

# Mining in Mt. Canatuan, Siocon, Zamboanga del Norte: Patterns of Collective Responses of the Subanon

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## Abstract

This study aims to examine and describe the Subanons' social mobilization arising from the mining operations in their ancestral domain/lands. Specifically, it attempts to document and to determine the ethno-history of the Subanon, their worldviews of ancestral land and environmental resources, the entry of mining and its effects (economic, political, socio-cultural and environmental) on their ancestral land, the responses of the Subanon and the relationships between the church, NGOs, and the POs in the struggle of the Subanon for rights to ancestral domain. The study uses the case study method employing key informant interview, focus-group discussion (FGD), and documentary analysis.

The site of the study covers Mt. Canatuan, Siocon, Zamboanga del Norte because of the on-going controversy regarding the Subanon's ancestral domain. The Subanon of Mt. Canatuan are facing eviction from their own land due to the reactivation of the mining operations of Toronto Ventures Inc. Resource Development Philippines (TVIRD), a Canadian mining company. It is noteworthy that on June 12, 2003, President GMA announced the granting of a Certificate of Ancestral Domain Title (CADT) to the Subanon for land consisting of a massive 8, 213 hectares. Ironically, it is the same land that is being subjected to mining operations.

*Keywords:* Subanon, ancestral domain, culture, indigenous peoples, mining

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Mining in Mt. Canatuan had brought about adverse effects on the Subanons' economic, political, socio-cultural life and their physical environment. The findings of this study show that the Subanon people had been displaced forcibly from their homeland since the mining operations started and have never been able to return. Their sacred mountain where they used to perform their rituals was desecrated and their ancestral domain was destroyed. Mining eventually divided their community.

The responses of the Subanon to the mining operations were not unified. There were those who sided with the mining company due to offers of employment. But generally, the people of Mt. Canatuan have been opposing mining activities. In July 2001, the Subanon presented a complaint before a session of the United Nations Working Group on Indigenous Populations (UNWGIP) in Geneva, Switzerland. And in July 2007, they filed a case of racial discrimination against TVIRD and a complaint against the Philippine Government before the 71<sup>st</sup> Session of the UN Committee on the Elimination of all forms of Racial Discrimination (UN CERD). The UN CERD is responsible for monitoring a State's observance of obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

The study shows the patterns of collective responses as follows: the urgent call for the cancellation of the Mineral Production Sharing Agreement (MPSA) of TVIRD in order to stop the operation, the immediate pull-out of the SCAA or Special CAFGU of the company, and the scrapping of Republic Act 7942, or the Mining Act of 1995. With the help of the Church and support groups, the Subanon are hopeful that their next generation can still see the beauty of the mountains, rivers, seas, and the bounty of *Apo Mikpongon's* gift to humanity.

The case of the Subanon of Mt. Canatuan is one of the many cases that necessitate review of the Indigenous Peoples Right Act (IPRA). While the IPRA seeks to recognize and promote the rights of the IPs within the framework of national unity and development, protect the right of this group to their ancestral land, and ensure their economic, social and cultural well-being, RA 7942 (Mining Act of 1995) was designed to promote the mining industry to the international community. The latter also allows foreign firms to have full access to mineral lands, most of which are ancestral domains of the indigenous peoples (IPs). The IPs struggle for ancestral domain is a struggle for self-determination. It spans every aspect of indigenous life – control of land and its natural resources,

self-governance, inter-personal and inter-community relations, protection of the environment – life in its totality.

This paper unveils the plight of this indigenous group as a result of national development efforts in utilizing our natural resources.

### Rationale

Development as a process generally entails resource extraction with the people as focus of all development efforts. The ultimate goal of development activities is to improve the people's quality of life, thus, Philippine government development efforts are oriented towards the attainment and sustenance of an improved quality life of every Filipino as reflected in the interrelated development goals (NEDA). Many poor people in the Philippines including the indigenous peoples (IPs) depend on the environment and its bounty to sustain their lives. President Gloria Macapagal-Arroyo, in her inaugural speech in 2004, promised a pro-poor agenda that lifts up our poorest brothers and sisters, invests them with dignity, imbues them with hope (<http://www.news.ops.gov.ph>). But government's promotion of mining as "assisting in the Government's program on poverty alleviation and contributing to the general economic well being of the nation" (Mines and Geosciences Bureau, 2005) appears to threaten exactly the opposite.

While the government continues to formulate policies regarding "development for the common good," it fails to provide integrated programs that accommodate the unique features of cultural communities. These people are often abandoned, neglected and oftentimes victims of development aggression in the countryside affecting their ancestral domains.

The Subanon is the indigenous group found mostly in the northern, western, and southern portion of the Zamboanga Peninsula. There are more than 400,000 of them today in the provinces of Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Misamis Occidental. Significant numbers of them live in the hinterlands, in the interior valleys, and in the mountainous areas of the peninsula (Ateneo Peace Institute Journal, January 2003).

