campaign for indigenous peoples rights gained ground with the legislation of R.A. 8734, the Lumads of Monkayo are among those who had immediately recognized and tapped such a State instrument as a weapon in its protracted struggle for Diwalwal's minerals. Initially, the move sharpened the division among the Lumads when they filed contesting claims for Diwalwal. The prospect of never resolving the competition for gold gradually prompted many of Lumad leaders to unify, which eventually cleared the path for gaining a 30,000-hectare CADT. Gaining the CADT, however, did not mean winning control over their ancestral domain amidst realities that rich mining interest groups have already positioned in the area even before they secured the title. In dealing with this reality, the Lumads took a practical stance by recognizing established corporate mining and logging interests in their ancestral land. Instead, of

¹⁸ At the time when interviews with UTCEL members in Monkayo town on 27 September 2007, a group of mining engineers, mainly retired technical officials of the MGB had an ocular visit to the proposed Lumad mining site.

antagonizing corporate powers, whom they have aligned with in the past, the Lumads of Monkayo has carefully chosen an arena in where they will have a fair chance of winning. They sought for control over an 891-hectare mining area and chose to fight a government corporation over the area. To strengthen their position, they have set up an organization that combines business and indigenous social structure through a Unified Tribal Council of Elders and Leaders Association, Inc. They proceeded on drawing investors on to their side as they brace for what appears to be an epic struggle not merely to protect their rights to an ancestral domain but advance their mining interest and eventually engage in large-scale mineral production.

Creatively, the Lumads of Monkayo becomes capitalist stakeholders in the saga for gold in Diwalwal