



LAND AND RESOURCE CONFLICTS AND ALTERNATIVE DISPUTE RESOLUTION IN THE MOUNT APO NATURAL PARK



Federal Foreign Office



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DEUTSCHE ZUSAMMENARBEIT

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Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH





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FOREWORD

The Mount Apo Natural Park (MANP) is one of the Philippines' most significant protected areas, known not only for its rich biodiversity but also for its vital role in sustaining the livelihoods of local communities. It provides ecosystem services such as water supply, energy generation, and tourism, benefiting both indigenous and non-indigenous populations. However, these resources have increasingly come under pressure due to population growth, development activities, and land-use conflicts.

This study, *Land and Resource Conflicts and Alternative Dispute Resolution in the Mount Apo Natural Park*, explores the critical issues surrounding land ownership, resource access, and conflict resolution within MANP. It sheds light on the diverse and complex disputes that arise from overlapping claims to land and resources, particularly among indigenous communities, migrant settlers, government authorities, and private entities. The focus is not only on identifying these conflicts but also on assessing the mechanisms available for resolving them through alternative means, such as mediation, conciliation, and customary laws.

One of the study's key highlights is its emphasis on inclusivity, particularly in addressing the needs of marginalized groups such as indigenous peoples and women. Access to land and resources remains a gendered issue, with women often facing additional barriers. This research seeks to understand how alternative dispute resolution (ADR) systems can be made more gender-responsive and accessible to all stakeholders.

The findings and recommendations presented in this report aim to contribute to the peaceful and equitable resolution of land and resource conflicts in MANP. By promoting the use of ADR mechanisms, the study offers a path forward for achieving sustainable resource management, fostering social cohesion, and ensuring that the rights of all stakeholders, especially the marginalized, are protected.

We hope that this report will serve as a valuable resource for policymakers, community leaders, and development practitioners committed to safeguarding Mount Apo's natural resources and advancing peace and development in the region.



Christina Rentzmann

Principal Advisor,
Promotion of the Rule of Law in
Mindanao | Coordinator, Peace and
Development Cluster

FOREWORD

This research study, “Land and Resource Conflicts and Alternative Dispute Resolution in the Mount Apo Natural Park”, sheds light on the intricate land and resource disputes in one of the Philippines’ most treasured natural and cultural landmarks. As part of the Promotion of the Rule of Law in Mindanao (RoLMiN) Project, this study underscores the Department of Environment and Natural Resources (DENR) commitment to fostering equitable and sustainable solutions to land and resource conflicts, particularly in areas of great ecological and cultural importance.

Mount Apo, the country’s highest peak, is not only a natural wonder but also the ancestral home of Indigenous Peoples who have nurtured deep ties to the land for generations. However, the region has also become a flashpoint for various land and resource conflicts, fueled by overlapping claims and competing interests. This study provides a critical analysis of these conflicts and proposes Alternative Dispute Resolution (ADR) mechanisms that honor the rights, customs, and cultures of local communities while promoting the protection of natural resources.

Through this work, we aim to deepen the understanding of how ADR can be utilized in land management to peacefully resolve disputes and support the equitable use of resources in protected areas. This study will also serve as an invaluable resource for policymakers, stakeholders, and local leaders as we collectively strive to uphold the rule of law and promote sustainable land and resource management in Mindanao.

I commend all the partners and stakeholders who have devoted their time and expertise to the completion of this study. Your contributions are crucial to the continued advancement of just and inclusive governance in our country.



**Atty. Ernesto D. Adobo Jr.,
CESO I**
Undersecretary for Legal and
Administration
Department of Environment and
Natural Resources

BACKGROUND, PROBLEMS, AND RATIONALE

In Mount Apo Natural Park and surrounding areas, land and natural resources are essential for the sustenance and prosperity of both indigenous and non-indigenous communities. Its forests provide timber, non-timber forest products, and ecosystem services like climate regulation and water purification, in addition to supplying water for domestic use and irrigation. The park also hosts energy generation for nearby cities and municipalities, impacting over 390,000 households (Department of Environment and Natural Resources, 2015). With additional energy generation operations, this reach has grown further in recent years. The park also attracts tourism owing to Mount Apo's appeal for trekking and mountaineering, catering to both domestic and foreign visitors and generating income for the region and the whole country (Philippine News Agency, 2022).

Protecting and sustainably managing land and natural resources in Mount Apo Natural Park is vital to the social, cultural, and economic development of local communities. At the same time, accelerating development and population growth exert intensifying pressure on land and natural resources in the MANP, causing or aggravating conflicts between and among stakeholders such as migrant and indigenous communities, government, and private sectors.

Access to land and resources is a complex issue worldwide that is connected to gender equality and social justice. Across the world, including the Philippines, women have historically faced barriers to land ownership

and access. The Office of the United Nations High Commissioner for Human Rights (2017) found that on average, women make up less than 20% of the world's landholders. Non-ownership leads to access issues and hinders women's participation in decision-making. The report also found that women are more harshly affected by land tenure insecurity due to direct and indirect discriminatory laws and practices at the national, community, and family levels. These range from large-scale land acquisitions that displace communities without due compensation, to the encroachment of extractive industries on indigenous and communal lands, to the unplanned urbanization that forcibly evicts people living in informal settlements, to the impacts of climate change and natural disasters on land use and productivity, and to land and property deprivation by kin or state. These gender-based disparities can also be said to exist in urban, rural, and indigenous communities in and around the MANP, although there are nuances.

Resolving land and resource conflicts while promoting women's rights, representation, and access to resources is necessary for social cohesion and equitable development. However, heavy caseloads constrain the administration of justice through court systems. Access to justice is typically lengthy and costly. With this in view, the Philippine Government through RA 9285 or the Alternative Dispute Resolution Act of 2004, made it a state policy to "encourage and actively promote the use of Alternative Dispute Resolution (ADR) as an important means to achieve speedy and impartial justice and declog court dockets."

The same law defines an Alternative Dispute Resolution system as “any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof.” ADR is an avenue for addressing conflicts in a way that promotes sustainable relationship building, ensures a perception of fairness and justice, and offers relatively cheaper and quicker processes and resolution (Ibrahim, Abubakari, & Akanbang, 2022).

It is within this overall context that the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)-implemented Promotion of the Rule of Law in Mindanao (ROLMIN) Project operates. ROLMIN aims to reduce the potential for violence and conflict from land use and land distribution, and contribute to stabilization and peacebuilding in Mindanao.

The project endeavors to improve access to justice for women, Indigenous Cultural Communities (ICCs), and other marginalized groups experiencing land conflicts in the Mount Apo area of the Davao Region by supporting actors and stakeholders in conflict management and alternative dispute resolution.

This study aids the project and its partners by identifying the range and types of significant conflicts and applicable ADR and grievance mechanisms in the Davao side of MANP, and making recommendations about how ADR mechanisms can be made more accessible and responsive to stakeholders’ needs. With one of ROLMIN’s focus being on improving preconditions for gender-responsive and culture-sensitive implementation of ADRs, the study integrates women’s perspectives on their rights, resources and representation into its analysis and recommendations.

METHODOLOGY

RESEARCH OBJECTIVES

The primary objectives of this research are to identify and categorize land conflicts and applicable Alternative Dispute Resolution mechanisms in the Davao Region side of Mount Apo Natural Park. Additionally, it seeks to explore women's perspectives and experiences concerning land disputes, rights, resources, and representation in alternative dispute resolution¹. Finally, it aims to assess and make recommendations about how ADR systems or mechanisms can be made more responsive to stakeholders' needs in general, and more gender-responsive² in particular.

DATA COLLECTION METHODS

Secondary Data Review

This study started with a policy and literature review to scan intended focus themes and construct a research plan. Examination began with ROLMIN project documents, including its Peace and Conflict Analysis and Gender Analysis reports, followed by relevant policies and policy instruments (i.e., laws, amendments, implementing rules and regulations, department orders, and jurisprudence). Subsequently, it involved gathering situational data on MANP and the Davao Region.

Primary Data Collection

Primary data gathering consisted of focus group discussions (FGDs) and key informant interviews (KIIs) with representatives from concerned agencies and community stakeholders who figure in land conflict resolution and ADR. The study engaged 122 participants via FGDs with target groups i.e., Barangay Lupong Tagapamayapa (Lupon) chairs and members, Indigenous Political Structure (IPS) leaders (Tribal Chieftains and Council of Elders or Leaders), and women. It also elicited expert views from 12 key informants from government agencies and offices that administer ADR processes.

SCOPE AND LIMITATIONS

Geographic Scope

This study is focused on the Davao (Region 11) section of Mount Apo Natural Park. Primary data collection centered on the eight barangays involved in the ROLMIN project pilot. Six of these are located in Davao del Sur, including Managa and Alegre in Bansalan; Sibulan and Sinoron in Sta. Cruz; and Kapatagan and Binaton in Digos City. The remaining two, Sibulan and Daliaon Plantation, are in Davao City.

¹ While the goal is to work towards gender equality, the study highlights women's perspectives given that the preceding ROLMIN Gender Analysis Report concluded that in general, due to existing institutional arrangements, customs and practices, women and other marginalized groups involved in land ownership, control and access issues in the study sites are at a disadvantage.

² UN Women uses a definition of gender-responsiveness in conflict analysis that "explores – with a gender lens – systems of power, institutions, and stakeholders, and root causes, triggers, and drivers of conflict and peace. This type of analysis recognizes that gender power relations and the enforcement of patriarchal power over women, men, children, and sexual and gender minorities is political" (2022).

This geographic focus corresponds with two ancestral domains: CADT No. R11-TOR-0915-185, which encompasses Toril District in Davao City, and CADT No. R11-SCR-1005-034³, which covers parts of Sta. Cruz, Bansalan, and Digos City in Davao del Sur and a section of Davao City.

Timeframe

The study was undertaken within 30 days over approximately 8 weeks. Given the complexity of land issues, involvement of numerous stakeholders and authorities and data unavailability, full-blown research with data mining and consolidation requires a much longer timeframe. Despite serious efforts to attempt a comprehensive and technically sound study, it is acknowledged that the limited timeframe impacted the depth and breadth of this assessment. Follow up studies on key aspects of recommended actions may be needed to ensure the development of responsive and effective support to partners and stakeholders.

Gender-focus

Although the study is committed to a gender-sensitive approach, full exploration of how all genders are affected by and play roles in land conflicts is beyond its scope. As an output under outcome 2 of the ROLMIN project, the study is partial to understanding how women view their rights and support needs, aligning with the goals of respect and promotion of rights of women and marginalized groups, equitable representation, and equal access to resources.