As long as there is plenty of land, the Subanon, like other ethnic groups, are willing to share their land with settlers. The Subanon consider themselves stewards of their land which belongs to the spirits. In the past few years, however, they have found that others are claiming even the little land they have kept for themselves. Their peaceful lives

have changed to one full of destruction and turmoil. Through the years, the Subanon have suffered from the activities of logging and mining corporations, which constitute part of the so-called development projects of the government. These activities are the destruction of the forests and mountains, the pollution of their rivers and lakes, the disrespect for their traditions and laws, and bastardization of their cultural heritage (Flores, 1998).

Mt. Canatuan is located close to the town of Siocon, Zamboanga del Norte. It is part of the ancestral domain of the Subanon and it is their sacred mountain. The area around Mt. Canatuan has been described as the 'rice granary' of Zamboanga del Norte and is a critical water catchment zone. It is also an area categorized by Conservation International as a biodiversity hotspot. Since 1989, the Subanon of Mt. Canatuan had been protesting against mining in their mountain. But despite this, a mining permit (a Mineral Production Sharing Agreement - MPSA) was awarded in the name of RV Bosque and Benguet Corporation. Benguet Corporation subsequently sold this permit to TVI. Now, the Subanons of Mt. Canatuan, Siocon, Zamboanga del Norte, are facing eviction from their own land by the reactivation of the mining operations of Toronto Ventures Inc. Resource Development Philippines (TVIRD), a Canadian mining company. On June 12, 2003, President Gloria Macapagal-Arroyo announced the granting of the Certificate of Ancestral Domain Title (CADT) to a massive land consisting of 8, 213 hectares to the Subanons. Ironically, it is the same land subjected to mining operations of TVIRD.

Records show that TVI Resource Development Philippines had been producing gold since 1995 by using the mine tailings which they had appropriated from local small-scale miners. In June 2004, the company had started to conduct large-scale mining in over 508 hectares of land belonging to the Subanon, based on the mining rights which it obtained from the Government of the Philippines in 1998. The operations of the company threatened the political, economic, sociocultural survival of the Subanon and destroyed their environment. Thus, the Subanon and other support groups have been heavily opposing the mining activities. Now the area is constantly under guard by armed security force called SCAA (Special Citizen Armed Forces Active Auxiliary) reportedly used to quell the Subanon opposition through threats and intimidation.

Because of this impending threat to their survival as a group, there is a need to systematically investigate the patterns of collective

responses of the Subanon and the effects of mining operations on their ancestral domain claims.

### Review of Related Literature

This chapter reviews existing studies related to the research problem. It is divided into four sub-themes such as Ancestral Domain; The Subanon Culture; Mining and the Issue of Development; and Struggle of the Indigenous People against Development Aggression.

#### IPRA and Ancestral Domain

The Indigenous People's Rights Act (IPRA) was signed into law on October 29, 1997, by then President Fidel Ramos as part of his administration's Social Reform Agenda. It is an enforcement of the Constitution's mandate for the State to "recognize and promote the right of IPs/ICCs within the framework of national unity and development," and "protect the right of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being." In general, IPRA seeks to recognize, promote and protect the right of the IPs. These include Rights to Ancestral Domain and Land, Right to Self-Governance and Empowerment, Social Justice and Human Rights, and the Right to Cultural Integrity (NCIP).

Physically, ancestral domain encompasses all lands, water and space; includes the people, animals, plants, minerals and other resources, mountain covers, forests, farm lots, residential areas, burial sites, parks and other areas in the land originally inhabited by indigenous peoples (IBON Facts & Figures, 1993).

The struggle for ancestral domain is at the center of the struggle for self-determination. For IPs, self-determination means not only autonomy, freedom of religion, and self-administration. It spans every aspect of indigenous life – control of the land and its natural resources, self-governance, inter-personal and inter-community relations, protection of the environment – life in its totality (Ibid).

While the Philippine Constitution and Indigenous People's Rights Act (IPRA) provide for the protection of their ancestral lands, our indigenous people suffer from government disregard of their right to ancestral domain. Mining, logging, construction of dams and power-generating plants, timber industry and agri-business are undertaken in their ancestral domain. They are faced with the danger of erosion of their

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cultural tradition with the physical encroachment of lowlanders into their ancestral domain.

The IPRA declares that "the State shall recognize, respect and protect the rights of the Indigenous Peoples, to preserve and develop their cultures, traditions and institutions". However, several features of the law run counter to the interest of the indigenous Peoples. For instance, IPRA requires that IPs must first acquire Certificate of Ancestral Domain Title (CADT) before they could claim their ancestral lands. IPs stress that this feature of the law violates their inherent rights by destroying their traditional communal practice of land ownership and forcing them to name their lands under a single private entity (Fulgar, 2007).

IPRA also claims to recognize Free Prior and Informed Consent (FPIC) of IPs. It asserts that in the absence of such a clear level of consent, a project cannot proceed. But in the case of the Subanon of Mt. Canatuan, Siocon, Zamboanga del Norte, the Toronto Ventures Inc. (TVIRD) started its mining operations in Mt. Canatuan even without the consent of the Subanon.

