

DATU COSME LAMBAYON's VOICE

"Honourable Chairperson, distinguishes guest, friends, ladies and gentlemen *"maupiyang maapon"*, that is a Matigsalug Language of greeting good afternoon.

First of all, my name is Datu Cosme Lambayon, married with two children (son and daughter), a Matigsalug Manobo tribe from Kitaotao, Province of Bukidnon in the islands of Mindanao, Philippines. I am a Secretary General of the Federation of Matigsalug Manobo Tribal Councils (FEMMATRICs), a legitimate organization of our community and a National Vice-Chairman of the *"Pambansang Lupon ng mga Nakakatanda sa Tribo (PLANT)"*, a national organization of indigenous people's elders in the Philippines. We have the ancestral domain territory of 102,324.8186 hectares duly recognized by the national government on July 25, 2003 under Certificate of Ancestral Domains Title (CADT) No. R10-KIT-0703-0011 located in the municipalities of Kitaotao, Quezon, San Fernando & Kibawe, all in the Province of Bukidnon; portions of Arakan, North Cotabato and portion of Marilog District, Davao City respectively.

I am so glad distinguish guests, friends, ladies and gentlemen to have been invited to attend to this Durban Review Conference to share with you, my personal experiences in our struggle for asserting our rights as indigenous peoples as well as reflections of today's event because sharing of these experiences would empower us on how to combat racism, racial discrimination and intolerance.

When I was studying at the elementary grade, I experienced racism and racial discrimination wherein most of the time my classmates called me Manobo instead of calling my real name and I am marginalized and treated like a second class citizen. I and my fellow tribe seated on a separate row far from my classmates. When they called me Manobo, I didn't mind them just to avoid conflict. In general this gave great discomfort on my part for being discriminated.

As I grew older, I and my community encountered problem wherein our ancestral domains was occupied as pasture lands of big businessmen and logging concessions way back years 1960 to 1975. You cannot plant crops on your farms because your farmlands became the pasture lands of large cattle. We filed several complaints regarding displacement of our community members from the lands that we tilled but to no avail, the authorities failed in responding our demand because that was during Martial Law and to them Matigsalug Manobo is a second class citizen. Instead the authorities filed cases against our Late Leader Datu Lorenzo

Gawilan Sr. and to us tribal leaders that we were terrorist, criminal and other fabricated crimes, which is against our will. In reality, Matigsalug Manobo is a peace loving citizen. Datu Gawilan and other tribal leaders were jailed for several times with no access to legal counsel that defended them in the court of justice. Lawyers during that time will not entertain you if you are Matigsalug Manobo because to them the tribe has no money to pay for lawyer's fees and appearances in court hearings.

In 1975, we the leaders of the tribe headed by Datu Lorenzo Gawilan, Sr. stage a protest demanding the government to grant the following: 1) Cancel all pasture lease agreements (PLA) and Timber License Agreements (TLAs) within our ancestral domains; 2) Return all the lands to the Matigsalug Manobo tribe as their ancestral domains or lands, and; 3) Provide livelihood projects to the Matigsalug Manobo tribe who were displaced from their lands. Because we believe that when the lands are recognized as our ancestral domain, then, we have the autonomy to exercise our own customs, traditions, beliefs and practices and be free from any racism, racial discrimination and intolerance.

To get the long story short, on July 16, 1975, then Ferdinand E. Marcos granted our demand and ordered the following: 1) Cancellation of all Pasture Lease Agreement (PLAs) and Timber License Agreements (TLAs) within our ancestral domain; 2) Return the said land to the Matigsalug Manobo tribe headed by Datu Lorenzo Gawilan Sr. as their ancestral domains; 3) Provide livelihood projects for the displaced communities, and; 4) Granted full and unconditional amnesty to leaders of the Matigsalug Manobo tribe headed by Datu Lorenzo Gawilan, Sr. who fought for their rights.