ETHICAL CONSIDERATIONS

The principle of Do No Harm and conflict sensitivity takes primacy in this research. Given the contentiousness and volatility of land issues, the study takes extensive measures to ensure the confidentiality and privacy of participants. It exercises strict non-attribution to individuals, groups, parties and agencies, and strives to be neutral, balanced and non-inflammatory in its presentation of conflicts.



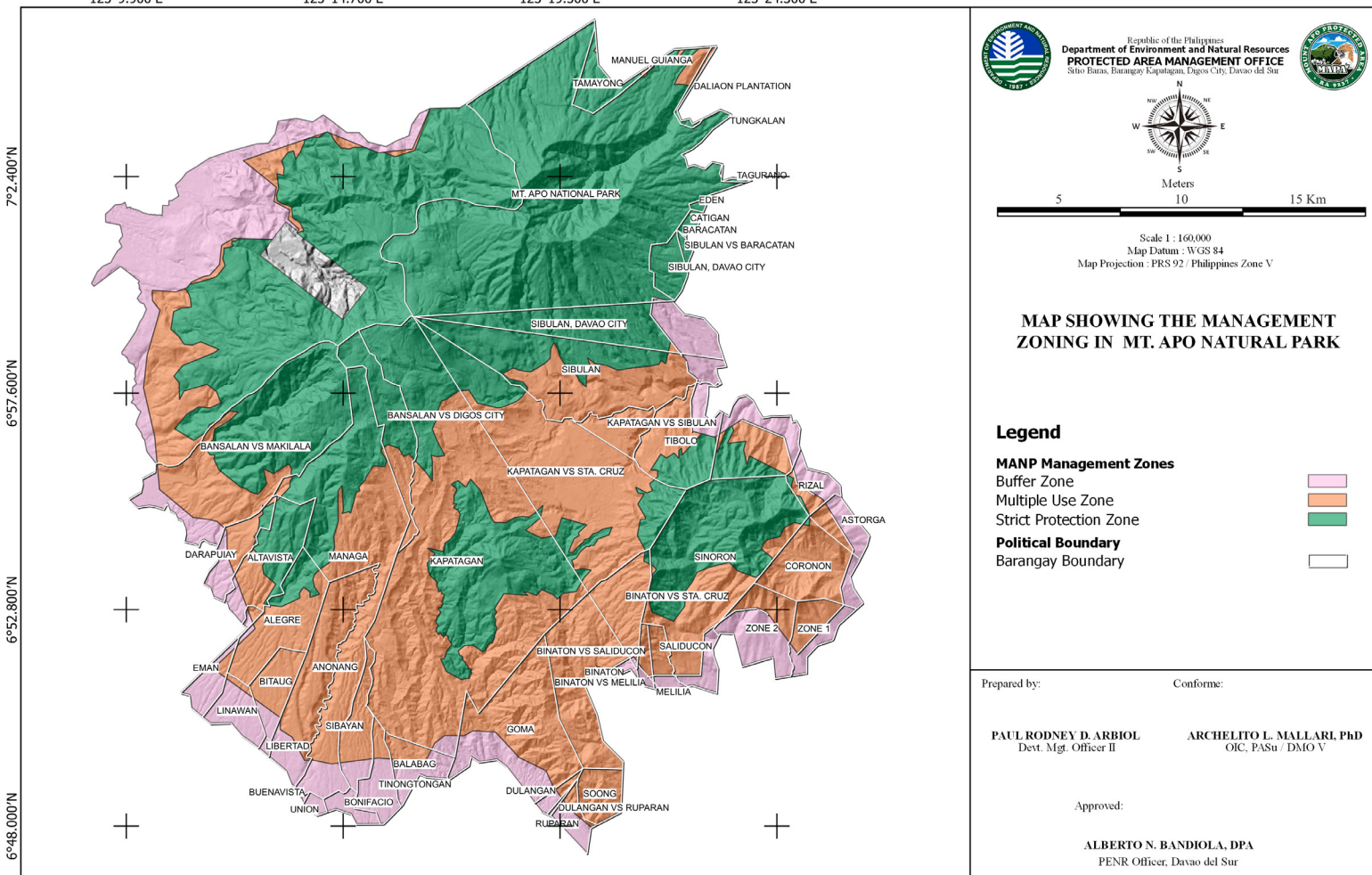
³The CADT also includes a portion of Makilala, North Cotabato, but is outside the scope of the study.

PROFILE OF THE MT. APO NATURAL PARK

This trend of conversion of large areas, including buffer zones, to agricultural land is coupled with aggressive commercial development, as observed by this study's participants. In line with this paper's introductory

discussion on the paradox of the MANP and its resources supporting the social, cultural, and economic expression and development of local communities on one hand, and accelerating development and population growth

125°9.900'E 125°14.700'E 125°19.500'E 125°24.300'E



intensifying pressure on land and resources and causing conflicts on the other, the above-cited study found evidence that MANP is experiencing rapid deforestation and degradation due to agricultural expansion, logging, hunting, and other human activities (Zapanta, et al., 2019).

Additionally, the most recent available data shows that between 2000 and 2018, MANP experienced a forest cover loss of 8.2 km². An analysis of data spanning 1999 to 2013 reveals a consistent decline in the health and productivity⁴ of land within the protected area, impacting 10.7 km² of land. A breakdown of this affected area

shows persistent severe decline in productivity across 3.9 km², while the remaining 6.8 km² has endured a moderate yet persistent downturn in productivity (European Commission Joint Research Centre, 2021).

As of June 30, 2019, Ancestral Domains comprise 64% of Davao City's (158,080.4027 hectares delineated) and 32% of Davao del Sur's (78,963.1294 hectares) total land areas (National Commission on Indigenous Peoples Region XI, 2022). The ROLMIN pilot areas cover two CADTs:

Total Land Areas	Claimants	Locations	Barangays Covered
CADT No. R11-TOR-0915-185			
2,244.0725 has	Bagobo Tagabawa	Toril District, Davao City	5 i.e., Barangay Daliaon Plantation, Tungkalan, Tagurano, Eden and Catigan, all of Toril District, Davao City
CADT No. R11-SCR-1005-034			
0,733.3812 has	Bagobo Tagabawa	Portions of Sta. Cruz, Bansalan, Digos City, Davao del Sur; Portion of Davao City; Portion of Makilala, North Cotabato	26 i.e., Barangays of Eman, Alegre, Altavista, Sibayan, Darapuy (portion), Bitaug (portion), Anonang (portion), Managa (portion), Tinongtongan (portion) and Linawan (portion) in the Municipality of Bansalan; Barangays of Kapatagan, Binaton (portion), Goma (portion), and Balabag (portion) in the City of Digos; Portions of Barangays Sibulan, Zone I, Zone II, Sinoron, Tibolo, Coronon, Saliducon, Astorga and Jose Rizal in the Municipality of Sta. Cruz; portion of Barangay Sibulan in the City of Davao; portions of Barangays Old Bulatukan and New Israel in the Municipality of Makilala, North Cotabato

⁴Land productivity is calculated from satellite observations of photosynthetically active vegetation related to the land's capacity to sustain primary production (European Commission Joint Research Centre, 2021).

These demographic, social, and cultural characteristics have significant bearing on the governance and management of MANP, as well as on the types and dynamics of land conflicts in the area and how they are resolved. As a protected area, key legislation such as the Mount Apo Protected Area Act of 2003 (Republic Act No. 9237), the National Integrated Protected Areas System Act of 1992 (Republic Act 7586), and the Expanded National Integrated Protected Areas System Act of 2018 (Republic Act 11038) govern the management, conservation, and utilization of resources within and around Mount Apo Natural Park, under the oversight of the Protected Area Management Board (PAMB). However, as ROLMIN's Peace and Conflict Analysis reports:

Apart from the PAMB and PAMO, governance in the MANP intersects those of the LGUs of the municipalities of Bansalan and Sta. Cruz and city of Digos in the Province of Davao del Sur, and in the city of Davao. Governance of the park also overlaps with 29 Indigenous Political Structures comprised of 28 chieftains and tribal leadership councils and one umbrella IPS. This overlapping of governance structures and policies calls for nuanced strategies for land conflict analysis and resolution. The report also makes the salient observation that:

Protected areas are lands (water bodies, caves, and other natural features) reserved from lands in the public domain. However, the MANP is not purely public land. Some parts have been alienated as private lands, including those covered by the agrarian reform program. The largest part are private-communal lands of indigenous peoples with a unique source of authority by virtue of the IPRA: presumptive ownership of indigenous peoples characterized by self-delineation and self-survey. While private owners in A&D lands and indigenous peoples in ancestral domains are generally secure and protected, tenured migrants in the MANP are not in possession of tenurial instruments from the DENR. What migrants do is to adapt to scarcity of legal protection either by self-defined occupation or

acceding to term-based rentals through CALOMs issued by ADMOs of ancestral domain owners. New migrants also adapt by acceding to informal transactions (e.g., buying and selling of land) that are not officially registered with concerned authorities (Quitoriano E. L., 2023, pp. 16-17).

These physical, environmental, social, cultural, economic and political factors shape the way that land and related resources are distributed and contested in the Mount Apo Natural Park. The succeeding chapters will explore essential concepts, provide a brief overview of the policy environment, and describe and categorize land conflicts as experienced by the study's respondents.

LAND AND RESOURCE CONFLICTS AND ALTERNATIVE DISPUTE RESOLUTION IN THE MOUNT APO NATURAL PARK

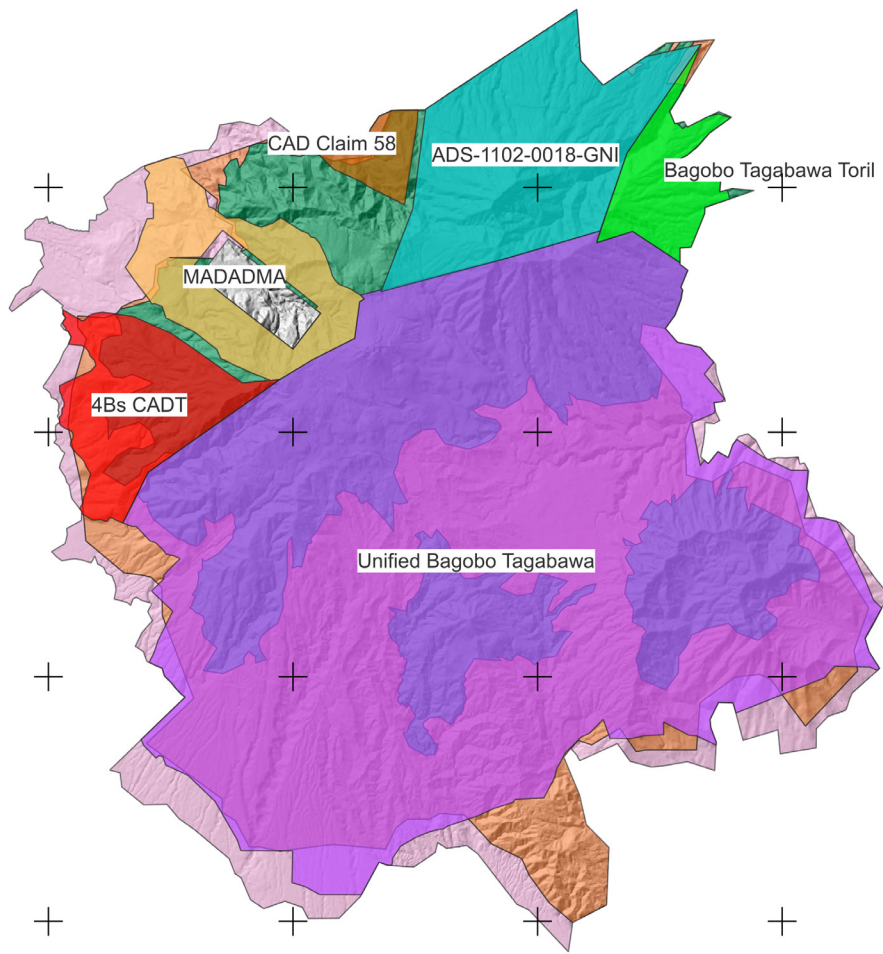
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7°2.400'N

