



The Teduray  
Upi, Maguindanao

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*Cultural Integrity*

# Mainstreaming Diversity as a Window to the Future

**O**ne rainy afternoon in October 2002, in Upi, Maguindanao province, the truck owned by Alex Peñalosa, fell into a ravine and turned over four times. Six hitchhikers died on the spot; while eight others suffered fractures and other injuries and had to be rushed to a hospital in Cotabato City.

All the fatalities and injured, including the driver, were Muslim; Alex, who also manages a small store of agriculture supplies, is Christian.

That same night, the families of the hitchhikers were upon Alex and his family, demanding payment in damages and for medical expenses. The demand started at PhP120,000 per casualty, excluding the expenses to be incurred for the *kanduli*, the Muslim commemoration ritual of the death anniversary held on the third, seventh, 20th, 40th, 50th and hundredth days. In Cotabato City, Alex's sister was constantly asked for money for the meals of the families of the injured. "I was never more scared in my life. All sorts of fears – I was ruined, bankrupt... I was dead, I was going to spend the rest of my life in jail," Alex said. His wife was distraught.



*Upi's mayor, Ramon Piang, a Teduray and recognized as one of the country's Ten Most Outstanding Municipal Mayors in 2003*

Mayor Ramon Piang visited the Peñalosas that night and assured the couple of assistance from the local government unit (LGU). Mayor Piang, who is on his second term, had inherited a municipality beset by intense conflict relating to property ownership and politics. Upi was at one time a town where the constituency of Christians, Muslims and Teduray was used to taking the law in its own hands. The mayor deputized two policemen to ensure the Peñalosas' safety. Then he asked Alex if he needed the Advisory Council's intervention, to which Alex agreed straightaway.

The Advisory Council of Upi, which was the main campaign platform of Mayor Piang, is a combination of the traditional Council of Elders of the Teduray (44% of Upi's population) and the Council of Elders of the Maguindanoan Muslims (23% of the population) with present-day arbitration mechanisms to represent the Christian sector of the population (33%).

Created to settle local disputes amicably, the council is an echo of the indigenous decision-making and policy-setting mechanisms revered by both the Teduray and the Muslims. It is composed of two Teduray elders (called "Kefeduwan" in the Teduray dialect), two Muslim elders and two Christians chosen by their respective sectors in consultative assemblies. Its establishment was facilitated by the intervention of CIDA's Local Government Support Program in determining Upi's development needs, and building the governance capacities of the local chief executives and municipal employees. (See page 75 for information on LGSP.) "Of course we would know what we need to do, but our plans wouldn't have been as well laid out, and we wouldn't have been as systematic with our implementation," Mayor Piang said.

Although the council sits en banc in hearing and mediating cases, if the protagonists in a particular case are both

*The tri-people face of Upi: Two members of the women's egg-production cooperative; Vice-Mayor Abdul June Salik, a Muslim; a Christian barangay captain; a Teduray Kefeduwan and member of the Council of Elders; and a Teduray woman community leader*

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*Teduray members in their daily attire and in indigenous costumes worn during special events and celebrations*

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A teeming bus parked behind the CIDA project billboard during market day

Teduray, the Kefeduwan preside. Likewise, if the parties involved are both Muslim, the Muslim elders preside the proceedings, and if the parties are both Christian, the barangay justice system takes over. If the parties are from the different sectors, their respective elders arbitrate, together with the barangay officials if Christians are involved.

In envisioning an Advisory Council, the mayor's Teduray origins played a role. "I also wanted to avoid the cycle of retaliation behind the *rido* (family and clan feuds) and to make room for important customs of the Teduray such as the *kitas demaluwas* and *se egud kenugew*," Mayor Piang said.

The *kitas demaluwas* and *se egud kenugew* are Teduray rituals where the participants slightly shave off the edge of their nails into a bowl of water and all drink from

this. "These are rituals as powerful as a blood compact," Mayor Piang added.

A clear measure of the people's preference for traditional, non-antagonistic settlement of disputes was that the notion of an Advisory Council met no resistance. "They have neither the money for lawyers' fees nor the time for the slow progress of court hearings," one council member explained.

The Advisory Council can best be described as the institutionalization and harmonization of the customary laws of the Teduray and the Muslims with the existing penal codes. It is, in effect, the cherished self-determination of the Teduray and Muslims in action, albeit in synchrony with modern-day law.

Mediation generally takes a day, "with a lot of caucuses and asides" between an

elder and his constituents taking place in the course of the hearing. The elders exercise their suasion over their respective communities. “We do a lot of persuasion and advising, sometimes even admonition,” one council member said.

A ground rule in the Advisory Council’s mandate, besides the constituents’ direct endorsement of its members, is the contending parties’ mutual commitment to uphold its final decision. When such a final decision has been reached, the Advisory Council secretary translates this to a written document signed by all the council members, the complainant, the defendant and Mayor Piang. The decision is then considered binding.

Otherwise, the dispute reverts to the standard justice system of barangay mediation or police investigations and, failing a resolution at either level, moves on to formal court litigation.

Four years since the Advisory Council was constituted, police cases have declined by 35%.

The council’s caseload varies from land disputes to physical injury, rape, and dowry disputes. Between the Teduray, the disputes are usually related to property boundaries. By far, however, the most difficult case encountered was that of Alex and the Muslim fatalities.

The council convened two days after the accident, although the two Muslim elders began consultations with the

families soon after this, explaining to them the principle of, and provision for, damage payments in case of death stipulated in the civil code. The mediation hearing lasted almost six hours, from 5:30 in the afternoon until an hour before midnight. As a gesture of goodwill, when Alex was asked to give an additional cavan of rice per family of the Muslim fatalities on top of the agreed indemnity, he offered to give a little more than the cash equivalent of this.

“We spent the last two hours of that night signing the final document, with the sheer number of parties involved in the case and the corresponding number of copies to sign,” the elders noted.

Today, Alex is a walking testimony of the efficacy and wisdom of the Advisory Council. “I tell everybody, ‘If you have a case, go to the elders. Don’t waste your time, go to the elders.’”

There is a glow not only in Alex’s face, but in that of every Christian, Muslim or Teduray of Upi that can only come from within – from a deep satisfaction in the present and an abiding hope for the future. There is a sense of security as one walks in the streets or plaza well into the night, owing mainly to a culture of peace that has taken root. In taking the brave step of mainstreaming the people’s respect for, and celebration of, diversity through the tri-people Advisory Council, Upi is carving the path toward a peaceful and prosperous Mindanao.

*At work and at play: Two boys in the market, one still at his task of carrying bananas and the other finishing off the reward for his efforts, a slice of watermelon;*  
*Teduray children being children in their home*