In 1987, I and my fellow tribal leaders together with all other indigenous people's organizations and non government organizations joined in lobbying the Congress & Senate of the Philippines to incorporate in the 1987 Constitution, the provisions that would recognize, promote and protect the rights of indigenous peoples. We extend our heartfelt appreciation to the government of the Philippines for incorporating several provisions in the 1987 Constitution that recognize, promote and protect the rights of indigenous peoples.

After the ratification of the 1987 Constitution, I and my community joined all other organizations of indigenous peoples and non government organizations in lobbying for the passage of Indigenous Peoples Rights Act (IPRA). Six (6) years later, the government through DENR Department Administrative Order No. 02, Series of 1993, acted on indigenous peoples request by delineating, identifying and recognizing the ancestral lands and domain claims of indigenous peoples. We said that administrative order is not enough there shall be an enabling law to really recognize, protect and promote our rights as indigenous peoples. Later, we extend our sincere appreciation to the Government of the Philippines for signing into law on

October 29, 1997 a Republic Act No. 8371, otherwise known as “An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, and Appropriating Funds therefore”.

Immediately after the approval of said law, former Associate Justice Isagani Cruz filed a complaint before the Supreme Court of the Philippines questioning the constitutionality of the Indigenous Peoples Rights Act (IPRA), thereby hindering again the implementation of programs for the indigenous peoples. This is a clear manifestation that some interested individuals do not want the indigenous peoples to freely exercise their rights in accordance with the existing laws, international treaties, covenant and standards. In the hearing held for the purpose, I and all other indigenous peoples organizations and non government organizations were mobilized to show moral support and for the Supreme Court of the Philippines of not to scrap the IPRA.

Fortunately, two years later, the Supreme Court Uphold the Constitutionality of the Indigenous Peoples Rights Act. This was the time that the National Commission on Indigenous Peoples (NCIP), who is the primary government agency in-charge in the recognition, protection and promotion of the rights of indigenous peoples started to act on its mandate. One of the mandates of NCIP is to act on the applications of the indigenous peoples communities for Certificate of Ancestral Domains Title (CADT) and Certificate of Ancestral Lands Title (CALT).

Under IPRA, our ancestral domain as a Matigsalug Manobo was recognized by the Government on July 25, 2003 under Certificate of Ancestral Domain Title (CADT) No. R10-KIT-0703-0011 with a total land area of 102,324.8186 hectares situated in the portions of the Municipalities of Kitaotao, Quezon, San Fernando & Kibawe, all in the Province of Bukidnon; Portions of Arakan, North Cotabato and Marilog District, Davao City.

When this land was titled in the name of our tribe under IPRA, migrant settlers within and outside of our ancestral domain including other government agencies started to respect us as citizen like them. I remember before I married to my wife, some says do not marry that guy, he is a Matigsalug Manobo and perhaps he is allowed to marry more than one. This is a clear discrimination on my culture, but I managed to convince my wife that I will not marry woman other than her. In reality I have only one wife. When I went to the solemnizing officer to solemnize our marriage ceremony, he said you are Pagan or unbeliever because you are practising your own beliefs, practices and traditions. I will solemnize your marriage ceremony unless you will be baptized first. As tribal leader, I believe God above-all things and to my mind this is a great discrimination to my beliefs and practices. So, since I love my wife, I have no other recourse but to abide the regulation of the church or that religion. Before, if you are running in an election to public office, the migrants will

discriminate you by saying do not vote this guy, he is a Matigsalug Manobo, he is a warrior or he is a criminal. But today, when our ancestral domain was secured and titled in the name of our tribe, we were given the chance and opportunity to win in the election because we gained the respect of the migrants and truth of the matter is that yours truly was elected for three consecutive terms as member of the Legislative Council in our locality and my cousin is the incumbent Mayor in the place where I came from.

To this end, distinguish guest, friends, ladies and gentlemen I am encouraging everyone to continue our struggle in asserting our rights as indigenous peoples as well as in combating racism, racial discrimination and intolerance because the same are contrary to the fundamental rights of everyone, but in all these things support of the states is of paramount importance especially in implementing domestic policies, international treaties, standards and conventions. Thank you very much, good afternoon and mabuhay.”