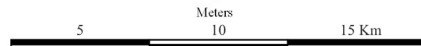
6°57.600'N

6°52.800'N

6°48.000'N



Republic of the Philippines
Department of Environment and Natural Resources
PROTECTED AREA MANAGEMENT OFFICE
 Sibol Paanas, Barangay Kajatagan, Digos City, Davao del Sur



Scale 1 : 160,000
 Map Datum : WGS 84
 Map Projection : PRS 92 / Philippines Zone V

MAP SHOWING THE ANCESTRAL DOMAIN CLAIMS IN MT. APO NATURAL PARK

Legend

MANP Management Zones

- Buffer Zone
- Multiple Use Zone
- Strict Protection Zone

Ancestral Domain Claims

- 4Bs CADT
- ADS-1102-0018gni
- CADC58
- MADADMA
- Tagabawa Toril
- Unified BT

Prepared by:

Conforme:

PAUL RODNEY D. ARBIOL
 Devt. Mgt. Officer II

ARCHELITO L. MALLARI, PhD
 OIC, PASu / DMO V

Approved:

ALBERTO N. BANDIOLA, DPA
 PENR Officer, Davao del Sur

KEY LEGISLATION INFLUENCING THE INTERACTIONS OF LAND STAKEHOLDERS IN MANP

Republic Act 386: The Civil Code of the Philippines

The Philippine Civil Code, enacted as Republic Act No. 386 on June 18, 1949, is a foundational legal framework governing property rights, including land and real estate, alongside various other legal areas. The Civil Code provides rules concerning ownership, possession, and transfer of property among other aspects like obligations and contracts.

Republic Act 11573: The Public Land Act and Property Registration Decree

Republic Act No. 11573, enacted on July 16, 2021, aimed to improve the confirmation process for imperfect land titles. It amended the Commonwealth Act No. 141, known as the Public Land Act, which was preceded by Act 2874 or The Public Land Act of 1919 and Presidential Decree No. 1529, known as the Property Registration Decree.

Republic Act 11038: The Expanded National Integrated Protected Areas System Act of 2018

Republic Act 11038 or The E-NIPAS Act of 2018, which came into law on June 22, 2018, builds on the National Integrated Protected Area System Act of 1992 (Republic Act No. 7586). It expands the number of protected areas and national parks in the Philippines, targets the enhanced protection, conservation, and management of these areas, and imposes stricter penalties for violations of the law.

Republic Act No. 8371: Indigenous Peoples' Rights Act of 1997

The IPRA Law, or Republic Act No. 8371, was enacted on October 29, 1997. It recognizes, protects, and promotes the rights of indigenous cultural communities and indigenous peoples in the Philippines. This law established the National Commission on Indigenous Peoples to implement its provisions and address the concerns of indigenous groups. Furthermore, the Act

aims to preserve the cultural, traditional, and institutional rights of indigenous peoples, ensuring equal protection and non-discrimination. Section 56 of the IPRA addresses existing property rights regimes: "Property rights within the ancestral domains already existing and/or vested upon the effectivity of this Act, shall be recognized and respected."

Republic Act No. 6657: Comprehensive Agrarian Reform Law, as amended

The CARL or Republic Act No. 6657 introduced the Comprehensive Agrarian Reform Program (CARP) to redistribute agricultural lands to farmers and regular farm workers. It aimed to address land tenure issues and promote social justice and industrialization in the agricultural sector. It was enacted on June 10, 1988 with amendments Republic Act 8532 enacted on February 23, 1998, and Republic Act 9700 on August 7, 2009.

- RA 8532 strengthened the CARP by providing an augmentation fund for the program. It amended Section 63 of Republic Act No. 6657, also known as "The CARP Law of 1988". Additionally, it allocated an additional Php 50 billion for CARP and extended its implementation for another 10 years.
- RA 9700, also referred to as CARPER (Comprehensive Agrarian Reform Program Extension with Reforms), extended the deadline for distributing agricultural lands to farmers for an additional five years and amended other provisions and regulations initially stated in the CARP. It aimed to further strengthen the CARP by extending the acquisition and distribution of all agricultural lands and instituting necessary reforms.

Republic Act 7160: The Local Government Code of 1991

The Republic Act No. 7160, commonly known as the Local Government Code of 1991, was enacted on October 10, 1991. This landmark legislation aimed to strengthen local government units (LGUs) by granting them more powers, resources, and responsibilities.

It established a decentralized system of governance, promoting local autonomy and empowering LGUs to enact their own policies, generate revenue, and execute projects for local development. The Code sets the structure, organization, functions, and processes for provinces, cities, municipalities, and barangays.

CONFLICTS AND TYPOLOGY

This chapter discusses the types of conflicts that pervade the Mount Apo Natural Park (MANP), offering a way to categorize conflicts based on unifying themes. It also looks at the unique experiences of women, exploring their roles, rights, and resources amid these disputes, subject to the data limitations discussed in Chapter II. Finally, it also offers a practical categorization of conflicts based on the respective jurisdictions of ADR bodies, which can help facilitate targeting of support for the resolution of conflicts by stakeholders and duty-bearers.

THEMATIC TYPOLOGY OF LAND AND LAND-BASED CONFLICTS IN THE MANP

The range of land and land-based disputes in the Mount Apo Natural Park is expansive. These conflicts are characterized by complexity, often intersecting and overlapping, fueled by historical and current drivers. While this paper does not claim to provide an exhaustive list of conflicts, it presents the most significant and prevalent ones from the perspective of MANP stakeholders.

Self and land identification conflicts

Given the overlapping of protection zones with ancestral lands, one of the principal conflict themes in MANP centers around land identification and interpretation of rights accorded by NIPAS, E-NIPAS and IPRA. Another way of viewing the conflict is through the difference in self-identification of populations inhabiting and using parcels and tracts of land in MANP. From one point of view, the issue is the presence of IP settlements and human activity in the protected area; from the other,

the encroachment of migrants and government activities in ancestral domains.

Boundary and delineation conflicts

Boundary and delineation conflicts are prevalent at both individual and communal levels. Between individuals, there are disputes involving IPs vs. IPs, tenured migrants vs. IPs, IPs vs. non-tenured migrants, IPs vs. IP migrants, non-IPs vs. non-IPs. There are also those between and among communal owners and responsible authorities such as government agencies vs. CADT or CADC holders, tribes vs. tribes, barangays vs. barangays, tribal councils vs. barangay governments, and city vs. provincial government. Further layers of conflict exist over resources like water sources, harvests, and hunting grounds that cross contested boundaries.

Conflicts due to illegal buying, selling and occupation of land

Numerous conflicts revolve around illegal buying, selling and occupation of land. These include double selling of plots, selling without the knowledge and permission of rightful owners, transacting without the awareness and consent of spouses, disposition of land without the knowledge and authorization of other heirs, and buying and selling of lands under Certificates of Land Ownership Agreement (CLOA) before full payment and lifting of the 10-year restriction. There are disputes concerning unlawful occupation of both non-IP and IP parties, whether in protected areas, ancestral lands, or agricultural lands. The Protected Area Management Office issued 89 show cause orders to alleged illegal occupants in strict protection and multiple-use zones in the last year.

Disputes arising from violations of environmental laws and regulations

Disputes also arise due to violations of environmental laws and regulations. Such infractions encompass unauthorized construction within protected areas, land clearing for agricultural or commercial development, and clearing and road construction without obtaining the necessary clearance from the Protected Area Management Board. These also include environmental transgressions like illegal tree cutting, and slash-and-burn farming also known as kaingin, and violations of pertinent codes such as the Philippines' Forestry and Water Codes.

Disputes concerning the identification, delineation, issuance, registration, occupation and use of instruments

There are conflicts that revolve around the identification, delineation, issuance, registration, actual occupation and use of instruments such as the Special Use Agreement in Protected Areas (SAPA), Certificate of Ancestral Domain Titles (CADT), Certificate of Ancestral Lands Title (CALT), Certificate of Actual Land Occupancy for Migrants (CALOM), Certificate of Actual Land Allocation (CADLA), and Certificate of Land Ownership Agreement (CLOA). There are also presumed overlaps in claims that are yet to be verified and resolved causing friction across the board. Moreover, there are (unverified) claims of double titling, in which two different titles refer to the same parcel of land.

Family-based disputes

There are also family-based disputes that originate from issues related to inheritance such as the surveying, titling, and division or subdivision of land among family members. Additionally, there are disputes concerning control or access to land between spouses, although this appears to be a less prevalent issue.

Political Conflicts

Finally, there are major conflicts in the area that can be characterized as political but are rooted in land and resource ownership or control. Notably, intense contentions between and among IP leadership factions,

some of which have escalated into formal cases filed in various petition platforms. Among several factors, the entry and expansion of private developments, specifically new commerce and energy generation players that pay royalties, appear to have aggravated pre-existing problems. To a lesser extent, tensions also exist between a number of Barangay Chairs and Councils on one hand, and Tribal Chieftains and Councils on the other. There are also agencies who are said to be parties to these conflicts. While political in manifestation, the drivers appear to be economic.

WOMEN'S RIGHTS, RESOURCES, AND REPRESENTATION

Women are among those who experience and are affected by the broad range of conflicts in MANP. As discussed in Chapter II, there is no sex-disaggregated data on land conflicts and ADR cases. Moreover, the study faced limitations in accessing women with direct experiences as land disputants. Despite these constraints, focus group discussions and key informant interviews with women community members and ADR administrators provided insights into the status of women's land rights and resources, and representation in ADR mechanisms. Initially, the prevailing belief was that women and men have more or less equal stature in land ownership, control and access. Further conversations pointed to important nuances.