Siocon, a town located southwest of Dipolog City in Zamboanga del Norte, is like any other municipality in the country. The residents rely on farming and fishing for livelihood since a large area is composed of a forest and a watershed. But the similarities end there. Siocon has abundant mineral deposits which are of commercial quantity, making it a primary target of mining companies (PAMANA).

In 1997, the TVIRD acquired mining rights to 486 hectares inside the 8, 213-hectare wide ancestral land of the Subanon in Sitio Canatuan. Mt. Canatuan is regarded as sacred by the Subanon. Despite the strong opposition of the Subanon and other local residents, the mining operation started and removed the Subanon not just from the land but from their source of livelihood. Armed men now stand guard at Mt. Canatuan, prohibiting the Subanon into the land which they consider sacred.

### The Subanon Culture

Culture is a complex whole which includes knowledge, beliefs, arts, laws, morals, customs, and other capabilities and habits acquired by man as a member of society. Kluckhohn and Kelly (in Kroeber, 1952:97) defined culture as, "those historically created designs for living, explicit and implicit, rational, irrational and non rational, which exist at any given time as potential guides for the behavior of men". Culture includes

all the creations (material and non-material) and achievements of man, the past and present gains as a result of living together. It prescribes what one can do or not do and how one should do things in various situations, or simply defined culture as a way of life (Taylor, 1871:33-34).

Nowadays, there are still an estimated 5,000 distinct indigenous societies on earth, living in varying degrees of autonomy or assimilation with respect to the larger society. A substantial number of these societies -- in Central and South America, Southeast Asia and Africa as well as in the northernmost regions of the world -- still have cultures and economies that are almost entirely intact. All of these societies are eager to retain much of their ancestral lands, sovereignty, governance systems and economic, cultural and spiritual practices as they can (Indigenous Peoples Resistance to Economic Globalization).

In the Philippines, the indigenous peoples are estimated to be about 4.5 to 8 million (Tabak, 1990) with 40 ethno-linguistic groups scattered all over the archipelago. They are primarily dependent on and rooted in their land, which for them means life, not only physically but culturally. Their land connects them with their forefathers and gives their identities. Their basic struggle for survival as people is a struggle for their ancestral domain and their environment. Thus, according to Datu Migketay Victorino L. Saway, land to the lumad is not only an economic necessity. It does not only embrace the issue of economic survival. It is also the issue of the lumad social, political and spiritual system. Without the land as territory, the lumad society is lost; its political system will die, and the lumads' spirituality and morality will vanish.

There are 18 Lumad ethno-linguistic groups in Mindanao, with Subanon as the largest among them (Rodil, 1993). The Subanon people are known as the aborigines of the Island of Mindanao, and are found mostly in the northern, western and southern portions of the Zamboanga peninsula. They were originally found along the river banks or "suba" but now reside in the mountains (Popul Forum, 1981).

Like any other indigenous people, the Subanon trace their ancestral origins to the land on which they live. Their culture is rooted in their land. To them, land is the totality of life. It is the center or core of all aspects of their life -- economic, political, cultural and spiritual. It is the root of their identity. It is sacred (IBON Facts & Figures, 1993).

The study of Villorimo Suminguit, *Malindang Subanon Culture: An Ethnography* (1989) reveals the richness of the Subanon cultural heritage and various aspects of the traditional culture of the Subanon in and around Mt. Malindang. His study also includes the ethnographic



description of the recent changes that are taking place in various aspects of their traditional culture.

According to Suminguit, the Subanon in the olden days showed harmony between man and nature, and the supernatural world. However, this harmony had been disrupted with the alteration of their social, spiritual, and physical environments. This alteration had been caused by different external forces like the constant encroachment to their land which upsets the stability of their culture and results to the decline of their society.

Unlike the Moro, no lumad group has developed a centralized political system such as the sultanates. They are still dependent on hunting, gathering, and shifting agriculture for their livelihood. This explains the high vulnerability of the lumad communities to external intrusion (B. R. Rodil, 1993).

### Mining and the Issue of Development

The present global economic system and the global corporations and bureaucracies that are its driving force, cannot survive without an ever-increasing supply of natural resources: forests, minerals, oil and natural gas, fish, wildlife, freshwater, and arable land, among others. The global model depends on highly developed new modern infrastructures often built in pristine areas where indigenous cultures still thrive. These include giant hydroelectric dams, pipelines, canals, roads, seaports, electricity grids, etc., to efficiently extract resources, move them across difficult terrain to oceans, and then on to industrial processing and markets. (Mander, International Forum for Globalization).

Now that the Philippine government is liberalizing laws and regulations to match WTO (World Trade Organization) rules, it has been pursuing an aggressive policy to revitalize the mining industry, potentially opening 30 per cent of the country's land area to mining (Mines and Geosciences Bureau). It has conducted mining road shows (BizNews Asia, 5-12, October 2005, p. 12) across the globe. Incentives for foreign firms make their operations effectively tax-free for the first five years. Billions of dollars in investments have been promised and a total of 2,000 mining permit applications are pending (DENR Summary of the Status of Implementation of the Philippines Mining Act of 1995, RA 7942).

In order to exploit these rich mineral reserves, the government enacted RA 7942, or the Philippine Mining Act of 1995 which was designed to promote the mining industry to the international community and to provide incentives to ensure efficiency and economic viability for mining endeavors. The law also aimed to help the domestic mining industry regain its competitiveness by allowing companies (contractors) to obtain an exploration permit for a specific area for up to four years. For a viable deposit, the code provided four production agreements—production sharing, co-production, joint-venture, or financial/technical assistance—with a duration of up to 50 years. Through 2000, 59 exploration permits had been issued, and more than 400 applications were pending. The mining industry employed 400,000 people—300,000 of them engaged in small-scale mining and panning activities, chiefly in artisanal gold workings ([www.nationsencyclopedia.com](http://www.nationsencyclopedia.com)).

Modern mining in the Philippines typically consists of open-pit mining of low-grade ores for copper and gold, and strip-mining for nickel. This involves flattening mountaintops, creating huge craters and producing vast amount of waste in the form of tailings. Large-scale gold mining is particularly destructive because it involves the processing of huge volume of ground rocks, using cyanide to separate gold from ore. This process also releases other potentially harmful toxic metals (Executive Summary, *Fact-Finding Commission on the Mining Operations in Rapu-Rapu Island 19 May 2006*, pp. 15).

A case study by Cathal Doyle, et. al., of the Fact-Finding Trip to the Philippines of the post-mining operation of Philex Gold at Barrio Libay, Sibutad, Zamboanga del Norte recounted the destructive effects of mining to people and to the environment. The barrio of Libay is located on the coast of the Municipality of Sibutad, Zamboanga del Norte, Mindanao. It is a picturesque area with lush vegetation and rolling hills covered by forest. At the foot of the hills are homes and rice fields. Mangroves, essential for both aquatic and land ecologies, surrounded a bay once rich in coral. The bay was also an abundant source of fish and sea food. Philex Gold started large-scale mining operations in Libay in 1997. Its tailings dams, the remains of its processing site and the cleared area of forest cover are still visible on the mountain slopes that overlook the bay. Following protests and falling mineral prices, Philex Gold officially closed its operations in Libay in 2002. Local residents recounted that between 1999 and 2002 frequent mudslides destroyed rice fields and filled the bay with mud reaching 200 meters out to sea. They described

how every rainy season for three years the clear waters of the bay turned brown.

It is precisely these dangers attendant to mining exploration in indigenous communities that the IPRA attempted to prevent when it expressly required that unless IPs give their "free, prior, informed consent" (FPIC), no Financial Technical Assistance Agreement (FTAA) application is to be approved.

The FPIC of Indigenous Cultural Communities (ICCs) as provided for by the IPRA, protects IPs from the provisions Mining Act of 1995 that may endanger their ancestral domain and other government regulations that directly affect them. It is defined thus:

*the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference or coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community (IPRA Chapter III, Section 3 g).*

However, even without the consent of the IPs, mining operations started as in the case of a mining company (TVIRD) at Mt. Canatuan, Siocon, Zamboanga del Norte. With the influx of foreign mining applications encouraged by the Arroyo government's liberalized and foreign-dependent economic policies, the IPs of the country are finding themselves squatters in the land that their forefathers have tilled and nurtured.

### Struggle of the Indigenous Peoples Against Development Aggression

Lands and related resource rights are of fundamental importance to indigenous peoples since they constitute the bases of their economic livelihood and are the source of their spiritual, cultural and social identity ([www.iwgia.org](http://www.iwgia.org)).

Today, business and economic interests continue to venture into indigenous peoples' lands to extract resources, pushing them farther to the hinterlands or away from lands passed on to them by their ancestors. All too often, to resist is to risk life since logging and mining concessions, agro-industrial plantations and government energy and infrastructure

projects, all pursued in the name of "development", are often backed-up by military forces.

One study in San Luis, Agusan del Sur, relates how the Banwaon communities are being forced to take up arms to protect their ancestral land against three logging firms. Some 23,000 Banwaon tribes in 1992 were at the losing end of the conflict, when they clashed against the Army's well-equipped 36th Battalion which was deployed to secure the logging operations. The study showed how the lumad used their force to ensure their ancestral land against the private sectors (Arias, 1994).

While the government continues to formulate policies regarding "development for the common good," it fails to provide integrated programs that accommodate the lifestyles of national minorities. These policies include the Indigenous Peoples' Rights Act (IPRA), which was signed into law by then President Fidel Ramos in 1997. The indigenous people decry the pretentious nature of the law, as it claims to protect their rights yet lacks the necessary provisions to punish land grabbers and business corporations that encroach upon ancestral land (Fulgar, 2007).