Rights: Land Ownership

For the Bagobo-Tagabawa, land ownership is determined by the family origin of an inherited property. If the land is inherited from the wife's side of the family, she retains ownership with the inheritance eventually passing on to the spouses' children, mirroring the process if the land originated from the husband's family. Any land purchased after marriage is considered conjugal property. Occupied parcels handed down from parents to children are said to be for equal division among children, female or male, under customary law.



The respondents felt that these laws and customs are pro-gender equality as women's land ownership are protected, and both women and men are not differently favored or disadvantaged as far as land ownership entitlements are concerned.

It should be noted that the indigenous concept of land ownership is distinct from mainstream notions of ownership. Ownership of ancestral domains have aspects of communality and inter-generationality. While there are individual and family claims, ancestral lands are owned by every member and all generations of the tribe.

There are still instances of unequal inheritance among male and female children, but contemporary practices are said to be gradually veering away from inequality, with children increasingly receiving equal portions of inheritance, a practice consistent across initial and subsequent marriages. Although equality in inheritance is still an issue that some of the respondents, as mothers, would like to fix and leave as a positive legacy for their children.

For non-IPs, mainstream laws' provisions for equal inheritance and conjugal property are seen to positively support women's land ownership rights in principle.

However, it was acknowledged that in practice, men have ownership advantages. This is also seen to be changing along with the passing of generations with women gaining more economic freedom.

Respondents indicated that although equality in the sizing or allocation of land inheritance is not consistently practiced, the variation can be more commonly attributed to factors such as birth order, legitimacy of the children (i.e., whether a child is born within or outside of a legal marriage), and individual qualities, rather than gender. Eldest or elder children often receive larger shares, a practice rooted in the expectation that they will assume greater family responsibilities (e.g., taking care of elderly parents, siblings and extended family) compared to their younger siblings.

The legitimacy status of children also plays a significant role in inheritance as shares are defined by law, as do their perceived or demonstrated qualities, characteristics, and skills, such as responsibility, dependability, and educational attainment. It was, however, noted that there may be inherent biases in the attribution of these qualities and characteristics. For example, if in past decades and generations there was preference for prioritizing male children for school enrolment, then there is inherent bias in favor of boys and men when level of education is used as basis for dividing property among heirs.

Resources: Land Access and Control

For IPs, both land inherited by either spouse and bought together during marriage are subject to shared control and access to yields by wives and husbands despite one spouse retaining ownership in the case of the former. This does not guarantee equal access and control, it depends on each family's preferences and arrangements. If for example one spouse is in charge of farming for the family's sustenance or livelihood and not the other, then the spouse has dominant access or control over the spouses' land or lands.

For non-IPs, it was previously mentioned that men generally have advantages in terms of land ownership. However, two key factors are seen to alter access, control, and even ownership. Firstly, property becomes jointly owned by husbands and wives after marriage. Secondly, women are typically responsible for managing family budgets and allocating incomes and resources. This responsibility extends to making decisions about the use of land produce and the management of family-owned lands. Similar to their IP counterparts, non-IP women reported that the extent of shared access and control of land between spouses, and the equality of this power-sharing, ultimately depends on the individual agreements and arrangements between spouses. Religious or spiritual and family expectations also figure in these dynamics.

Representation: Women in Alternative Dispute Resolution Mechanisms and Bodies

The Indigenous Political Structure (IPS) leaders who contributed to this study estimate that of the 28 community-level IPSs, about 50% of Tribal Chieftains are women⁵. Tribal Councils are predominantly male, but women also occupy leadership roles in these councils such as *Baes* and *Baliyans*⁶. It is also estimated that there are more female than male Indigenous People Mandatory Representatives in ROLMIN's pilot sites.

Under customary laws, anyone can be chosen to become a chieftain or member of the tribal council based on criteria that include representation of the biggest clans within a tribe, wisdom, expertise in customary law, and leadership skills. Still, it was acknowledged that there are Council of the Elders or Leaders roles that are seen to be more of a natural fit for men and women respectively.

Many women participants in the focus group discussions hold formal roles as Lupon and Purok Leaders and Members. There is no official restriction preventing women from occupying key positions, but these bodies are predominantly male. Of the study barangays, it is estimated that less than 20% of Lupon members are women. Despite this underrepresentation and a desire for there to be more spaces for women to have better access to formal governance roles, the women interviewed expressed appreciation for their abilities to exert influence and meaningfully contribute to their communities, including playing vital roles in mediating land conflicts.

Specific to Alternative Dispute Resolution, the women shared their self-view of inclination towards conciliatory approaches, which they believe makes them particularly effective in ADR processes. However, there is no data that will allow comparison between the differences in styles and effectiveness between female and male authorities and mediators. Standardized rules and procedures as discussed in Chapter VI, however, are to be observed regardless of authorities' or conflicting parties' genders.

⁵ There are 29 IPSs in total, including the overarching IPS, described as the equivalent of governor level in mainstream governance structures. The provincial level-equivalent IPS also runs the Ancestral Domain Management Office.

⁶Bae refers to a female leader, and baliyan refers to a healer or spiritual leader.

Collectively, both the IP and non-IP women study participants, in general, believe they have power and influence over land matters and society, just in some ways different in expression to men. A resounding belief among the women interviewed is that women, while in some pockets less represented in formal power structures, are very influential in the home and family units. They are able to assert influence in direct ways, but for most, more so in indirect yet equally meaningful ways. Outside of formal leadership positions, women see their roles as mothers, wives, first teachers and role models for their children, holders and transmitters of culture and spiritual beliefs, as privileged – no less important than roles and responsibilities traditionally assigned or attributed to men.

Crucially, while it is acknowledged that there is plenty of space for women to be better supported in advancing their rights, representation and resources, whatever support is available should be delivered in culturally sensitive ways. For example, across the board, there is strong preference among the women study participants for joint decision-making between wives and husbands about matters of land and property. There is strong expression of values regarding the primacy of the family unit, especially among mothers.

In presenting these findings, it is important to note a potential selection bias whether self or appointed in the pool of respondents. Many of the respondents have active roles in their communities, and although the study targeted balanced representation of women and sought those with direct experience in land conflict and ADR issues, women with established voices may have been more likely to participate. But like any other study, while findings cannot be generalized and attributed to whole communities, their responses offer genuine and valid insights.

ADMINISTRATIVE TYPOLOGY OF LAND AND LAND-BASED CONFLICTS IN THE MANP

While Section A offered a logical, thematic categorization of conflicts, this paper advocates for a practical and actionable typology. Such way of organizing conflicts is essential for enabling stakeholders to effectively work together and mitigate if not resolve issues. Looking into the web of stakeholders and conflicts interacting in MANP, it is important to look at who has jurisdiction over specific types of disputes. The ROLMIN Peace and Conflict Analysis Report observes that:

There are at least four power structures that are dispersed, competing and have yet to coordinate actions towards the common goal of protecting and conserving MANP as a natural park and sustaining its ecological services: (a) the PAMB with DENR as lead agency; (b) LGUs within the MANP and their mother municipalities, cities and provinces; (c) the IPSs of ICC/IPs in ancestral domains; and, (d) the hidden hand of land markets (Quitoriano E. L., 2023, p. 28).

A complementary view sees these structures as responsible parties with the authority to address and help solve the many conflicts within the MANP communities. A typology corresponding to these structures, with the addition of the Department of Agrarian Reform due to the reported relevance of agrarian reform awards in land conflict dynamics in the study areas, is presented here and later referenced in recommendations.

The following table introduces the categories, their primary legal bases and corresponding ADR mechanisms, and directs readers to pages in the next chapter where details of jurisdictions and more information about ADR mechanisms are discussed.

Type	Primary Legal Bases for Handling Land Disputes	ADR Mechanisms	Cases Under Jurisdiction
1. Cases that fall within the jurisdiction of Local Government Units	Republic Act 7160: The Local Government Code of 1991	Katarungang Pambarangay	p. 27-28
2. Cases that fall within the jurisdiction of Indigenous Political Structures and the National Commission on Indigenous Peoples	Republic Act No. 8371: Indigenous Peoples' Rights Act of 1997	Indigenous Justice System	pp. 28-30
3. Cases that fall within the jurisdiction of the Department of Environment and Natural Resources and Protected Area Management Boards	Republic Act No. 8371: Indigenous Peoples' Rights Act of 1997 Commonwealth Act No. 141, known as the Public Land Act Act 2874 or The Public Land Act of 1919	DENR Alternative Dispute Resolution	pp. 30-32
4. Cases that fall within the jurisdiction of the Department of Agrarian Reform	Republic Act No. 6657: Comprehensive Agrarian Reform Law, as amended	DAR Mediation (BARC)	pp. 33-34

The sequence of presentation is purposive. The first two, or more accurately, the first-level bodies that handle ADR cases are the Lupong Tagapamayapa of Barangay LGUs and the Indigenous Political Structure (i.e., Chieftain and Council) of IP communities. If conflicting parties cannot come to an agreement at these levels, a case escalates. The three agencies that have primary roles in land management and administration in MANP, namely the DENR, NCIP and DAR, all have quasi-judicial functions. It is crucial to identify which authorities handle different land cases and conflicts and how, to pinpoint where ADR mechanisms exist, how they work, and how they can be enhanced to effectively serve stakeholders including women and other marginalized groups.

The next section specifies what falls under the purview of each structure, body or agency. Because this research is focused on ADRs, cases under the jurisdiction of courts per Republic Act 386 or The Civil Code of the Philippines will not be discussed. However, it is important to know that courts can still assume jurisdiction over cases unsettled at the level of these ADR-practicing offices or bodies.

Issues and cases that fall outside the remit of the above categories and authorities are addressed in the recommendations in Chapter VII.

ALTERNATIVE DISPUTE RESOLUTION

As presented in Chapter IV, RA 9285 or the Alternative Dispute Resolution Act of 2004, the act institutionalizing the use of ADR in the Philippines, defines an 'Alternative Dispute Resolution System' as "any process or procedure used to resolve a dispute or controversy, other than by adjudication of a presiding judge of a court or an officer of a government agency, as defined in this Act, in which a neutral third party participates to assist in the resolution of issues, which includes arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof."

This is a more limited view as it excludes adjudication, likewise defined in Chapter IV, from being considered an ADR mechanism. To review, "adjudication describes any formal dispute resolution process in which the parties litigate cases through the presentation of evidence and argument to a neutral third party who has the power to render binding decisions based on objective standards, rules or laws" (Department of the Environment and Natural Resources, 2016).