### Statement of the Problem

Generally, this study documents the responses of the Subanon to the operation of the Toronto Ventures Inc., Resource Development – Philippines (TVRID) mining company in their ancestral domain.

Specifically, the study attempts to examine the following questions.

What is the ethno history of the Subanon of Mt. Canatuan, Siocon, Zamboanga del Norte?

1. What is the Subanon worldview on the following:  
ancestral domain  
environmental resources  
land ownership and land use
2. What are the processes involved in the entry and operation of TVIRD in Siocon, Zamboanga del Norte?
3. What are the perceived effects of mining operation on the Subanon people and their ancestral domain claim in the following areas?
  - a. economic
  - b. political
  - c. socio-cultural

d. environmental

4. What are the patterns of collective responses of the Subanon to the entry of large-scale mining operation in Siocon?

### Discussion of Results

#### The Subanon of Mt. Canatuan, Siocon

##### *Ethno-history*

[as told by *Timuay* Nanding Mudai]

The word "Subanon" comes from their native tongue itself, and not from an outsiders' tongue. It does not mean it comes from the word "suba" or from "sinumuba". The word "Subanon" comes from the word "Subang," which means, "the first appearance of the moon". They are called "Subangnon" or "Subanon" because they are the first people in Zamboanga Peninsula which presently includes the provinces of Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and Misamis Occidental.

The word Subanon is not to be pronounced as "Subanen" nor "Subaanen" but Subanon. If only there were vowels other than a-e-i-o-u that suit the tongue of the Subanon, confusion can be avoided. It has to be pronounced with silent "o" in between two ns, neither "e" nor "o" but somewhat a longer "nnn". That is how they are called, that pronunciation is closer to their native tongue. The name of the tribe is Subanon. Their male is called Subano while the female is called Subana. If the vowel "e" is to be used for Subanen, then their male will be incorrectly called "Subane"! That is why they are originally called Subanon. According to *Timuay* Mudai, what is written in Midsalip as Subaanen has no historical basis. It may be an interpretation of their own place only but is not true to the whole Subanon history. *"Not all that is written about us is true, accurate or helpful but adds more confusion because now we have three different names: 'Subanon', 'Subanen', and 'Subaanen'".* This stems from writers who lack cultural sensitivity.

##### *Customs and Tradition*

For the Subanon, everything that they have is different from each other and is unique. In the early times, the human being has only Natural Laws to obey. Sin has caused the human being to turn away from God. Laws are created to restore order and guide the human being back to God.

The Subanon have a unique process of formulating and implementing laws. Standards are set to ascertain and gauge the appropriateness of the laws before they can be fully implemented. They call this gauge 'galan' or 'set standards'. Through this 'galan' the Subanon know that a law serves the common good. When laws, system of economy, development and policies are made for the people and the community, these had to pass through four standards: pro-God, pro-people, pro-life, and pro-ecosystem.

For the Subanon, economic system and development should meet the four standards or 'galan', to ensure that works must produce seeds. All works that have no seeds won't last. That is why gold digging is not part of Subanon's life because it does not produce seed, therefore, cannot be planted. There is nothing to reap or be planted again.

All things are connected to the life of the Subanon. They are interconnected to all things and to the rest of the creation, and all of us are united to one another.

### *Social and Political Organizations*

The Subanon, like any other lumad group, did not develop a unified political force in spite of the density of their population. What they have now are small political units led by a *gukom*. Today, the Gukom still continues to serve its functions within the territories in the seven rivers, as laid down by Apu Manglang. Timuay Noval Lambo is the present Gulang Gukom.

*Tupo Nog Pito Kobogolalan Pogokbit Nog Gulal Sog Pito Kodolongan* (Gukom of the Seven Traditional Councils of the Seven Rivers), or simply Gukom, is composed of the timuays of all the dulongans, or rivers, of the southern regions of the Bangsa Subanon (Subanon Nation). The Gukom sits as a judicial body of the Subanon traditional justice system. The Gukom hears and decides controversies involving different Subanon Timuay within the Seven Rivers area, or those affecting the whole region.

### **Subanon Worldview**

*Ancestral Domain.* Like any other indigenous people, the Subanon, trace their ancestral origins to the land on which they live. Their culture is rooted in their land. For the Subanon, land is the totality of life. It is the center or core of all aspects of their life – economic,

political, cultural and spiritual. Land is the root of their identity (IBON Facts & Figures, 1993).

The *Glupa Pusaka (Pusaha)*, or the ancestral territory, is the wellspring of the Subanon culture, politics and economy. They believe that the *Glupa Pusaka* is the piece of the earth entrusted to them by *Apo Mikpongon*, the Almighty Creator, from which their ancestors and future generations can survive.

*Environmental Resources.* Physically, ancestral domain encompasses all lands, water and space, includes the people, animals, plants, mineral and other resources, mountain covers, forests, farm lots, residential areas, burial sites, parks and other areas originally inhabited by indigenous peoples. Environmental resources are the wellspring of the Subanon life and the source of their livelihood.

*Land ownership and land use.* The Subanons bond with their *Glupa Pusaka* which makes them develop an economy that is sustainable and environment-friendly. They do not believe in individual land ownership. The *Glupa Pusaka* is the Subanon's home. All guests and people without shelter are welcome to their houses; people without a place to live or land to survive on are welcome to their *Glupa Pusaka*.

For more than three centuries, with the aid of their natural environment, the Subanons had been able to preserve the interior region of the Zamboanga Peninsula as their *Glupa Pusaka* against the assault of the forces of the Sultanates and Spanish missionaries and soldiers. It was the forces of the loggers, miners and Christian settlers equipped with modern concepts and laws that uprooted the Subanons from their *Glupa Pusaka*.

The struggle for ancestral domain is at the center of the struggle for self-determination. For the IPs, self-determination means not only autonomy, freedom of religion, and self-administration. It spans every aspect of indigenous life - control of the land and its natural resources, self-governance, inter-personal and inter-community relations, protection of the environment - life in its totality.

## Processes involved in the entry and operation of mining

### *Company Profile*

The Toronto Ventures Resource Development Philippines Incorporated (TVIRD) is a Canadian mining firm based in Alberta, Canada. It is a junior firm in Canada since it is relatively new and small. It started as the Travel Ventures, Inc. before it embarked into

mining industry and renamed itself the Toronto Ventures Resource Development Philippines Inc. (Initial Report. Fact Finding Mission: Sitio Canatuan, Brgy. Tabayo, Siocon, Zamboanga del Norte. April 2-7, 1997).

The Canatuan Gold Project makes use of an open pit mine and has been in operation in Siocon since 1997 when it acquired mining rights covering 486 hectares in the area.

### *Brief History of Exploitation*

The Subanons in the olden days showed harmony with the natural environment. This harmony was disrupted because of various external forces. In the 1980's ZamboWood, a logging company, came and destroyed the rich forest of Mt. Canatuan.

In the early 1990s, realizing the dangers of losing their land to logging companies, and asserting their rights as a people, the Subanon of Mt. Canatuan submitted an application to the government for the right to manage their own forest. In the 1990s, Ramon Bosque, a native of Pangasinan and a former worker of ZamboWood, started gold panning in Canatuan River, and started digging without the Subanons' permission.

The history of large scale mining activities in Siocon began when the Benguet Corporation, a Filipino-owned mining firm, obtained a Mineral Production Sharing Agreement (MPSA) on October 26, 1996. The MPSA covered a total mining area of 508,339 hectares in Sitio Canatuan, Brgy. Tabayo, Siocon, Zamboanga del Norte. On June 16, 1997, the Benguet Corporation transferred its mining rights to the TVIRD, a Canada-based mining firm. Before the transfer, however, the TVIRD, already had acquired an Environmental Compliance Certificate (ECC) from the Department of Environment and Natural Resources (DENR). By 2004, the TVIRD started digging their open-pit mine without the consent of the Subanon.

### *Consent*

IPRA provides for conditions requiring the free, prior and informed consent (FPIC) of IPs, stating that in the absence of such a clear consent, any development project, such as mining, cannot proceed. However, the TVIRD had started its operations even without the consent of the Subanon people. Despite bribes and threats, Timuay Anoy of Apu Manglang Glupa Pusaka, a traditional leader and the president and founder of Siocon Subanon Association, Inc. (SSAI), in fact, did not give his consent to the TVIRD.



### Perceived Effects of Mining Operation

In an effort to improve economic growth and increase revenues, the government has liberalized the regime's policy for mining, passing the Revised Philippine Mining Act of 1995. However, much of the mining and exploration are taking place in sensitive areas, provoking local opposition. One such place is in Mt. Canatuan, Siocon, Zamboanga del Norte, the home of the Subanon and a CADT area. The Subanon are mainly farmers and fishers. Some are small-scale miners.

Mining in Mt. Canatuan had brought about adverse effect to the Subanon's economic, political, socio-cultural life, including the environment. Data gathered show how the Subanon people confronted the issue of coercion, threats and intimidation, pollution, health hazards, and economic blockade.

*Perceived Economic Effects.* Undermining of livelihood activities of the people has also been noted in Canatuan. The TVIRD confiscated several commodities for sale by some owners of *sari-sari* store in Canatuan. Checkpoints prevented them from selling their products and bringing goods to their respective houses. Even rice and nipa were confiscated. People were prevented from planting root crops, fruit trees, coconuts and rubber. If they did so, the TVIRD SCAA security personnel would uproot the plants.

Farmers and fish farmers lost income due to minimum fruit yield and fish catch, making it all the more difficult to sustain their families' basic needs.

*Perceived Political Effects.* Mt. Canatuan is now under guard by armed security force called the SCAA (Special Citizen Armed Forces Active Auxiliary), a special CAFGU trained and armed by the military reportedly used to quell the Subanon opposition through threats and intimidations. They have established checkpoints on the roads around Canatuan.