This clarification is being made to delineate between agencies' regular performance of quasi-judicial functions, and their specific application of ADR mechanisms and methods. Unlike the Barangay Lupon, for example, whose conflict resolution mandate is limited to mediation and conciliation, the DENR, NCIP and DAR primarily exercise adjudication. However, these agencies are, in varying degrees, encouraged, directed, and increasingly capacitated to apply ADR techniques in handling cases including those involving land conflicts.

The DENR for instance, as shown below, already practices stand-alone or complementary ADR processes through voluntary mediation performed by Accredited Alternative Dispute Resolution Officers (AADROs).

Conversely, while IPSs for example employ mediation and conciliation techniques in handling land disputes, they cannot strictly be classified as ADR bodies because Tribal Chieftains and Councils are empowered to pass judgments under customary laws and indigenous justice systems. In the same vein, while the DAR Adjudication Board system provides for mediation at the level of the Barangay Agrarian Reform Committee, cases progressing beyond the barangay level will not be considered undergoing ADR as they enter formal adjudication. Still, offices and officers may in practice be employing ADR methods at different levels. This introduction hopefully provides additional context and clarity to the contents of the following summary of Alternative Dispute Resolution avenues, mechanisms, and rules of procedures that are most relevant to the MANP according to stakeholders:

A. KATARUNGANG PAMBARANGAY

Avenues/ Platform	Legal Bases	Sepsific Provisions	Jurisdictions
<p>Lupong Tagapagpamayapa composed of Barangay Captain and 10 to 20 Lupon Members</p>	<p>RA 7160 or The Local Government Code</p>	<p>SECTION 399 of the Local Government Code:</p> <p>Role of the Lupong Tagapamayapa. – The Lupong Tagapamayapa shall take cognizance of all disputes and conflicts in his barangay except those involving parties who are related by consanguinity or affinity up to the fourth civil degree. No complaint, petition, action, or proceeding involving any matter within its authority shall be filed or instituted directly in court or any other government office for adjudication unless the Lupon chairman has certified that no conciliation or settlement has been reached by the parties. Such certification shall be issued after the parties shall have undergone mediation proceedings conducted by the Pangkat ng Tagapagkasundo. For this purpose, the clerk of court of the municipal circuit trial court shall issue the necessary forms to be filled up by the complainant in an initiatory action and furnish the Lupon chairman with the names of the members of the Pangkat from whom the complainant may choose his/her representative. The Pangkat secretary shall furnish the parties with the proper summons for their appearance before the Pangkat ng Tagapagkasundo</p>	<p>The Lupon, headed by the Barangay Captain, has jurisdiction over all disputes within the barangay except for the following (section 48 of the Local Government Code):</p> <ol style="list-style-type: none"> 1. Where one party is the government or any subdivision or instrumentality thereof 2. Where one party is a public officer or employee and the dispute relates to the performance of duty 3. Offenses punishable by imprisonment exceeding one year or a fine P5,000.00 4. Offenses where no private party or individual is offended (like traffic violations, jaywalking, vagrancy, sidewalk vending, mendicancy, and prostitution) 5. Where the dispute involves real properties located in different cities or municipalities, unless the parties thereto agree to submit their differences to amicable settlement by an appropriate upon. 6. Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other, and the parties thereto agree to submit their differences to amicable settlement by the appropriate Lupon 7. Such other classes of disputes which the President of the Philippines may determine in the interest of justice or upon the recommendation of the Secretary of Justice (Department of the Interior and Local Government, 2013)

LAND AND RESOURCE CONFLICTS AND ALTERNATIVE DISPUTE RESOLUTION IN THE MOUNT APO NATURAL PARK

Alternative Dispute Resolution Methods	Processes (Steps)	Enforcement Rules	Guidelines	Escalation
<p>Mediation and conciliation</p>	<ol style="list-style-type: none"> 1. Filing of written or oral complaint addressed to the Barangay Chairman and payment of filing fees of no less than 5 pesos and no more than 20 pesos. 2. The Lupon, through the Pangkat Tagapagpakasundo summons the respondent the following business day. 3. The parties undergo mediation facilitated by the Lupon, provided that the dispute falls within the jurisdiction of the Katarungang Pambaranga 4. If a settlement is reached, the Lupon issues an Amicable Settlement Certification, otherwise another meeting is scheduled after 15 days. 5. If a settlement is still not reached, the Lupon issues a Certificate to File Action, which signals that the complainant may move forward and bring the case to the court or other government office for adjudication (Disini et al, 2002), (Local Government Academy, 2018). 	<p>After 10 days, the settlement will be executory, and it has the force and effect of a decision of a court.</p> <p>Any party has the option to contest the settlement due to reasons such as fraud, force, coercion, or any circumstances that invalidate their consent. If no such rejection is sought, the parties are granted a five-day period to adhere to the agreement (Disini, Aguilin-Pangalangan, Daroy-Morales, Gatmaytan, & Lim-Jardeleza, 2002).</p>	<p>Katarungang Pambarangay Handbook – DILG (Annex 1)</p> <p>Barangay Newly Elected Officials' Program Module on the Katarungang Pambarangay</p>	<ol style="list-style-type: none"> 1. Municipal or Metropolitan Trial Courts 2. Regional Trial Courts

B. INDIGENOUS JUSTICE SYSTEM

Avenues/ Platform	Legal Bases	Sepsific Provisions	Jurisdictions
<p>Tribal Chieftain and 7 or more Council Members (also known as Council of Elders or Council of Leaders)</p>	<p>Customary Laws RA. 8371 or The Indigenous Peoples' Rights Act of 1997</p>	<p>Under the Bagobo-Tagabawas' Customary Laws, conflicts, including those on land, are mediated and adjudicated by the Tribal Chieftain and Council.</p> <p><u>Section 4 of the IPRA Law:</u></p> <p>Right to Resolve Conflict. – Right to resolve land conflicts in accordance with customary laws of the area where the land is located, and only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice whenever necessary.</p> <p><u>Section 15 of the IPRA Law:</u></p> <p>Justice System, Conflict Resolution Institutions, and Peace Building Processes. – The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.</p>	<p>Land conflicts between IP parties from the same tribe</p>

LAND AND RESOURCE CONFLICTS AND ALTERNATIVE DISPUTE RESOLUTION IN THE MOUNT APO NATURAL PARK

Alternative Dispute Resolution Methods	Processes (Steps)	Enforcement Rules	Guidelines	Escalation
<p>Mediation and conciliation</p> <p>Note: IPSs also have judicial powers.</p>	<ol style="list-style-type: none"> 1. The complainant or both conflicting parties go to the Chieftain and Tribal Council to report a complaint. 2. The IPS summons conflicting parties. 3. The IPS, led by the Tribal Chieftain, engages parties in conversation and undertakes, mediation and/or conciliation and/or adjudication. Decisions are consensus-based. 4. If a penalty applies under Customary Law, the penalty will be determined and imposed on the offending party. 5. If a settlement cannot be reached or one of the parties is from another tribe, the complaint is brought to the Provincial IPS. A Certificate of Non-Resolution is issued by the concerned IPS for unsettled complaints or petitions. 	<p>Settlements or decisions made by the Tribal Chieftain and Council are final and enforced by the IPS.</p>	<p>Customary practices under the advice of elders</p> <p>NCIP AO no. 1 s. 2018 Rules of Procedure (Annex 2)</p>	<ol style="list-style-type: none"> 1. IPS of Unified Bagobo Tagabawa Ancestral Domain Organization through the Ancestral Domain Management Office 2. NCIP Provincial Office/r 3. NCIP Regional Hearing Office/r 4. Trial Courts <p><i>Note: "No dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under the customary laws or indigenous dispute resolution processes of the ICCs/IPs" (National Commission on Indigenous Peoples, 2018).</i></p>

C. DENR ALTERNATIVE DISPUTE RESOLUTION

Avenues/ Platform	Legal Bases	Specific Provisions	Jurisdictions
<p>All Department bureaus, attached agencies, and regional offices and quasi-judicial bodies handling cases (e.g., Central Office, Land and Management Bureau, Provincial Environment and Natural Resources Offices, and Community Environment and Natural Resources Offices)</p> <p>Designated ADR Focal Points and Accredited ADR Officers (ADRO) in the respective offices</p>	<p>Act 2874 or The Public Land Act of 1919</p> <p>Updated with the Commonwealth Act 141 The Public Land Act of 1936</p>	<p><u>Section 3 of the Public Land Act of 1936:</u> The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.</p> <p><u>Section 4:</u> Subject to said control, the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.</p> <p><u>Section 5:</u> The Director of Lands, with the approval of the Secretary of Agriculture and Commerce shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.</p> <p>Note: What is now the DENR originated from the Department of Agriculture and Natural Resources (covered by Act 2874) later called the Department of Agriculture and Commerce (covered by CA 141).</p> <p><u>Section 10 of the E-NIPAS Act (adopted from Section B-11 of the NIPAS Act):</u> The Protected Area Superintendent (PASU), head of the Protected Area Management Office (PAMO), has the following duty and responsibility (among others listed in the law):</p> <p>(f) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of this Act (Congress of the Philippines, 2018).</p>	<p><u>Section 4 of the Revised Administrative Code of 1987:</u> Powers and Functions – The Department shall: (4) Exercise supervision and control over forest lands, alienable and disposable public lands, mineral resources and, in the process of exercising such control, impose appropriate taxes, fees, charges, rentals and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources (15) Exercise exclusive jurisdiction on the management and disposition of all lands of the public domain and serve as the sole agency responsible for classification, sub-classification, surveying and titling of lands in consultation with appropriate agencies (Office of the President of the Philippines, 1987).</p> <p>Subject to ADR: <u>Section 4:</u> Coverage – Cases and disputes that are covered by ADR are those identified by the respective Department bureaus, attached agencies and regional offices and those that are determined by the Oversight Committee as provided in the last paragraph of Sec. 5.</p> <p><u>Section 5:</u> Exceptions – In no case, however, shall the following cases be subject to ADR: a. cases and disputes where applicable regulations are conflicting and would thus require resolution by a body higher than the bureau, attached agency or regional office; b. cases where the resolution thereof would require a policy change; c. cases which involve criminal liability; d. cases that involve the issue of jurisdiction of the Department or the courts; e. administrative cases against DENR officials and employees; and f. cases that by law cannot be compromised (Department of the Environment and Natural Resources, 2008).</p> <p>Disputes that have assumed national significance, or involve national officials, or have reached national media attention, as well as cases that arise as a direct outcome of Presidential directives, are to be referred directly to the Oversight Committee, provided in Section 10 to determine if ADR is appropriate.</p>