The SCAA also prevented free movement of the Subanon in the area who been compelled to take an abandoned, rough, rugged road kilometers away from their houses. The Subanon, the rightful owners of the land, could not enter the area without being apprehended at the checkpoints of the TVIRD.

*Perceived Socio-Cultural Effects.* Interviews conducted show that the Subanon people had been displaced from their homeland since the mining operations started and had never been able to return home. The houses of the people had been bulldozed. Those who refused to sell their farmlands to the company had been harassed. Their sacred mountain where they used to perform their rituals had been desecrated and their ancestral domain destroyed.

In the time of Apu Manglang, Mt. Canatuan had been the place of worship of the Subanons, to plead and to beg to Apo Mikpongon (the Magbabaya), especially during crisis and calamity. When the TVIRD came and operated mining, Timuay Jose Anoy and his community were forced to relocate out of Mt. Canatuan, preventing them from conducting rituals in the sacred grounds of Mt. Canatuan. They had suffered hunger, sicknesses, even death.

*Perceived Environmental Effects.* The Philippine Mining Industry has a poor record of community accountability. Over the years, mining companies have systematically engaged in the rape of Mother Earth and left a legacy of impoverished communities and environmental despoliation (CBCP Pastoral Letter, *Upholding the Sanctity of Life*, November 2008). Since the mining operations started in Mt. Canatuan, there has been a slow death of rivers and sea due to siltation. Worse, mining has desecrated Mt. Canatuan, the Subanon sacred mountain.

## Patterns of Collective Responses of the Subanon

### *Divided People*

IPRA claims to require the free, prior and informed consent (FPIC) of IPs, stating that in the absence of such a clear consent, any development project, such as mining, could not proceed. However, the question of "whose consent" is one of the issues in Canatuan.

*Timuay Jose Anoy*, the tribal leader and holder of CADT did not give his consent to the TVIRD. But the company claims that in 2001, it had secured local approval for its mining operations through the new leadership of the SSAI. There are reports that it was the TVIRD and the Philippine Government which installed a Council of Elders drawn from the SSAI leadership and the TVIRD-backed group. There are allegations that most of the members are not real Subanon and that some are TVI's employees. But there are no documents to substantiate said allegations. The pro-TVI leadership along with the TVI community-relations official

claimed in 2004 that Timuay Jose "Boy" Anoy is not a *Timuay* and he is not from the area.

In spite of the collective opposition from the communities, and the division within the Subanon community living in the area, the TVIRD claimed to have secured local approval for its mine through the Siocon Council of Elders.

### *Subanon Responses*

The responses of the Subanon are not unified. There are those who sided with the TVIRD due to offers of employment. But generally, the Subanon people of Mt. Canatuan had been opposing mining activities since the 80's for they do not want their land – the source of their life -- to be destroyed.

The entry and operation of mining into Subanon ancestral land had pushed them to mobilize their ranks and uphold their rights as a people.

Realizing the danger of losing their land, and asserting their rights as a people, the Subanon started writing government agencies and local government units, and called upon concerned citizens and groups to stop mining companies from entering their land. Protest rallies, pickets, mobilizations that resulted to a number of human rights violations had been resorted to by the Subanon. Audience with the United Nations and filing of a case of racial discrimination against the government of the Philippines and the TVIRD were also done. Still, the mining company had acquired permits and clearances for their sulphide expansion.

The case of damages filed by *Timuay* Jose Anoy, traditional leader of the Subanon, against the TVIRD, with preliminary injunction to stop the operations to prevent further damages, had reached its seventh year without resolution. Delays are attributed to delaying tactics and the lack of regular court judges. The legal case is rendered useless because the damages which the injunction sought to prevent, had already happened. No further remedy is in sight.

The demand of the Subanon community members for the cancellation of the mining permit before the Panel of Arbitrators at the Mines and Geo-sciences Bureau of the DENR had been filed in April 2006 but had not yet been acted upon, allegedly because the Panel of Arbitrators cannot be constituted, therefore, no hearing can be held.

The case for damages and temporary restraining order against the TVI for establishing checkpoints and causing damages against people and

suborning their rights to travel, to security, to abode, and to food, had been filed at the NCIP Region IX in 2003. Until now, it is unresolved pending the appointment of a Regional Hearing Officer. Other cases remain filed and unresolved.

In July 2001, the Subanon presented a complaint before a session of the United Nations Working Group on Indigenous Populations (UNWGIP) in Geneva, Switzerland. In July 2007, they filed a case of racial discrimination against TVIRD and a complaint against the Philippine Government before the 71<sup>st</sup> Session of the UN Committee on the Elimination of all forms of Racial Discrimination (UN CERD). The UN CERD is responsible for monitoring ass States obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

*Timuay* Anoy said in an interview conducted last May 2008 that they brought their complaints to UN CERD because they could not achieve justice in the Philippines. They have tried all legal means in defending their lands but their cries were never heard. Bringing their case to the United Nations was their last recourse.