Alternative Dispute Resolution Methods	Processes (Steps)	Enforcement Rules	Guidelines	Escalation
<p>Arbitration, mediation, conciliation, early neutral evaluation, mini-trial, or any combination thereof</p>	<p>Due to the scope of applicability of ADRs across the DENR's offices and undertakings, this is not an exhaustive list of steps but a simplified summary of general steps involved based on guidelines and actual practice:</p> <ol style="list-style-type: none"> 1. Complainant/s make/s written (pro forma) or verbal filing with a DENR office. 2. An officer-in-charge makes a preliminary assessment and decides where to refer the case for possible voluntary ADR. 3. If parties agree to undergo ADR, each party signs a voluntary ADR form. 4. Meetings mediated by an Accredited ADR Officer are held up to 3 times. 5. If an agreement is reached, the ADRO records an Amicable Settlement or Compromise Agreement. 6. If parties cannot come to an agreement, the ADRO drafts an order for the approval of his/her immediate supervisor stating the failure of the ADR and advising the parties to file protests or recommending the conduct of an investigation to settle the conflict. 	<p>A compromise agreement has the force and effect of a final and executory decision for enforcement and execution.</p>	<p>DENR DAO 2005-18, Adoption of ADR principles and procedures in the resolution of appropriate environment and natural resources conflicts (Annex 3)</p> <p>DENR DAO 2016-30, Guidelines in the conduct of ADR in land management and disposition (Annex 4)</p> <p>DENR DAO 2021-01, Guidelines in the conduct of virtual ADR proceedings in the resolution of land claims and conflicts and other natural resources disputes in the department (Annex 5)</p>	<p>Concerned DENR offices/officers in charge of handling regular cases, depending on the type or nature of the case.</p>

D. DAR MEDIATION (BARC)

Avenues/ Platform	Legal Bases	Specific Provisions	Jurisdictions
<p>Barangay Agrarian Reform Committee (BARC) composed of 10 members from the DAR, the DENR, the Land Bank and other agricultural organizations</p> <p>or</p> <p>Senior Agrarian Reform Program Technologist (SARPT) or Agrarian Reform Program Technologist (ARPT) of the barangay where the land is located in case of non-existence of the BARC or its inability to convene</p> <p>or</p> <p>Department of Agrarian Reform Adjudication Board</p> <p>or</p> <p>Regional Agrarian Reform Adjudicator</p> <p>or</p> <p>Provincial Agrarian Reform Adjudicator</p> <p>Note: All these parties can be the first point of contact of a complainant or conflicting parties, depending on the nature of the case.</p>	<p>RA 6657 or the Comprehensive Agrarian Reform Law, as amended</p>	<p>Section 50 of CARL:</p> <p>Quasi-Judicial Powers of the DAR. – The DAR is hereby vested with primary jurisdiction to determine and adjudicate agrarian reform matters and shall have exclusive original jurisdiction over all matters involving the implementation of agrarian reform except those falling under the exclusive jurisdiction of the Department of Agriculture (DA) and the Department of Environment and Natural Resources (DENR).</p> <p>Provided for DAR’s organizational structure of DAR along with the respective functions of each of its offices. It created an Agrarian Reform Adjudication Board under the Office of the Secretary</p>	<p>Exclusive jurisdiction over disputes arising from agrarian relationships and other land-related issues between landlord and tenants, or among cooperatives and tenants.</p> <p>Various levels (barangay, provincial, regional, and national) have primary, exclusive, and original jurisdiction over different types of cases and referrals as outlined in 2021 DARAB Revised Rules of Procedure. As the roster of cases under each office’s (DARAB, RARAD and PARAD) jurisdiction is very lengthy, it is shown in Annex 6. All are relevant as most cases are required to pass through the Barangay level and can thus be subject to mediation.</p>

Alternative Dispute Resolution Methods	Processes (Steps)	Enforcement Rules	Guidelines	Escalation
<p>Mediation</p> <p>Note: ADR ends at the barangay level, after which if a case proceeds, it enters arbitration and adjudication.</p>	<p>Note: Unlike other ADR mechanisms discussed in this paper, DARAB cases do not necessarily follow an upward flow from local to national levels. This is a simplified summary of the steps:</p> <ol style="list-style-type: none"> 1. Parties involved in the case initiate a complaint. The complainant files a verified complaint or petition with the Board, RARAD, or PARAD, where the disputed land is located. The complaint should include necessary affidavits, documentary evidence, and a certificate of non-forum shopping. 2. Parties will be referred to the BARC, SARP or ARPT. The complaint will not be considered unless there is a certification from the BARC that they attempted mediation or conciliation without success. Exceptions are cases involving land valuation, disputes involving corporations or public officers, or matters directly referred by the DAR Secretary or Presidential Agrarian Reform Council. 3. Depending on the nature and location of the case, it is determined whether the Board, RARAD, or PARAD will have jurisdiction over the case. Each has specific types of cases they handle and accept referrals for. 4. The case is heard, and decisions are made based on the presented evidence and arguments. Technical rules of procedure and evidence are not strictly applied to ensure a just, expeditious, and inexpensive resolution. 5. If a settlement is reached, the results are contained in a report by the hearing party. If no settlement is arrived at, the case will be referred back or forwarded to the relevant office. 	<p>The judgment approving the compromise agreement shall have the effect of a judgment on the case, which shall immediately be final and executory.</p> <p>The Board, RARAD, and PARAD can issue various writs to enforce their orders and decisions and may direct law enforcement agencies to assist in the enforcement and execution of their decisions.</p>	<p>2021 Department of Agrarian Reform Adjudication Board Revised Rules of Procedure (Annex 7)</p>	<p>All levels of adjudication offices can receive forwarded or referred.</p>

INSIGHTS AND RECOMMENDATIONS

This paper has so far presented findings relevant to its primary objectives of coming up with a typology of land conflicts, and identifying applicable ADR mechanisms in the Mount Apo Natural Park. It has also explored women’s views on their land rights and resources, and their roles and representation in alternative dispute resolution bodies. The study’s final objective is to assess and make recommendations about how ADR mechanisms and systems can be made more responsive to stakeholders’ needs in general, and more gender-responsive in particular.

Bearing in mind that ADR is an instrument for communities and individuals to access justice, this research, to be useful, must translate into potential avenues for improving the accessibility, effectiveness, efficiency, comprehensiveness, and gender-sensitivity of ADR systems and mechanisms. This section discusses key challenges and areas for improvement, drawing from recommendations from study participants as well as the consultant’s own recommendations. Issues and suggested ways forward are organized according to the previously listed criteria. Recommendations include short, medium, and long-term actions, aligned with

Conflict Types (Administrative)	ADR Mechanisms	Key Decisionmakers	Lead/ Supervising Agencies
1. Cases that fall within the jurisdiction of LGUs	Katarungang Pambarangay	Local Chief Executives	DILG
2. Cases that fall within Barangay Human Rights Action Center (BHRAC)	Complaint processing and referral	BHRAO	CHR regional or sub office
3. Cases that fall within the jurisdiction of IPSs and NCIP	Indigenous Justice System	Tribal Leaders and Councils	NCIP
4. Cases that fall within NCIP	Regional Hearing Office/ Commission en Banc	RHO and CEB	NCIP
5. Cases that fall within the jurisdiction of the DENR and PAMB	DENR Alternative Dispute Resolution	PAMB and PAMO/ PaSu	DENR
6. Cases that fall within the jurisdiction of DAR	DAR Mediation (BARC)	Regional Director and Local Chief executives	DAR
7. Cross-jurisdiction	Inter-agency Dialogue and Mediation Platform/s	Regional Directors and IPS Head	TBD

ROLMIN's project timeline but also factoring in the more permanent roles and responsibilities of partners in intended impact areas.

First, it is necessary to identify stakeholder segments within authorities and their roles for targeted and effective stakeholder mobilization and support. These stakeholders include key decision-makers and lead or supervising agencies involved in alternative dispute resolution.

Both groups of duty-bearers are crucial to the successful implementation of ADRs, and have distinct support needs and potential for contributing to problem-solving. Decisionmakers and lead or supervising agencies have unique responsibilities, functions and powers. They may be engaged in recommended actions depending on the type of support to be given or requested – for example, development of policy instruments, engagement for competency and capacity development, provision of technical assistance, development of materials, planning and budgeting, status monitoring and reporting, etc.

ACCESSIBILITY

Key Constraint: Information

By far the number one barrier to accessing and administering ADRs, for women and men alike, and across all stakeholder groups, is lack of information. First, information about rights under various applicable laws and implementing rules and regulations. Second, information about grievance and recourse mechanisms. Community members are eager to know their rights, while authorities want and need to know the expanse of the rights that they have the obligation to uphold.

This knowledge gap is significant. Without clear and comprehensive information, stakeholders cannot exercise their rights fully and duty-bearers cannot perform their functions effectively. Respondents want to know if their rights are being violated and how, or if they themselves are committing violations and in what manner.





As previously in this document, MANP's unique context lends to the interaction of a wide range of policies, both mainstream and customary. With the complexity of land-related policies, even government and IPS leaders and officials often need additional support in understanding and interpreting policies especially vis-à-vis other rules and regulations outside their respective implementation mandates.

For parties in conflict, uncertainty about where to seek help often leads to multiple offices, causing repetitive expenditure of time and financial resources. This contradicts the aim of ADR to streamline and simplify the conflict resolution process.

Recommendations

Actions

- Implement IEC (Information, Education, and Communication) campaigns to disseminate information about rights, jurisdictions, and available ADR (Alternative Dispute Resolution) mechanisms, as well as quasi-judicial and judicial services.

- Use appropriate formats, forums and avenues that cater to the needs of intended audiences, particularly considering the challenges of physical access and internet connectivity in remote communities within MANP. Unique sessions and materials specific for women may also be developed.
- Collaborate with both government and non-government partners, including IP and non-IP groups, who have pre-existing direct community connections. This will facilitate achieving widespread impact in a short time period.
- Integrate knowledge dissemination into existing capacity-strengthening programs to help ensure scale and correct targeting of participants. Leverage existing initiatives like the Local Government Academy's 'Barangay Newly Elected Officials Training Program' in view of the recently-concluded local elections, and the Office for Alternative Dispute Resolution's 'Training and Accreditation of AADROs'.

Timeline

3 to 6 months

Discussion

Given the range and intricacy of policies concerning land ownership, control, and use within MANP, there is a pressing need for a vigorous information and education component to any intervention or support initiative. A concerted effort should be made to widely publicize information about rights, jurisdictions, and available ADR mechanisms as well as quasi-judicial and judicial services to ensure that all relevant stakeholders are adequately informed.

A good starting point for this in terms of substance would be the laws discussed in Chapter IV, along with their respective implementing rules and regulations, and significant aspects of customary laws. Another reference is the previously-cited RLGM policy study (i.e., When Land Claims Overlap) which can serve as a resource in developing educational content for widespread distribution. In developing these materials, engaging with agencies and tribal councils identified in this study is key for ensuring the relevance and accuracy of information. Given the linguistic and cultural diversity in MANP, it's vital to customize the content and method of delivery to respect local sensibilities and communication styles.

Outreach strategies must be adapted to the unique needs of each community, particularly in areas with limited physical and digital connectivity. Forming partnerships with a diverse range of stakeholders, including government, non-government, IP, and non-IP groups, can enhance the reach and effectiveness of these efforts.

Incorporating these educational elements into ongoing training programs for officials and other duty bearers is another strategic approach. Utilizing established programs like the Local Government Academy's training for newly elected officials and the Office for Alternative Dispute Resolution's accreditation program can provide a robust platform for this knowledge integration, ensuring

appropriate targeting and more effective and permanent dissemination.

EFFECTIVENESS AND EFFICIENCY

Key Constraint: Data

As highlighted in Chapter II, data limitations not only posed a significant constraint for this study but more importantly also impede the ability of actors to accurately depict, assess, and address land conflicts and conflict resolution mechanisms in the MANP. To review:

There are no conflict databases, and no conflict databases specific to land disputes. The few related data points that can be correlated with land conflicts are unrecorded, missing, or do not, as a matter of standard operating procedure due to data protection, include details about the nature and causes of conflicts. Customary laws and cases are also largely undocumented, adding another layer of complexity to data acquisition. Furthermore, data on the number and types of land cases that involve or affect women are not available. This can be attributed to a recording system that can be said to be gender-blind.

Data is crucial for the effective and efficient administration of ADR and in providing access to justice. It is necessary for identifying and developing solutions for marginalized stakeholders, particularly women. It is key to understanding the magnitude, characteristics, and location of land disputes and cases.

Delineating the scope and scale of issues is essential. Armed with data, interventions can be tailored to address specific issues, populations, and geographies. Data also guides the optimal allocation of resources, enabling efforts and resources to be concentrated where they can make a difference.

Similarly, data is crucial for establishing baselines and for assessing the effectiveness and efficiency of ADR systems and mechanisms over time, and in segregating different effects across genders and other group and individual attributes. To evaluate the responsiveness of ADR mechanisms, quantitative data must exist to fully answer key questions. For instance: How many land conflict reports are filed? Among the conflicts that exist but are unreported, why are they not filed? Of the reported conflicts, what percentage are resolved, and how durable are these solutions? Why do some conflicts remain unresolved? What are the outcomes for various genders, and what can explain disparities, if any? These are just a few examples of questions representing the starting point for a thorough assessment.

Recommendations:

Actions

- Make data recording and consolidation of land conflict records a priority initiative within ADR bodies and agencies.
- Strengthen data infrastructure to facilitate consolidation among government agencies and offices in line with privacy and data protection laws. This will require the development and application of robust security protocols. The thematic typology of conflicts presented in this report can be used as data field categories in place of detailed descriptions of private and sensitive conflict information. The typology can be expanded and refined as more data comes in.
- Highlight and support data collection and recording in the scope of work of ADR administrators. Train local authorities in data collection, analysis, and utilization.
- Implement gender-sensitive data collection. Update existing data recording systems to be gender-sensitive, capturing the number and types of land cases involving or affecting women. This will provide insights into gender disparities and help tailor gender-specific solutions.

- Enhance data accessibility and reporting. Encourage and facilitate the reporting of conflicts, including those that are currently unreported. This could involve community outreach and awareness campaigns (see section A) and simplification of reporting processes.
- Integrate data into policy making and ADR administration. Use the collected data to inform policy decisions and improve the administration of ADR mechanisms.

Timeline

1 to 2 years

Discussion

A focused approach on data management within Alternative Dispute Resolution (ADR) bodies is strongly recommended. This involves prioritizing the systematic recording and consolidation of conflict records within each ADR mechanism. Establishing an efficient data infrastructure is a critical step in this direction. This infrastructure should also be designed to enable seamless data sharing among various government bodies, adhering to stringent privacy and data protection policies and standards. This is also a necessary solution to solving broader inter-agency land administration and management (LAM) issues – this is important to point out as there might not be enough incentive to expend all this effort only for the purpose of consolidating land conflict data, but improving LAM in general requires the same action. Strengthening LAM is of course fundamental to mitigating and resolving land conflicts in MANP.

Implementing advanced security measures will be a key aspect of this process. Additionally, categorizing conflict data based on the thematic typology outlined in the report offers a practical solution for recording conflicts without compromising private and sensitive information.

To help empower ADR administrators, training focused on data collection, analysis, and application for local authorities can be delivered. Such training will equip these key stakeholders with the essential skills to utilize data effectively in conflict resolution. This goes beyond mere data gathering, emphasizing the critical interpretation and strategic use of information in dispute resolution processes.

In addition, the process of conflict reporting must be simplified and made more accessible. This can be achieved through targeted community outreach initiatives and awareness campaigns that address the importance and process of conflict reporting. Simplifying the reporting procedure itself will also encourage more individuals and groups to come forward with their land rights concerns.

Improving data availability and utilization in ADR administration will help ensure that conflict resolution methods and solutions are based on actual conditions and tailored to meet the specific needs of each case, making ADR systems and mechanisms more effective and impactful.

Key Constraint: Capacity and Competency

Community stakeholders, after becoming fully informed about their land rights, would like to be able to assert those rights. Meanwhile, those who have roles in facilitating ADR would like to develop necessary skills and capacities on behalf of their organizations.

It is imperative to first ensure that ADR systems are functional and administrators are able to deliver their duties well – this is a necessary precursor to engendering ADR mechanisms. Engendering specific ADR tools will need to be complemented with support that address more fundamental functionality issues in order to yield actual results for women and their communities.

A common challenge across various offices and agencies is the limited availability of trained personnel for ADR. For example, in the Davao City and Davao del Sur regions of MANP, only three to four AADROs are reported to handle a significant volume of cases. Similarly, Barangay Agrarian Reform Committees are also sparsely functional, if at all formed. Respondents emphasized that there are many of these foundational issues that include structures, implementing instruments, staffing, and skills, among others.

Study participants shared that current competencies and capacities differ, which suggests solutions are not one-size-fits-all. These competency and capacity development support recommendations will help land disputants whose cases fall squarely within the jurisdiction of each of the ADR mechanisms.

Recommendations

Actions

- Develop and implement competency and capacity enhancement initiatives to support the following stakeholder segments (see suggested content in the succeeding discussion):
 - Community stakeholders: individual competencies for rights claiming, assertion and protection
 - Authorities: individual competencies for performance of duties
 - Authorities: organizational or systemic capacities for service delivery
- Conduct training needs analyses and develop a competency framework for land dispute ADR practitioners. The competency framework will highlight the essential knowledge, skills, and attitudes (KSAs) necessary for practitioners to be effective and efficient in delivering ADR services, and may include gender and conflict sensitivity and responsiveness.

- Develop training programs and modules that correspond to the required KSAs.
- Develop process guides for each agency or body that handles ADR and their users.
- Coordinate capacity enhancement program and module development as a joint undertaking among (at least) the DAR, DENR, DILG, and NCIP. This is to provide a comprehensive and balanced perspective on needs, priorities and substance.

Specific to IP communities, train Tighusays or IP mediators identified by tribes in ADR.

Timeline

6 months to 3 years

Discussion

Ideally, there will be ample data to provide a precise indication of where competency and capacity enhancement support should be focused, especially in areas both thematic and geographic where women are most affected by land conflict incidents. This will serve as the foundation for a well-grounded capacity development initiative and is tied to the previous recommendations addressing data.

An understanding of the ADR processes, rules, and regulations, although already covered in this research, remains essential for pinpointing priority participants for capacity development support. Full process guides can be developed for each agency or body and their intended clients.

Since mandates and personnel availability vary, different offices and functions will have distinct capacity development needs. It's important to carry out training needs analyses to identify these specific requirements. A framework focusing on competencies for land dispute ADR practitioners can be created, integrating aspects of gender sensitivity and responsiveness. This framework will outline the base knowledge, skills, and attitudes (KSAs) needed for practitioners to effectively and

efficiently provide ADR services. Subsequently, training programs and their respective modules will be designed to align with these identified KSAs.

The topics identified by the respondents are as follows:

1. For community stakeholders, especially women: leadership, steadfastness, conflict assessment, mediation, negotiation, and applicable laws and policies
2. For authorities (both mainstream and tribal), individual competencies: laws, rules and jurisdictions, departmental rules and regulations on ADR if any, mediation, conciliation, conducting dialogues (for bilateral and multilateral engagement of other authorities), and soft skills (i.e., listening, speaking with impact, identifying root causes, cultivating and projecting calm and trustworthiness)
3. For authorities, organizational or systemic capacities: case recording and tracking, conflict-sensitivity, appropriate structures and internal policies development, legal and regulatory compliance, engaging other agencies and bodies resource-raising to fund conflict resolution initiatives.

Along with the previously discussed information drive, it is advisable to integrate capacity development into existing programs where possible.

Another specific recommendation from study respondents is the creation of one or several modules specifically dedicated to ADR of land disputes. In this regard, existing GIZ knowledge products can be essential resources, specifically the ADR Manual produced under RLGM and GIZ's guidebook and toolkit titled *Understanding, Preventing, and Solving Land Conflicts*.

Respondents shared the view that coordination for both capacity enhancement program and module development should be a joint undertaking among at least the DA, DAR, DENR, DILG, and NCIP. This is to provide a comprehensive and balanced perspective on needs, priorities, and substance.

Specific to IP communities, it is recommended that Tighusays or IP mediators identified by tribes also get trained on ADR. Tighusays have the requisite knowledge and wisdom that would serve and benefit IP communities appropriately.

Gender sensitivity trainings can be tailored to and enjoyed by all target groups.

COMPREHENSIVENESS

Key Constraint: Platforms to Reconcile Conflicting Agency or Body Positions and Co-create Solutions

There are conflicts and drivers of conflicts that are currently beyond the reach of ADR mechanisms but can potentially be resolved using ADR methods if suitable platforms are created where decisionmakers and stakeholders can discuss issues and collaborate for problem-solving.

In the context of MANP, these include crossing of mandates and jurisdictions (for example, disputes involving IP and non-IP claimants), overlapping of tenure instruments, issues with cross-agency titling and registration, formal and informal land market activities that run contrary to public good (which require solutions beyond administration, for instance, taxation and imposition of penalties), conflicting policy interpretations, lack of clarity concerning implementing regulations, or willful violation of clear policies and regulations sometimes even by authorities, allegedly.

These overarching issues constrain resolution of conflicts at the level of individual ADR bodies. They are complex and require sustained multi-party commitment to work through over time.