On May 26, 2008, *Timuay* Jose Anoy of *Apu Manglang Glupa Pusaka*, after five long years of waiting, finally received the registered Certificate of Ancestral Domain Title (CADT) which was turned over to him by the NCIP at his tribal hall in Paduan, Siocon, Zamboanga del Norte. The turnover was a triumph for the Subanon who had struggled long for recognition of their ancestral land. For them, their Certificate of Ancestral Domain Title (CADT) is their instrument for their fight against invaders.

With their CADT, justice should be served now to the Subanon people against the TVIRD for destroying their sacred mountain – the source of their life.

### Conclusion

The overall goal of revitalizing the minerals industry in the context of sustainable development is expressed in the vision statement of the DENR-Mines and Geosciences Bureau which is to establish:

*...a mineral industry that is not only prosperous but also socially, economically and environmentally sustainable, with broad community and political support while positively and progressively assisting in the Government's program on poverty*

*alleviation and contributing to the general economic well-being of the nation.*

Yet, mining in the developing world, particularly in Mt. Canatuan, Siocon, Zamboanga del Norte, contributes to conflict and disorder. While there may be benefits for the local people in the form of jobs, infrastructure, and the like, it exacts a long term damage on community and environment.

In spite of this, since the early 1990s, the Government of the Philippines has been pursuing an aggressive policy to revitalize the mining industry, by attracting foreign investment through tax benefits and other incentives. Critics of the mining plan say there is scant evidence of economic benefit to the Philippines at the national level. At the local level, evidence of the detrimental economic, environmental, and social impact is widespread. The 'streamlining' of the mining application process has become synonymous with relaxing of environmental laws, combined with attempts to undermine the legal protections afforded to indigenous peoples (18-paged complaint of the Subanon to UN CERD, 2007).

The Subanon indigenous peoples have occupied, used, and protected their territories, including Mount Canatuan, since time immemorial. In 1987, a new Philippine Constitution was formulated and ratified. For the first time, recognition of ancestral land rights was included in its provisions. The Subanon of Mt. Canatuan pursued all available legal means, fulfilling the requirements of successive legislative acts, to secure recognition of their land rights. They applied for a Community Forestry Stewardship agreement (CFSA) in 1992, converted it to a Certificate of Ancestral Domain Claim (CADC) in 1993. This was granted by the DENR in 1997. Immediately following the enactment of IPRA, the Subanon worked for the conversion of their CADC into a Certificate of Ancestral Domain Title (CADT).

The Indigenous Peoples Rights Act (IPRA) or Republic Act 8371 was enacted to recognize, promote and protect the rights of the indigenous peoples. Both IPRA and the Mining Act of 1995 claim to recognize the free, prior and informed consent (FPIC) of IPs, stating that in the absence of such a clear consent, any development project, such as mining, could not proceed. However, the TVIRD had started its operations even without the consent of the Subanon people.

The entry of large-scale mining operations into Mount Canatuan was facilitated through a process during the 1990s by which the

government offices within the DENR granted mining rights within the ancestral lands of the Subanon. But they did so without the Subanon people's agreement. The TVI first occupied the area in 1994. The deployment of armed security and other controversial tactics were employed to secure their presence, resulting in human rights abuses and creating divisions within the community. The Subanon leadership filed petitions and raised legal challenges to make the outside world aware of their sustained opposition. (18-paged complaint of the Subanon to UN CERD, 2007).

The case of the Subanon in Mt. Canatuan is one of the many cases that compels review of the IPRA and the Mining Act of 1995. While the IPRA seeks to recognize and promote the rights of IPs within the framework of national unity and development, and protect the right of this group to their ancestral land and ensure their economic, social and cultural well-being, RA 7942 (Mining Act of 1995) was designed to promote the mining industry to the international community. The latter also allows foreign firms to have full access to mineral lands, most of which are ancestral domains of the IPs.

The IPRA promise to shield the Indigenous Peoples and their rights, especially to ancestral domain and self-determination, has been broken.

With the help of the Church and other support groups, and with their CADT as instrument for asserting their rights, the Subanon are hopeful that their cry will be heard and that there will be a halt in the mining operations of the TVIRD in their land. Moves for rehabilitation and restoration of their forests, rivers and lakes are imperative, so that the bounty of *Apo Mikpongon's* gift will be enjoyed by the Subanon's future generations.

### Recommendations

The researcher would like to recommend the following:

1. Conduct of a study to review the Indigenous Peoples Right Act and the Mining Act of 1995 vis-à-vis Indigenous Peoples' struggle for right to ancestral land and self-determination
2. In-depth analysis of the socio-economic and biophysical impact of mining operations on communities, especially indigenous peoples' community and environment
3. Further research to include studies of the political dynamics of the Subanon, development efforts, and sustainable development
4. Action of the government to the Subanon's demands. With many sources of information available, pertinent government agencies would do well to tap research information for appropriate development policies and development programs responsive to the concrete situations and aspirations of the indigenous peoples such as the Subanon.

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