Recommendations

Actions

- Convene an inter-agency platform for conversation – a platform where concerned agencies and stakeholders can jointly define core problems and ways to address priority issues. Solutions can involve short to long-term measures such as structure, policy, and implementation changes.
- Invite Regional Directors, LCEs and IPS Leaders to represent their agencies/communities and ensure that resulting agreements and commitments are binding.
- Alternatively, existing regional bodies can be tapped. This presents the advantage of working with an already established and permanent policymaking or working group.
- Implement a series of mediated dialogues to systematically address major land issues and conflict clusters, ensuring participation from key entities including DAR, DENR, DOJ, IPS, LGUs, LRA, NCIP, and PAMB, as well as defense and law enforcement agencies such as NBI, PNP, and PA, based on the particular issues under consideration in each session.
- Ensure that official plans and policy documents come out of these conversations. In government, only agreements with policy instruments are actionable and binding.

Timeline

3 to 6 months (for convening and mediation)

Discussion

A simple yet high-impact recommendation shared by both government and IPS leaders and representatives is the convening of a neutral third party of agencies and bodies to discuss issues and resolution plans. It is recommended that Regional Directors personally represent their agencies so that agreements will be binding. This initiative is envisioned as a series of mediated dialogues where major land issues and

conflict clusters are addressed. Participation in these dialogues will be dynamic, involving key entities such as the DAR, DENR, DOJ, IPS, LGUs, LRA, and NCIP, as well as defense and law enforcement agencies like the NBI, PNP, and PA, contingent on the specific issues being addressed at a given time. Women's land rights, representation and resource issues can be addressed through these venues.

RESPONSIVENESS TO WOMEN

Key Constraints: Data and Representation

Challenges for women in land disputes and ADR relating to data and representation have been extensively discussed in previous sections.

Recommendations

Actions

- Practice sex-disaggregation of land conflict and ADR data for decision-making and results monitoring.

- Increase representation of women handling ADR mechanisms (e.g., 50% female composition) across the four ADR systems and their corresponding decision-making and implementing bodies (refer to table 3, ADR authorities, p. 35).
- Train women in ADR bodies to advocate for other women and represent their interests. In the short-term, also train and support men in these bodies to advocate for women.
- Conduct gender sensitivity and advocacy training for relevant decisionmakers both in the public and private sectors.
- Use the Philippine Government's harmonized gender and development guidelines and tools. These guidelines and tools are officially adopted and have policy backing and can therefore be urgently implemented.
- Support women in authority (both IP and non-IP) through competency-building activities focused on strengthening their executive presence, technical proficiency, and gender-responsive conflict resolution abilities (requested topics include gender



and development, leadership, steadfastness, conflict assessment, mediation, negotiation, and applicable laws and policies).

- Support women in communities (both IP and non-IP) through competency-building activities focused on understanding their rights and advocating for themselves in their homes and communities.
- Support women's economic empowerment.

Timeline

6 months to 2 years

Discussion

As previously discussed, data plays a foundational role in enhancing the responsiveness of alternative dispute resolution (ADR) systems to land conflicts affecting women. Sex-disaggregated data is essential not only for informed decision-making but also for monitoring the outcomes of ADR processes for women. It is crucial for identifying gender-specific trends and challenges, which aids in developing more effective strategies.

In practice, formal commitment from agencies is required to ensure gender disaggregation and information sharing. Given the Philippine government's mandate for gender mainstreaming at all levels of government and offices, the policy foundation and tools already exist. For ADR, the focus can be on integrating government-sanctioned tools (by both mainstream and IP governments) and investing in broader ADR capacity development, while also tailoring and supplementing these tools as needed.

Another critical aspect of enhancing ADR systems' responsiveness is to improve female leadership and participation. This not only involves ensuring women's representation but also their active involvement in decision-making roles within ADR bodies. Setting targets, such as aiming for 50% female participation, can lead to more gender-sensitive resolutions. This

goal should be supported by training women in ADR roles to advocate for other women and also training and supporting male counterparts in advocating for women. Recognizing that achieving equal representation will take time, this approach ensures that both women and men in ADR bodies are prepared to address gender-related issues effectively.

Women in positions of authority can be supported with programs focusing on enhancing skills crucial for leadership and gender-responsive conflict resolution. Meanwhile women in communities can be supported in understanding their rights and advocating for themselves in their spheres of influence such as their homes, work and livelihood spaces.

Strengthening women's economic standing is also a vital area that underpins their overall empowerment and ability to participate meaningfully in conflict resolution processes. A capacity development need area and recommendation that women unanimously expressed across the respondent groups focus on livelihood. While not an obvious aspect of ADR, the reasoning is having more resources will empower women to own, access, and control lands and accrue more benefits. Women firmly believe that economic capacity is intricately linked to securing land rights, representation, and resources, and vice versa.

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Registered offices
Bonn and Eschborn, Germany

Address
Postcode and town, country
T +49 61 96 79-0
F +49 61 96 79-11 15

E info@giz.de
I www.giz.de/en

Promotion of the Rule of Law in Mindanao (ROLMIN)
2nd Floor DENR 11, Bureau of Lands Office
Gov. Chavez St., Magsaysay, Davao City, 8000 Philippines

Authors/Editor/Responsible:
ENFP Junica Soriano
Manila, Philippines

Charlotte Lozada
Davao City, Philippines

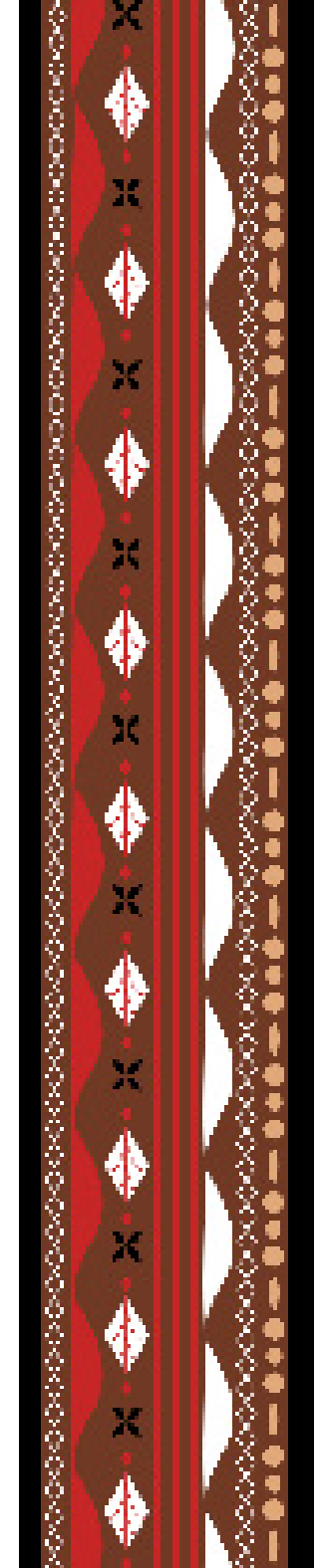
Christina Rentzmann
Manila, Philippines

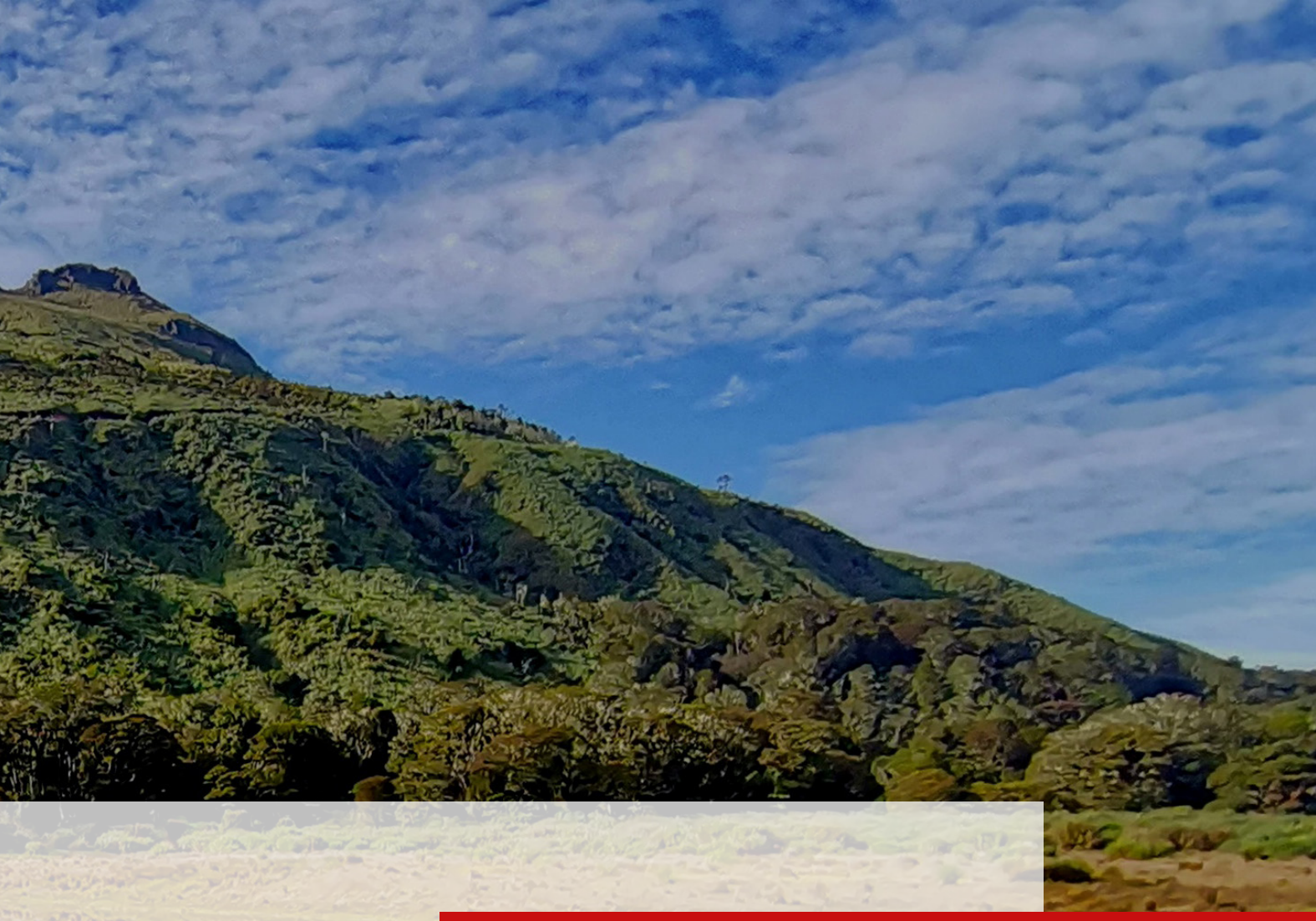
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Liza Maraña
Manila, Philippines

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